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New Hampshire

HOUSE RECORD

Second Year of the 163rd General Court Calendar and Journal of the 2014 Session

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Concord, N.H.

Friday, March 7, 2014

No. 14

Contains: 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 12, 2014, at 10:00 a.m. and on Thursday, March 13, at 9:00 a.m. As we will be meeting every Wednesday and Thursday through Crossover – including the possibility of meeting on Tuesday, March 25 – please keep in mind that the length of these upcoming session days will largely depend on debates being well-organized and remarks being concise and relevant to the issues at hand. Your planning and continued cooperation are greatly appreciated.

Please remember that there will be no legislative activity scheduled for Tuesday, March 11, Town Meeting Day.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on **Wednesday, March 12th at 9:00 a.m.** in Representatives Hall.

Rep. Stephen Shurtleff, Majority Leader

NOTICE

There will be a Republican Caucus on **Wednesday, March 12th at 9:00 a.m.** in Rooms 305-307 LOB.

Rep. Gene Chandler, Republican Leader

NOTICE

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

CLOSES NOON THURSDAY:

March 13
March 20

AVAILABLE FRIDAY:

March 14
March 21

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 12 CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1176, relative to grounds for termination of parental rights. **OUGHT TO PASS WITH AMENDMENT.** Rep. Mary Beth E. Walz for Children and Family Law. This bill prevents a rapist from asserting parental rights against the will of his victim and the victim's (his) child. The bill requires that upon request, the court terminate the parental rights of the father when the father has been convicted of sexual assault. The bill also provides a vehicle for the mother to end contact with her assailant without actually terminating parental rights, thus allowing her to collect child support. Both sections of the bill require an analysis of the best interest of the child, with the expectation that in the case of statutory rape, a father may be involved in his child's life. The amendment replaces the entire bill. **Vote 16-0.**

HB 1206, relative to juvenile placement in shelter care facilities and at the youth development center. **INEXPEDIENT TO LEGISLATE.**

Rep. Ruth P. Gulick for Children and Family Law. This bill attempts to undo juvenile justice reforms without these reforms having gone into effect. The committee unanimously believes these reforms should be given a chance to work and observed before we tinker with them. **Vote 16-0.**

HB 1236, establishing a committee to study supervised visitation centers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eileen C. Flockhart for Children and Family Law. The amendment replaces the bill. Responding to a recent tragedy and an important need to have supervised visitation centers safe and secure for children and families, this bill proposes a commission to study how to provide secure visitation centers. The report is due by November 1, 2014.

Viability of centers, safety of children and families, assessment of current policies and procedures and possible licensing will be the focus of this commission. **Vote 16-0.**

HB 1260-FN-L, relative to communication of the cost of services provided under the children in need of services (CHINS) program to parents. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Audrey M. Stevens for Children and Family Law. This bill requires that the department of health and human services (DHHS) provide information to families setting forth the costs of services provided under the CHINS program. The bill offers guidance on the process of requesting financial statements of costs of services to date. The bill also authorizes DHHS to make requests that the families provide health insurance information that may help with the costs of services. **Vote 16-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 1158-FN-L, relative to insurance incentives to lower costs of health care. **REFER FOR INTERIM STUDY.**

Rep. Chris Muns for Commerce and Consumer Affairs. The Committee heard testimony from different health-care system stakeholders that the initiatives continued in this bill do merit further discussion. However, there was also a consensus that given the changes that have occurred and will continue to occur this year to the healthcare system, it would not be appropriate for the legislature to mandate the changes suggested in this bill at this time. The sponsor therefore agrees with the committee that the bill should be referred to “real” interim study in the hopes that the committee can continue to facilitate a discussion among all the interested stakeholders regarding the ideas contained in this bill. Furthermore, the sponsor and the committee agreed that the interim study of this bill should be combined with interim study of HB 1612. **Vote 18-0.**

HB 1193, relative to flood coverage notification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward A Butler for Commerce and Consumer Affairs. This bill adds a new section to RSA 407 the Fire Insurance Contract and Suits (homeowner’s coverage). It requires that insurers provide notification to policyholders that flood coverage is not available under a homeowner’s policy. This notification shall occur when a homeowner purchases or renews a policy. The notification shall inform the policyholder about, and provide contact information for, flood coverage offered under the National Flood Insurance Program. This bill was requested by the New Hampshire Insurance Department due to confusion experienced by New Hampshire citizens regarding flood coverage and the numerous calls received each year when “flood” season arrives and people first learn they have no coverage under their homeowner’s policy. **Vote 17-0.**

HB 1194, relative to student coverage. **OUGHT TO PASS.**

Rep. Edward A Butler for Commerce and Consumer Affairs. This bill amends existing RSA 415:18 I-a. regarding blanket accident and health insurance. It returns to the statute coverage for students. During a 2010 rewrite of the blanket accident and health insurance law it was believed that “blanket” coverage for students was no longer necessary because students could be covered under a parent’s policy of health insurance up to the age of 26. Thus the section was deleted. Blanket coverage is not health insurance coverage under RSA 420-G:2, IX. This reinsertion of the “blanket” coverage for students back into law became necessary when it was found that schools and other institutes of higher education still need to cover medical expenses incurred from accidents by students involved in sports and for other related school activities. This bill was requested by the New Hampshire Insurance Department. **Vote 18-0.**

HB 1215, relative to the rights of franchisees. **REFER FOR INTERIM STUDY.**

Rep. Keith Murphy for Commerce and Consumer Affairs. The bill as drafted would have regulated the sale and operation of franchise businesses. Members of the committee who opposed the bill believed that the hearing did not provide compelling evidence of unfair treatment of franchisees by the franchisors and that the bill amounted to state interference in the right to contract between two parties. There was however some strong sentiment on the committee that it was important for the state to provide additional information for franchisees, especially new startups that may lack expertise, and to support our local small business operators in ensuring they are treated fairly by out-of-state franchisors. Both sides argued that their position was pro-business. Interim study will allow the committee to consider any further information on the necessity of the bill and report back any recommended legislation for the next biennium. **Vote 17-1.**

HB 1233, allowing a claimant to take possession of his or her lost or stolen property under certain circumstances. **REFER FOR INTERIM STUDY.**

Rep. Kermit R Williams for Commerce and Consumer Affairs. The committee saw the merit in this bill, which seeks to allow victims of theft to recover their property if it is recovered after they have received payment from their insurance company. We recognized that when personal property is stolen, the sentimental value may be much higher than the intrinsic value that an insurance company would pay and customers would want to buy it back. The problem is more complex than the bill addresses, though. How to handle property held by law enforcement for investigation, time frames in the bill, and whether an owner is required to pay interest when redeeming property are all issues that need further study. **Vote 17-0.**

HB 1276, relative to alcoholic beverage advertising restrictions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs. This bill, as amended, provides the Liquor Commission greater discretion and flexibility when accepting a product label for wine, beer or spirits to be

sold in New Hampshire. Presently, any label that contains a photograph or artwork depicting a minor would automatically be rejected for sale in New Hampshire. The new language only prohibits those products whose labels can be interpreted to suggest that the content of a bottle is safe for minors to consume. The bipartisan majority of the committee believes the amendment strikes just the right balance of commercial and public health interests. **Vote 16-2.**

HB 1281-FN, relative to copayments for certain specialists. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris Muns for Commerce and Consumer Affairs. The Committee heard testimony that Chiropractors and Physical Therapists licensed to practice in New Hampshire are able to diagnose and recommend care for their patients without the patient having to go a primary care physician (PCP) first. So in that way they operate in much the same way as a PCP does. Yet, the committee also learned that in many cases Chiropractors and Physical Therapists are classified as specialists in the claims payment systems of insurance carriers operating in the state. As a result the co-payments that patients of these providers are required to pay are at the specialist levels and significantly higher than what the copay to visit a PCP is. The committee heard testimony that these higher copays serve as a detriment to the utilization of these services, which have been proven to sometimes offer more cost-effective care with better outcomes than invasive surgeries and high-cost drug therapies. In addition, the committee heard testimony that in many of these cases (where specialist copays are assessed) the amount that Chiropractors and Physical Therapists receive from insurance carriers as reimbursement for the services rendered is less than the copays that their patients have to pay to the same insurance carriers. This creates a "fairness" issue both with respect to how it impacts providers and patients who think that they have insurance coverage for these "benefits" when in fact they end up paying for all of the care. However, the committee was also concerned about the impact on insurance premiums - particularly for small businesses - if the legislature mandated that the copays for all of these services should be lowered. Therefore the bill as amended addresses this concern by requiring that all insurers operating in the state offer small groups the option of a health plan with chiropractic and physical therapist care available at the PCP copay rate, as well as their other plans. The amended bill also provides insurance carriers with the additional time they told the committee that they needed to implement this bill. **Vote 18-0.**

HB 1353, relative to recovery under uninsured motorist coverage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit R Williams for Commerce and Consumer Affairs. This bill closes what the committee views as a loophole in our auto insurance law which in certain circumstances kept injured motorists from collecting the full amount of uninsured motorist coverage they carried when they had an auto accident with an uninsured motorist. The amendment fine tunes the language so that all New Hampshire auto policies will be included under this bill, and New Hampshire drivers who are injured will get what they pay for. **Vote 18-0.**

HB 1381-FN, relative to the auctioning of wine and liquor for charitable purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela Z Tucker for Commerce and Consumer Affairs. This bill will legalize what many charities are already doing; auctioning wine and spirits at non-profit fundraisers without a license. Current statute requires non-profits to purchase a one day license if it is to raffle or auction wine or spirits of any dollar amount. With the addition of the amendment, an auction for wine and spirits at a retail value of \$500 or less will not require a license. This bill is enabling to our charities that help those who most need it. **Vote 17-1.**

HB 1612, relative to health insurance cost-reduction incentives. **REFER FOR INTERIM STUDY.**

Rep. Chris Muns for Commerce and Consumer Affairs. The Committee heard testimony from different health-care system stakeholders that the initiatives continued in this bill do merit further discussion. However, there was also a consensus that given the changes that have occurred and will continue to occur this year to the healthcare system, it would not be appropriate for the legislature to mandate the changes suggested in this bill at this time. The sponsor therefore agrees with the committee that the bill should be referred to "real" interim study in the hopes that the committee can continue to facilitate a discussion among all the interested stakeholders regarding the ideas contained in this bill. Furthermore, the sponsor and the committee agreed that the interim study of this bill should be combined with interim study of HB 1158. **Vote 18-0.**

HB 1614, relative to pharmacy benefit cards. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs. This bill is a result of a 2013 committee to study the regulation of pharmacy benefits managers. One of the issues raised, by both consumers and health-care providers, in accessing medications under health plans with a pharmacy benefits manager, is the difficulty in getting to the right people when questions or problems arise. This uncertainty can create a delay in the patient getting the prescribed medication. Having the telephone number of the consumer help line at the New Hampshire Insurance Department printed on subscriber's insurance card or prescription drug card was one of four recommendations that came out of this study. During the study's work sessions, the New Hampshire Insurance Department expressed support for this solution. The committee learned, however, that through the rules process the department already can accomplish the same goal without legislation. In addition, some logistical issues were raised in the hearing regarding whether or not having the department's number might discourage consumers and providers from seeking remedies first through the pharmacy benefit management company's consumer help line. The department will work to find a solution to this problem. **Vote 12-0.**

HJR 12, requesting that Anthem extend its coverage to include one hospital in every county in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. John B Hunt for Commerce and Consumer Affairs. Although well intentioned, using county lines as a determination for hospital coverage does not make sense. Current laws already determine hospital networks' adequacy and the insurance department is working on updating the rules to insure no one has to drive too far for appropriate healthcare. **Vote 17-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1536-FN, relative to penalties for driving under the influence of drugs or liquor. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert R Cushing for Criminal Justice and Public Safety. The committee felt there were problems with the bill as written and it was not ready for passage. The hearing on this bill brought to light the absence of a funding source to sustain enforcement efforts of the existing alcohol ignition interlock program. Members of the committee hope the department will take steps next year to prioritize resources to ensure continued success of the interlock program. **Vote 16-1.**

HB 1566-FN, relative to warrant requirements. **REFER FOR INTERIM STUDY.**

Rep. Robert R Cushing for Criminal Justice and Public Safety. This bill, requiring search warrants to use devices that enhance or extend human services, is vague as introduced and, at the request of the sponsor, the committee voted unanimously to recommend the bill be sent to interim study. **Vote 16-0.**

HB 1567-FN, requiring a warrant to obtain electronic device location information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R Cushing for Criminal Justice and Public Safety. In a world where new technologies constantly challenge our ability to fashion public policy, HB 1567 is an important step to safeguard our individual privacy. This bill requires members of law enforcement obtain a search warrant before obtaining location information from our cell and smart phones, GPS and other location position service, or other electronic devices. It provides an exception to the requirement to respond to calls for emergency services and a limited number of exigent circumstances. **Vote 17-0.**

HB 1580-FN, repealing mandatory minimum sentences. **REFER FOR INTERIM STUDY.**

Rep. Mark Warden for Criminal Justice and Public Safety. The committee is very sympathetic to the idea of reforming existing mandatory minimum sentences, the legacy of "truth in sentencing" laws from the 1980's. Unfortunately, reforming the statutes is a large undertaking, and the effort deserves the full attention of interim study to work out details of this legislation and address some flaws in the original bill. **Vote 14-0.**

HB 1607-FN, relative to limited driving privileges after revocation for certain financial obligations. **REFER FOR INTERIM STUDY.**

Rep. Mark Warden for Criminal Justice and Public Safety. Currently a person can lose his or her driver's license for not paying child support. The committee believes these two things should be uncoupled, which is the intent of the bill. However, with existing constraints on time for such an important issue, we voted to give it an in-depth consideration later in the year. **Vote 17-0.**

HB 1619-FN, prohibiting the acquisition, collection, or retention of certain information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kyle J Tasker for Criminal Justice and Public Safety. This bill will ensure an individual shall have an expectation of privacy in personal information given or available to third party providers. **Vote 16-1.**

EDUCATION

HB 1113, requiring school districts to distribute a concussion and head injury information sheet to student-athletes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M Ladd for Education. Education is the key to identification and appropriate management of all concussions. The school board of each school district shall develop guidelines and other pertinent information for student sports to inform and educate coaches, student-athletes and student athletes' parents or guardians of the nature and risk of concussion and head injury including continuing to play after concussion, or head injury. On an annual basis, a school district, or school shall distribute a concussion and head injury information sheet to all student-athletes, and the Brain Injury Association of New Hampshire is available to educate and assist the NH public with implementing and/or updating concussion management protocols. **Vote 19-0.**

HB 1128, establishing a committee to study issues related to students receiving special education services while attending a chartered public school. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mel Myler for Education. The local school district is responsible for the implementation of the individual educational plan (IEP) of a special education student attending a public charter school. The IEP outlines

the special education services that are to be provided to a child enrolled in a public charter school. This bill establishes a committee of House and Senate members to study issues related to students receiving special education services while attending a chartered public school. **Vote 13-1.**

HB 1141, requiring chartered public schools to share enrollment information with school districts. **OUGHT TO PASS.**

Rep. Mel Myler for Education. This bill would require a public charter school to share information with the public school superintendent of the child's resident school district for each child who enrolls in a public charter school. Such notification would be within 7 days of such enrollment. The information shall consist of the child's name, address, grade and name of the school of last attendance in the child's resident school district. The committee recognized that such notification would allow the resident school district to better plan and make appropriate adjustments when a child leaves the school. Charter school may be in school district. It will enable the ease of the transfer of the child's school records and any special services needed for the child. Finally, this will clarify the process of the transfer of the child to a charter school. **Vote 13-1.**

HB 1180-FN-L, relative to days of school. **INEXPEDIENT TO LEGISLATE.**

Rep. James L Grenier for Education. This bill would add ten days to the school year for public schools, or allows for online education equivalent to ten school days. Testimony at the hearing and questions by Education Committee members indicated concern that many other factors than an extended school day could help to improve academic performance of public school students. A common concern was the amount of actual learning time occurring during the present 180 day school year. Another concern was whether added statutory requirements detract from valuable learning time. The bill was studied further in subcommittee. Instead of clarifying the questions raised in committee, more concerns were raised. It may be the case that some schools need a longer school year to adequately educate students and some schools have already made that local decision to do so. The main purpose of the bill is for students to be better educated; that purpose will be better served by a study commission including all stakeholders. **Vote 19-0.**

HB 1200, relative to student social media policies by educational institutions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph G Boehm for Education. This bill protects students from educational institution access to their private social media accounts. School administration cannot force students to show their accounts without their permission, supply their account information or force student to add school personnel to their social media. This does not apply to school created social media accounts, whereby students and faculty may be members. The amendment was done to protect students' 4th and 5th amendment rights. This bill would apply to public or private schools, colleges, universities, or other institutions that offer students, participants, or trainees an organized course of study or training that is academic, technical, vocational, trade-oriented, or designed to prepare a person for employment. This bill and amendment were approved by Cornerstone, the NH Liberty Alliance and the NH ACLU. **Vote 14-0.**

HB 1208, relative to the number of first-year college students from New Hampshire high schools required to take remedial classes. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick M Ladd for Education. This bill requires the university and community college systems of New Hampshire to submit data on the number of first year students from New Hampshire high schools who are required to take remedial classes. This data would include students recently graduated from high school and those who may have a gap of years between high school graduation and attending the first year of college. The committee believes that comparing first year students who have not had the opportunity to engage in a recent high school math class verses those recent high school graduates will result in data that may not reflect accurately upon the high school attended. **Vote 18-1.**

HB 1238, relative to access to assessment materials. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. The majority believes that this bill simply requires the DOE to publish items from the state-wide assessment on their web site. This is the current practice with the NECAP assessment results and should be continued with the new Smarter Balanced state assessments. **Vote 19-0.**

HB 1587-FN-L, relative to the collection and disclosure of pupil data. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anne C Grassie for Education. This is a well-crafted bill that the sponsor and the department of education agreed will tighten the privacy protections of our students' information. **Vote 19-0.**

ELECTION LAW

HB 1225, adding the choice of "none of the above" to state election ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N Jasper for Election Law. There are many problems with the idea of having a position on the ballot labeled "none of the above". The most obvious of these is the fact that people already exercise the option of voting for "none of the above". The idea that people will stop writing in "Mickey Mouse" or "Donald

Duck”, if they have the option of voting for a position labeled “none of the above” is a theory for which there is no supporting evidence, but even if that were an option there are many people who write in the names of actual registered voters, who they would prefer to see elected. On a more practical note there was no testimony that it is possible to program the machines in the way the bill envisions. The bill would allow for a person to vote for a candidate for office and still vote for “none of the above”, currently our machines would “see” that as an over vote and not count either position checked off. Finally if “none of the above” received the highest number of votes in a race no person would be elected; this creates a very big issue. We could find our state without a Governor and Executive Council, as well as the possibility of having no Legislature, while that is unlikely to happen, it is a possible ramification of the proposed bill. It is our responsibility to think every bill through to the worst case scenario and with this bill the worst case scenario is absolute chaos. **Vote 16-0.**

HB 1322, relative to the definition of “party” for election purposes. **OUGHT TO PASS.**

Rep. Gary B Richardson for Election Law. HB 1322 modifies the definition of “party” for election purposes to mean any political organization which at the preceding state general election received at least 3 percent of the total number of votes cast for the office of governor or United States Senator. Current law sets the threshold at 4%. Prior to 1999, the requirement was at least 3% of the total number of votes cast for the office of governor. The committee felt that the 3% threshold was reasonable. **Vote 14-1.**

HB 1387, relative to the election of county commissioners in Carroll county. **INEXPEDIENT TO LEGISLATE.**

Rep. Marcia G Moody for Election Law. Carroll County has a good efficient system for electing county commissioners. The population is split equally between the three districts. The candidates must reside in the district in which they are running. All Carroll County residents should be able to cast votes for all of their commissioners. The current system works for everyone and change seems not necessary at this time. **Vote 17-0.**

HB 1460, relative to the date of appointment of inspectors of election. **OUGHT TO PASS.**

Rep. Mary Ann Knowles for Election Law. This is a simple and sensible bill that moves back the timeframe for the appointment of inspectors of election. This change will allow municipalities more time to train and prepare new inspectors prior to the next election. **Vote 16-0.**

HB 1497-FN, relative to the definition of “party” and relative to nomination papers. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for Election Law. HB 1497 would have modified the definition of “party” for election purposes to an organization that received one percent of the total number of votes cast for the office of governor or United States senator in the preceding state general election. The bill also made changes to the number of nomination papers required to nominate a candidate and to the fees paid in lieu of filing nomination papers. In addition to raising significant logistical problems for election officials, the committee felt that the thresholds set in the bill were unrealistically low. Accordingly, the committee recommends that the bill be found inexpedient to legislate. **Vote 16-0.**

ENVIRONMENT AND AGRICULTURE

HB 1138, relative to homestead food producers selling food products at farm stands, farmers markets, or at the homestead residence where they are produced. **OUGHT TO PASS.**

Rep. Christy D Bartlett for Environment and Agriculture. This is a continuation on a bill from that past legislative year when the limit was set at \$10,000 for annual gross sales. The increase to \$20,000 in annual gross sales will allow and encourage homestead food producers to sell their products at farm stands, farmers’ markets or at the homestead residence where they are produced. It has the support of the Dept of Health & Human Services. It excludes hazardous food as defined in RSA 143-A:12, I(b). **Vote 16-0.**

HB 1151, establishing a committee to study the solid waste operator training program and financial assurance for corrective action at solid waste landfills. **OUGHT TO PASS.**

Rep. Scott A Burns for Environment and Agriculture. The Department of Environment Services requested the study and presented great examples of why we need to study the current system of training our solid waste operators, and at the same time determine if the financial assurances presently in place for unexpected corrective action at landfills are adequate. The committee feels this is a necessary study, and voted unanimously in favor of the bill. **Vote 17-0.**

HB 1295, relative to the definition of livestock. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H Haefner for Environment and Agriculture. There are currently four places in the RSAs where there is a definition of livestock, and all four definitions are different. This bill simply makes all four definitions exactly the same while ensuring that they are as complete as possible. The legislation has been supported by the New Hampshire Farm Bureau, the Commissioner of the Department of Agriculture Markets and Food and the State Veterinarian. **Vote 14-0.**

HB 1300, creating an exemption from licensure for low volume seed sellers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christy D Bartlett for Environment and Agriculture. This bill allows hobbyists to process and sell various types of fruit, flower or vegetable seeds exempt from licensing and limited to no more than 25 pounds annually. **Vote 12-0.**

HB 1344, relative to the disposal of sharps waste by retail establishments. **REFER FOR INTERIM STUDY.**
Rep. Scott A Burns for Environment and Agriculture. The committee feels there may be a need for this bill in the future to address the increased volume of sharps. The committee agrees to do an interim study to review other options and further study of pharmacy participation in taking in sharps. The committee feels further review of the current system is needed. **Vote 13-0.**

HB 1367, relative to the sale of birds. **OUGHT TO PASS.**

Rep. John T O'Connor for Environment and Agriculture. This bill corrects the unintended consequences of a 2013 legislation that required that birds for sale and transfer needed to have a health certificate. Although the state veterinarian recognizes that the relative risk is extremely small, it is our recommendation that the buyer of high end species have their vets examine the birds at their discretion if they so wish. **Vote 13-0.**

HB 1382, defining "farm stand." **REFER FOR INTERIM STUDY.**

Rep. Wayne T Moynihan for Environment and Agriculture. This bill was presented because independent, small farmers in Northern NH have been attempting to use available space in a village enterprise to place and sell their farm produced products. They desire to use the available space on a longer-term basis but that exceeds the current rules regarding "farmers markets". The farmers have also been confronted with problems because some of their plans do not fall within the regulations regarding "roadside farm stands". The testimony received by the committee was compelling as to the farmers' plans and products. The input received from the state agencies was encouraging as to finding a solution to expand the markets for these independent businesses. These circumstances present an opportunity to improve the food marketing rules for the benefit of all the small farmers in the state. However, time being what it is, additional study will be necessary to create an appropriate, workable policy. Therefore the committee unanimously voted to refer the issue for interim study. **Vote 13-0.**

HB 1578-FN, relative to record keeping for sold or transferred animals. **REFER FOR INTERIM STUDY.**

Rep. Robert H Haefner for Environment and Agriculture. The bill requires licensed animal transferors to keep certain records and submit copies of such to the Attorney General's Office of Charitable Trusts. The legislation is needed by the Attorney General's Office because they suspect that some 501-C3s may be misrepresenting their non-profit status. The bill was not ready to pass, so the committee will take the time to fix it in Interim Study. **Vote 12-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1102, relative to membership of the police standards and training council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter T Hansen for Executive Departments and Administration. This bill as amended increases the membership of the New Hampshire Police Standards and Training Council from 12 to 14 members. The council will now have 2 members from the general public. The committee unanimously concurred with the bill's intent. **Vote 12-0.**

HB 1152-FN, terminating the benefit program for call, substitute or volunteer firemen administered by the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Raymond G Gagnon for Executive Departments and Administration. This bill was requested by the New Hampshire Retirement System after consultation with independent tax counsel. As amended, the bill merely transfers to a subtrust the assets required to fund this benefit. All individuals who are entitled to benefits will continue to receive them in full. **Vote 19-0.**

HB 1155-FN, relative to state retiree health coverage premium contributions. **INEXPEDIENT TO LEGISLATE.**

Rep. Dianne E Schuett for Executive Departments and Administration. The bill would have allowed the commissioner of administrative services to change premiums for health coverage for state retirees with approval by the legislative fiscal committee. The committee believed that this would be abrogating the responsibility of the full legislature to approve or deny these changes. **Vote 19-0.**

HB 1173, relative to the report submission date of the state retiree health plan commission. **OUGHT TO PASS.**

Rep. Carol M McGuire for Executive Departments and Administration. This bill simply sets the required due date for this report to be in odd numbered years, using data from the even numbered years. This has been the practice since the retiree health plan commission was instituted, since compiling data and the

required actuarial analyses takes a considerable amount of time. The committee agreed that changing the due date makes more sense than either skipping a year or generating, at considerable cost, an extra report and analyses. **Vote 13-0.**

HB 1175, prohibiting state contracts with individuals or for corporations who have been convicted of certain criminal offenses or found liable of certain civil offenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M McGuire for Executive Departments and Administration. This bill would further add to the current restrictions on state contracting, in a number of problematic ways. For example, individuals accused of some offenses, but not convicted, would also be barred from contracting, as would companies with any delinquent taxes and companies that had been fined as little as \$1000 in two years by the EPA, for any reason. Under the current system, bidders provide an affidavit that they are not barred from contracting, and typically, if they are incorrect in this assertion, their competition brings it to the attention of the Executive Council, which is charged with reviewing and approving all state contracts. This bill has no fiscal note, but expanding the background checks on bidders could prove a costly undertaking. Finally, all of the issues brought forth in favor of tightening the contracting process involved DOT projects – but DOT has a different process entirely and is exempted from the statute changed by this bill. The committee was not convinced that contracting with criminal organizations was a major problem in New Hampshire, nor that this bill would be the correct solution to the problem if it were. **Vote 15-0.**

HB 1210, correcting certain references to divisions of the department of revenue administration. **OUGHT TO PASS.**

Rep. Carol M McGuire for Executive Departments and Administration. This bill updates several statutory references to the divisions of the DRA, so that they agree with the organizational change we passed in 2013's HB252. No duties or responsibilities are changed, just the cross references which will now call for the current organizational title. **Vote 18-0.**

HB 1219, relative to the work schedules of pharmacists. **REFER FOR INTERIM STUDY.**

Rep. Jeffrey P Goley for Executive Department and Administration. This bill was brought forward to address an issue in which pharmacists are working long hours without breaks or lunch breaks. While the majority of the committee believes that a pharmacist who works long hours should get a break, the majority felt that this bill was not the way to solve the problem, and that it would be better to interim study the bill so we can work with the Department of Labor and come up with legislation under the labor statutes to address the issue. **Vote 17-2.**

HB 1241, relative to the sale of consumer fireworks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank A Byron for Executive Departments and Administration. As amended HB 1241 maintains the existing Fireworks Advisory Committee but expands membership to include representatives of the New Hampshire Association of Fire Chiefs, New Hampshire Fireworks Association and the public. The amendment also requires the provision of safety literature to purchasers of fireworks and the meeting of the Fireworks Advisory Committee twice a year. **Vote 18-1.**

HB 1269, relative to expungement of agency records. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M McGuire for Executive Departments and Administration. This bill would allow any person to petition the court to expunge records relating to a frivolous or unfounded investigation by any state or local agency. While concerned about misleading or outdated data available on websites, the committee was not convinced that this method would be effective, and feared that an attempt to do so would be expensive and futile. Since we did not believe this bill would accomplish the sponsor's goals, we voted it should be Inexpedient to Legislate. **Vote 13-0.**

HB 1327, establishing a commission to review the security of data collected by the state of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dianne E Schuett for Executive Departments and Administration. The committee believed that rather than creating an entirely new statutory commission the duties suggested in the bill should simply be added to the charge of the Information Technology Council which already exists in RSA 21-R:6. The proposed amendment adds those duties. **Vote 19-0.**

HB 1398-FN, allowing the retirement system to make payments in lieu of payments to estates in certain instances. **OUGHT TO PASS.**

Rep. Raymond G Gagnon for Executive Departments and Administration. This legislation allows the retirement system to make payments of \$15,000 or less directly to the next of kin of a deceased member of a beneficiary when no probate proceedings are pending. Conditions are clearly outlined for making the payment: six months have passed since the death of such a member or beneficiary; no demand for payment has been made from a duly appointed executor or administrator; no probate proceedings have been instituted, or all such probate proceedings have closed; and lastly next of kin have provided a written request for such payment and an affidavit in a form approved by the board of trustees. This bill is an administrative change designed to more efficiently pay beneficiaries and will have no fiscal impact on state, county or local revenues and expenditures. **Vote 17-0.**

HB 1537, relative to acceptance of grants by state agencies. **INEXPEDIENT TO LEGISLATE.**

Rep. Dianne E Schuett for Executive Departments and Administration. The bill would require approval by the governor and council before any state agency could accept any grant from any source, public or private. The committee believes this bill would add another unneeded layer of bureaucracy to the process of accepting grants. It would require redundant reporting by clerical and accounting personnel damaging efficiency without increasing transparency from the current processes. **Vote 13-0.**

HB 1552, establishing a commission to study cyber security for critical state infrastructure. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey P Goley for Executive Departments and Administration. The committee supports the efforts of the sponsors, but felt that instead of creating another commission, believes that the concerns of cyber security are already being dealt with in meetings already being held between department heads and information technology and Department of Safety personnel, and in the Information Technology Council that is in place under RSA 21-R:6. There were also concerns from committee members about the bill requiring the committee hearings to be public. Members felt that commission hearings about cyber security and threats within state based infrastructure, including data and communication systems, banking and financial records, natural gas, water systems and the electrical grid, should not be required to be public and could compromise our systems security. **Vote 13-2.**

HB 1569-FN, permitting licensing requirements to be waived for buyers and sellers. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration. This bill would permit an unlicensed person to perform a service for which the state requires licensing if the buyer is willing. While this bill may have some limited appeal, its scope is too wide. There are no limitations or conditions. Without such conditions, there could be and would be serious issues affecting public health and safety. **Vote 15-0.**

HB 1617-FN, permitting the retirement system to access death, marriage, and divorce records of the division of vital records administration for the administration of RSA 100-A. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Raymond G Gagnon for Executive Departments and Administration. As amended, this legislation permits the retirement system to access death, marriage, and divorce records of the Division of Vital Records Administration for the administration of RSA 100-A. Recognizing the sensitive nature of the requested information, the amended version is the result of collaborative agreement between the New Hampshire Retirement System and the New Hampshire Secretary of State who has oversight regarding these vital records. As amended, this makes the vital records legislation even narrower and respective of privacy concerns. **Vote 13-0.**

WAYS AND MEANS

HB 1627-FN-A-L, relative to video lottery and table gaming. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick F Abrami for Ways and Means. When this bill was introduced to Ways and Means, the prime sponsor requested that this bill be ITL'd. The committee concurred with the prime sponsor. **Vote 18-2.**

WEDNESDAY, MARCH 12 SPECIAL ORDERED

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.**

REGULAR CALENDAR

PART I – CONTINUATION, MARCH 6

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.**

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 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

BILLS REMOVED FROM CONSENT 3/5

ELECTION LAW

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.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

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 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.**

MUNICIPAL AND COUNTY GOVERNMENT

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.**

REGULAR CALENDAR PART II

COMMERCE AND CONSUMER AFFAIRS

HB 1282-FN, relative to consumer protection for propane fuel users. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L Schlachman for Commerce and Consumer Affairs. The bill as introduced sought to regulate contracts for propane services and contained considerable detail with regard to the contents of said contracts and processes that must be adhered to in the dealer - customer relationship. The president of the Propane Gas Association of New England, to whom the attorney general's office refers consumer complaints, indicated

that the few dozen annual complaints regarding delivery or tank issues are by and large easily resolved. The committee learned that the contracts used by New Hampshire companies vary widely. Given the consumer concerns expressed in the hearing, the bill was amended to create a study committee to look at propane service contracts to determine whether or not some minimum requirements are needed. The bill was further amended to address the prebuy oil contract problems raised in previous sessions and in HB566, which this House laid on the table. After months of work on the part of the committee and the fuel dealers, the amendment adds 4 new provisions to the requirements for guaranteed price plans and prepaid contracts for home heating oil under RSA 339:79. It prohibits residential contracts from being offered prior to May first or later than October 31 of the year in which the heating fuel season begins. It adds an additional choice, 75% of the outstanding volume in gallons that have been contracted, to the current list of options dealers have to secure fuel to cover their obligation under prepaid contracts. The amendment further requires dealers to register with the secretary of states office if they will be offering prepaid contracts and to file a report as to how prepaid fuel is being secured. Finally, failure to provide timely delivery of home heating fuel has been added as a prohibited act under RSA 358-A, the Consumer Protection Act. This provides penalties if a dealer violates a prepaid contract. The committee considered and rejected the two other ways that could prevent the kind of harm New Hampshire consumers have experienced when fuel companies go out of business. One is to simply ban the sale of prepaid contracts in New Hampshire, as they do in some states. The other, which was the subject of HB566, is to place the prepaid money in an escrow account. This would come at a cost to the state as it would require adding staff for the attorney general's office to monitor the bank accounts in order to ensure that the funds were kept at the level required by the contracts. While some on the committee support this increase in staff, the majority believes that the statutory changes in the amendment, while not a guarantee, are a significant improvement to the status quo. **Vote 14-4.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1170-FN, repealing the death penalty in New Hampshire. **OUGHT TO PASS.**

Rep. Robert R Cushing for Criminal Justice and Public Safety. HB 1170 was the subject of a long and at times moving public hearing that included testimony from scores of citizens who were overwhelmingly in support of repealing the death penalty. Among the witnesses were two former Attorneys General, both of whom had supported the death penalty when they were in office, a former judge, a former police chief, a former deputy police chief, two bishops and the president of the NH Council of Churches, and 8 people who had lost members of their immediate families to murder. In addition, over 130 citizens signed-in at the hearing support of HB 1170 but chose not to testify. HB 1170 is supported by an incredibly diverse group of lawmakers, and 117 representatives have joined in as co-sponsors for the permanent journal. The majority of both democrats (8-1) and republicans (6-2) on the committee conclude that as a matter of public policy the death does not work and is a distraction from addressing important criminal justice issues and should be repealed. The death penalty does not protect public safety, it does not shield our police officers, it does not meet the needs of many families of murder victims, it is not consistent with the values we hear from our religious leaders, mistakes are made, and it costs the state more money than the alternative: a process that states simply that those who commit first degree murder will spend the rest of their lives in prison with no chance for parole. New Hampshire has not executed anyone since 1939. The majority of nations of the world recognize the death penalty is not a criminal justice sanction but a human rights violation. In the past 6 years six states have repealed the death penalty. The governors of Washington and Oregon have imposed moratoriums on executions to allow the legislatures to act on repeal legislation. Passage of HB 1170 is consistent with New Hampshire's long tradition of respect for human rights. It is time to repeal the death penalty. **Vote 14-3.**

HB 1620-FN, relative to the use of drones. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steve Vaillancourt for Criminal Justice and Public Safety. After a great deal of work on getting the wording just right and dealing with a wide series of concerns, the committee voted 17-0 to pass the amendment and then 12-5 to pass the bill as amended. This represents an attempt to balance privacy concerns in the age of ever expanding technology with the right of people to operate drones. The committee was concerned about the potential use of drones to "spy" on one's neighbor as well as the use of drones by government agencies. Thus, the bill contains two parts and numerous definitions. The heart of one part is that "no person shall use a drone to conduct surveillance without the prior consent of each affected person." Surveillance is defined as "the willful monitoring, tracking or following while photographing, taking images of, listening to, or making a record of a recognizable individual or a group of individuals including their movements, activities, or communication or the interior of a building or structure." Government use of drones is limited to: first obtaining a search warrant based on probable cause; reasonable suspicion that swift action is needed to prevent imminent harm (and then use of the drone would be limited to a 48 hour period); and prior consent. While no one will claim that this bill is the absolutely perfect solution for the threat drones will increasingly pose to our privacy, the committee is convinced that it is a worthy effort and should be passed. Something better in the future may surface, but drones are becoming a problem today, and this bill will deal with them.

Enforcement of provisions of this bill at all times will obviously be a problem, but the committee agreed with the bill's sponsor, "Laws are based on the assumption that people will follow them." By passing this law, we are assuming one will not use a drone to spy on one's neighbor (or anyone else). Penalties are set at the misdemeanor level. **Vote 12-5.**

HB 1625-FN, relative to penalties for possession of marijuana in the amount of one ounce or less and the cultivation of marijuana plants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Geoffrey D Hirsch for Criminal Justice and Public Safety. This bill reforms NH marijuana possession laws and assigns penalties more in line with a growing realization that excessive penalties are not only disconnected from reducing marijuana use, but are in direct conflict with the NH Constitution. Article 18 of the NH Constitution states that "all penalties ought to be proportioned to the nature of the offense." Under our current marijuana related statutes, penalties of jail time and criminal records are clearly not proportional to the conduct of possessing small amounts of marijuana (or its derivatives) for personal use. Shouldn't we as a society spend our limited resources arresting, convicting, and incarcerating people we are afraid of, rather than people we are mad at? Haven't we more to fear from a host of other controlled substances? Shouldn't we be putting our resources there?

Recent Public Policy and Granite State Polls reveal that 60% or more of voters support a reduction, even elimination of criminal penalties associated with possession of small amounts of marijuana. Sixteen states, including all other New England states have passed laws decriminalizing small amounts of marijuana. More states are working on similar bills. Typically, decriminalization means no prison time or criminal record because, as in this bill, the conduct is treated as a violation. Violations do not haunt people as misdemeanor arrests and convictions do – possibly denying them employment, financial assistance, public housing, licenses, etc. Such collateral consequences clearly exacerbate the already disproportional nature of current penalties. It is time for a change.

This bill does not endorse the use of marijuana, nor ignore the problems that can be associated with its use, and includes appropriate provisions that address some of these concerns. Simply put, this bill seeks to stop making criminals out of regular citizens by placing our marijuana laws more in line with voter opinion, the New Hampshire Constitution, and common sense. **Vote 12-5.**

EDUCATION

HB 1392-FN-L, removing the restriction on the number of pupils eligible to transfer to a chartered public school. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G Boehm for the **Majority** of Education. Presently, the restriction of students who may be removed to attend a public charter school, in any given district, is 10% per grade level. This bill repeals RSA 194 B: 3. That restriction has never been challenged or met. This repeal may then allow a charter school to open in an area with limited public school population. The lottery in public charter schools limits the influx or rush of students and provides opportunities for alternative education. **Vote 10-8.**

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 1393-FN-L, relative to tuition payments for students attending a chartered public school in the student's district of residence. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mel Myler for the **Majority** of Education. This bill would mandate a school district with no elementary or high school to provide to a charter school an amount not less than 80% of the amount of tuition which would have been paid to another district for the pupil attending a charter school. The majority saw no need for this bill because there is no provision for a local vote for such funding. Local districts currently have an option to make certain contractual arrangements with alternate school districts. This bill would end this permissive practice and make such payment mandatory. **Vote 11-7.**

Rep. Ralph G Boehm for the **Minority** of Education. It would be common sense for money to follow the child. If a school district tuitions their students to another district and students then go to a charter school, the school district would have a budget windfall.

HB 1449, relative to the requirements for filing a charter school application. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. June M Frazer for the **Majority** of Education. The purpose of this bill is to strengthen the application process for charter schools. Since the future success of the proposed school will depend upon how well the group seeking the charter has visualized the need the school is intended to fill, a clear and evidence-based mission statement must be a very strong component of the application. If New Hampshire is to put the funds budgeted for public education to maximum advantage in meeting needs, it is necessary to prevent mere duplication of existing public schools in a district. To that end, this bill gives more specific guidelines for what is expected in the mission statement than the relevant RSA now offers. **Vote 14-1.**

Rep. Glenn Cordelli for the **Minority** of Education. The Minority believes that this bill will complicate the DOE approval process for charter schools by re-allocating 50% of points awarded in the application review to the mission statement. The remaining 25+ evaluation criteria will have a dramatically reduced role in the application review. If school mission statements are to be given such importance, then the same weight should be given to BOTH chartered public and traditional public schools.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1399 FN, relative to the application for a vested deferred retirement allowance in the retirement system. **WITHOUT RECOMMENDATION Vote 9-9**

Statement in support of Ought to Pass. This bill simply requires a person eligible for a “vested deferred” pension to apply for it on the same schedule as a person still working. “Vested deferred” is a term of art in the pension business, referring to a pension due to a person who leaves employment after earning the right to a pension (ten years’ service for the state retirement system), but does not actually retire at that time. In most cases the person is not yet old enough to retire, regardless of their years of service. HB1399 does not change who is eligible for such a pension in any way, nor does it re-define the word “vested.” It merely states that when starting to collect this pension, notice is required on the same time frame as active workers.

Rep. Carol McGuire

Statement in support of Inexpedient to Legislate. HB 1399, an act relative to the application for a vested deferred retirement allowance, would change the time frame and application requirements for retirees to file an application to receive their benefit. The issue of “vested employees” as used in the current statute is presently being litigated before the NH Supreme Court. Committee members who supported Inexpedient to Legislate believe that this procedural change requested by the Retirement System should wait until after the resolution of the pending lawsuit.

Rep. Daniel Sullivan

HB 1444, recognizing the month of April as Genocide Awareness Month. **OUGHT TO PASS.**

Rep. Peter B Schmidt for Executive Departments and Administration.

This bill would make New Hampshire the fourth state to recognize April as Genocide Awareness Month. While committee members were unanimous in deploring genocide whenever and wherever it occurs, there was significant discussion among committee members about whether the designation of a month in recognition was the most appropriate way of recognizing the issue. The committee was presented with powerful testimony by survivors of past genocidal events, including the Holocaust. Although we are fully conscious of the difficulty of impacting the actions of foreign governments or non-governmental actors in distant lands, we cannot accept that averting our eyes in the face of merciless atrocities often committed against helpless and innocent civilians is better than urging our fellow citizens to inform themselves and to raise their consciousness and their voices in protest against such inhumanity. Ultimately, the majority of the committee was persuaded that the importance of this issue and the ever-present possibility of another such episode of inhumanity requires that we do all we can to promote education about genocide past and present. We choose to light this candle rather than curse the darkness. **Vote 14-1.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1403-FN, establishing a state minimum hourly wage. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sally H Kelly for the **Majority** of Labor, Industrial and Rehabilitative Services. HB 1403 reinstates NH minimum wage and does it with a moderate, gradual and sustainable increase. In January, 2015 it would increase from the Federal level of \$7.25 per hour to \$8.25 per hour. In 2016, it would become \$9.00 per hour and in 2017 and going forward it would be indexed according to the Consumer Pricing Index (CPI). Currently, NH has the lowest minimum wage of any of the six New England states. If New Hampshire takes its minimum wage from \$7.25 to \$9.00 per hour, nearly 76,000 workers would see a direct or indirect increase in their wages, according to an analysis of US Census Bureau data conducted by the Economic Policy Institute. Two out of every three of those workers are adults over the age of twenty and one out of three are over the age of thirty. A nationwide survey found that two-thirds of small business owners supported an increase in the Federal minimum wage on the grounds that it “will help the economy because the people with the lowest incomes are the most likely to spend any pay increases...” A recent Granite State Poll found very strong support for increasing the NH minimum wage to \$9.00 with overall support at 76% with 64% of Republicans, 70% of Independents and 91% of Democrats favoring this increase. **Vote 10-8.**

Rep. Gary L Daniels for the **Minority** of Labor, Industrial and Rehabilitative Services. Employers are best positioned to determine the financial benefit an individual will bring to that business. When government increases the minimum wage, it not only forces them to pay a higher starting wage, but also causes them to adjust the wages of their other employees as a necessary action to maintain a wage differential between

untrained, entry level workers in a probation period and their trained, post-probation employees. Through this action employers incur a cost greater than just that associated with raising the wage of any minimum wage earner they employ. Because employers have finite funds to cover the cost of those they employ, when a minimum wage increase is imposed upon them, those who are affected most are the young seeking to enter the workforce, the elderly seeking a part-time employment to make ends meet, and those with disabilities working at a legal subminimum wage. When forced to pay higher payroll prices, some employers will seek experienced workers over entry level applicants or cut the hours of their employees to keep their budgets balanced. Small business owners are likely to take on additional duties within the business in an effort to keep their budget intact and their business solvent, all to the detriment of those seeking employment. Beginning in September 2016 this bill would cause the minimum wage to be index driven by the CPI, and adjusted annually in September, without regard to the fact that the index can increase in a bad economy. This bill is hurtful to employers, who should not be subject to further government intrusion into the hiring and management practices of their business. We should instead allow employers to run their business without this government mandate, hire as they are able within their means, and create a pro-economic growth environment that attracts businesses to New Hampshire and creates jobs. HB1403 does just the opposite.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1134, permitting municipalities to reimburse persons who assist applicants in obtaining social security benefits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy D Copeland for the **Majority** of Municipal and County Government. This bill would set a dangerous precedent for municipalities to pay for professional representative services to a claimant for social security disability. The claimant would gain a permanent benefit from using tax payer dollars to gain a benefit. The representative's fee for such services is done on a sliding scale with a maximum of \$6,000.00 for those services rendered if approved. If a case is approved by an arbitrator, it is retroactive in some cases to the original day of filing, going back several years, representing a large sum of money to the claimant. Municipalities should not supplement with tax dollars already expended in welfare benefits the fee for a social security disability representative. Welfare benefits expended by a municipality should be returned back to the tax payers of that municipality when the claimant becomes financially stable with the new social security disability benefits. This legislation as written would have the municipality wave the pay back of the welfare funds expended to the claimant in order for the social security representative to recoup his or her total fee for their services rendered being deducted from what the claimant owes from those welfare benefits expended by that municipality. This will hurt the bottom line of the larger municipality's budget welfare line. **Vote 12-5.** Rep. Dennis J Malloy for the **Minority** of Municipal and County Government. This bill serves to strengthen the safety net for our state's most vulnerable citizens, while at the same time increasing the likelihood that cities and towns may recoup funds spent for persons on their welfare roles. It permits municipalities to reimburse persons who assist applicants in obtaining Social Security (SSI). To qualify for SSI benefits, persons must be both disabled and indigent, and most are receiving welfare from their city or town. Without representation throughout the application process, these folks stand only a 30% chance of approval. With representation, that rate is increased to 70%. When a person is approved, there is a retroactive payment from Social Security going back to the date the disability occurs. This payment is used first to reimburse the town or city for the welfare expenses incurred. Only after that can a representative take a portion in payment for services. Unfortunately, this amount is often very small, and hardly recompenses the representative for the work done. Consequently, few representatives are willing to take on these cases. In the past, legal aid would assist, but with cuts in funding and staff this is happening less often, leaving more and more people without representation. This bill would allow the municipality to reimburse representatives at a more reasonable rate from the retroactive funds they receive. This is a win-win-win situation—the town recoups more funds when more applicants are approved, and spends less on welfare once applicants are granted SSI; the disabled person gets the funds they need through SSI to live a more dignified life; and the representative receives a fair wage for work done.

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. **INEXPEDIENT TO LEGISLATE.**

Rep. Bruce L Tatro for Municipal and County Government. This bill would allow cities and towns the option to collect property tax for pollution control facilities. Currently, long standing law prevents them from doing so. The committee believes this would not be beneficial and would raise taxes on businesses which are mandated by law to have the pollution control facility, resulting in higher rates for consumers. The committee has heard the substance of this bill many times over the course of many years. It has always been voted Inexpedient to Legislate for valid reason. **Vote 17-0.**

HB 1333, relative to the elderly property tax exemption. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis J Malloy for Municipal and County Government. This bill would establish a study committee to determine the feasibility of prorating the elderly property tax exemption if the owner shares occupancy with

a person or persons over 18 and not the person's spouse. The combined personal income of such occupants may exceed the qualifying amount for the elderly exemption adopted by a city or town causing problems. The study committee will determine the benefits to the state of New Hampshire, its local subdivision, and its senior population when elderly individuals are able to maintain their independence from state and local support, and make recommendations for a solution that benefits the individuals, local community, and the state of New Hampshire. **Vote 10-7.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1271, establishing a committee to study the powers and duties of conservation commissions. **REFER FOR INTERIM STUDY.**

Rep. Suzanne J Smith for Resources, Recreation and Development. After public hearing on HB1271, a subcommittee reviewed Chapter 36-A, the Conservation Committee statutes and heard from a number of stakeholders. Many RR&D members serve or have served on their city or town conservation commissions. The committee realizes that there are perceived incongruities in the statute and believes that interim study can accomplish the desired effect—clarification of the statute. **Vote 10-4.**

SCIENCE, TECHNOLOGY AND ENERGY

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie J Shepardson for Science, Technology and Energy. The bill as amended would study the safety of moving gas and oil by train, road and pipeline and would also develop an emergency plan to deal with leaks and spills, including clarifying financial obligation for cleanup. **Vote 14-1.**

HB 1456, relative to the issuance of certificate for energy facilities by the site evaluation committee. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A Backus for the **Majority** of Science, Technology and Energy. This bill would make modest changes to the current law governing the New Hampshire Site Evaluation Committee. The majority believes that changes to the siting criteria or procedures of the SEC should reflect the full stakeholder process recently completed under SB 99. **Vote 14-2.**

Rep. David K Murotake for the **Minority** of Science, Technology and Energy. This bill requires that the Site Evaluation Committee(SEC) under RSA 162-H make a finding concerning applicant capability, municipal and regional concerns, and adverse effects before issuing a certificate for an energy facility. By addressing the concerns of stakeholders identified in the SB 99 Final Report directly in RSA 162-H:1, Declaration of Purpose, as well as the introductory paragraph of RSA 162-H:16, IV, the bill attempts to shift the balance in SEC proceedings in the favor of: 1) municipal and regional planning commissions, municipal governing bodies, property owners and other concerned parties, 2) avoiding adverse effects on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety, and 3) strengthening the natural rights of New Hampshire citizens guaranteed by Section 1, Article 2 of the state constitution.

REGULAR CALENDAR PART III

WAYS AND MEANS

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. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia T Lovejoy for Ways and Means. The bill establishes a gaming oversight authority to staff, manage, and operate 6 video lottery locations, and issue facility licenses for a total of 5,000 video lottery machines with 600 machines at 4 facilities and 1,300 machines at 2 locations. The committee ITL'd this bill because of concerns about the proliferation of video lottery machines and the difficulty of attracting patronage from outside the State of New Hampshire. **Vote 16-4.**

HB 1628-FN-A-L, relative to games of chance and establishing a gaming regulatory commission and video lottery gaming. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia T Lovejoy for Ways and Means. This bill sets up a gaming authority and allows for 6 small casinos with a maximum of 250 video lottery machines, and requiring that each have charitable gaming at its location. The committee voted to ITL this because of concerns of proliferation issues and believing that the 6 small casinos would attract only NH gamblers. **Vote 16-4.**

HB 1633-FN-A-L, relative to expanded gaming in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia T Lovejoy for the **Majority** of Ways and Means. This bill is an improvement compared to casino bills that have been introduced in the past. The regulations portion has been greatly improved. The Commission engaged a consultant that also manages casinos to help them write the bill. The committee approved an omnibus amendment which fixed numerous problems and added clarification. Even with the amendment, the majority of the committee still voted to ITL the bill. The amended bill still has regulatory problems; it gives the Gaming Commission too much power - checks and balances are weak, interim rules can be implemented without a public hearing, and the Attorney General has an advisory position only - the gaming commission can override the AG's recommendation. There is no meaningful judicial review of a commission action as the standard in the bill "arbitrary & capricious" is almost impossible to satisfy.

The revenue percentage the state will receive from gambling has steadily gone down from casino bills in the past. Bills debated 10 years ago had the State receiving 55% of net gaming revenue. We are down to 35% going to the State in this bill and a proposed omnibus amendment reduces the State's share to 29% (with the difference going to local communities & problem gaming prevention and treatment). We have not seen a completed fiscal note from LBAO but the consultants have said that we should expect to begin with approximately 2000 slots and ramp up to 2500 - significantly fewer than the 3000 - 5000 that were being discussed last year. The consultants based their estimates on the casino being a destination casino. When asked the consultants would not say what specific amenities they had included in their assessment of this being a destination casino with the exception of a hotel and multiple restaurants. They also stated that the Atlantic City casinos were not in their opinion destination casinos. If Atlantic City casinos with the ocean, boardwalk, hotels, a myriad of dining options and upscale shopping are not destination casinos it seems hard to believe that Salem NH will be able to sustain a destination casino. If a NH casino is NOT a destination casino then it will not draw substantially from outside a 30 mile radius which will negatively impact the revenues. Using the proponents' revenue numbers and the lowest state costs (only those that can be calculated) the maximum net moneys flowing to the state's general fund will be \$30-\$36 million/year from the \$80 million one-time fee, and \$56-\$77 million/year on-going revenue once the casino is operating fully. The actual net revenues are likely to be smaller, once increased off-site state public safety and judiciary costs and lower tax revenues from business failures are considered.

Part of the argument for a casino has been that it would be one casino. History shows us that this would not be the case. Every state that has introduced a casino has seen proliferation. No state has just one casino. The lure of jobs has been another incentive. Building a casino would create about 2000 jobs but there is no guarantee in the bill that they would be NH jobs. The contractor may use out of state sub-contractors as was done in the recent construction of the Merrimack Outlet Mall. Permanent jobs will also most likely go predominantly to Mass citizens - 74% of the population within 30 miles of Salem is in Massachusetts, and the Mass unemployment rate in these communities is higher than the NH rate in its communities within 30 miles of Salem.

Slot machines are the most addictive type of gambling. It has been estimated that a casino in NH will create 4,500-8,800 new problem gamblers and 2,400 -5,400 new pathological gamblers. The low end estimate of these costs are \$27-\$57 million which does not include abused costs (money stolen from families & business that are not reported as crimes). When these are included the costs soar to \$49 - \$103 million. That still does not include any provision for costs related to suicide and the impact on families and children. The sad fact is that casinos depend on problem gamblers - 40% - 60% of slot machine revenue comes from problem gamblers, and 90% of industry revenue comes from slots.

Yes a casino will bring much needed revenue to the state but at what cost. There will be cannibalization of existing businesses. Individuals have finite entertainment dollars; money spent in the casino is not spent in local restaurants/shops/entertainment & sports venues. Unlike our local businesses the profits from a casino will be sent out of state. The charitable gaming rooms will most likely cease to exist and the charities they support will suffer. Crime will increase, and the gaming industry will have considerable influence on future legislatures.

The social costs and more importantly the impact on our citizens who become problem and pathological gamblers and the negative impacts on our local businesses are too high a price to pay. **Vote 11-9.**

Rep. Richard Ames for the **Minority** of Ways and Means. This bill, the work product of the NH Gaming Regulatory Oversight Authority, enables the development of a single New Hampshire-based destination casino. A principal purpose, stated in the bill, is to promote economic recovery, small business development, tax relief, and job creation. No casino may be developed without local acceptance and compliance with local land use requirements. The bill's capital development and operational specifications are expected to produce a minimum \$450 million capital investment, about 2,000 construction jobs during the initial capital development phase, about 2,000 ongoing jobs at the casino after construction is completed, and annual tax revenues starting at about \$105 million once the casino is operational. The tax revenue forecast is based on a 35% tax on slots revenues, an 18% tax on table games, and a \$600 slot machine annual tax; the forecast is exclusive of new property tax, rooms and meals, and business tax revenues that will result from the new casino development. The \$450 million capital investment requirement in the bill, which is exclusive of land costs,

off-site improvements and license fees, is a minimum which is likely to be exceeded during the open competitive bidding process that is required by the bill. Bidders for the single casino license must pay a minimum of \$500,000 for the initial license application and background investigation process. The winning bidder must pay an \$80 million non-refundable license fee and must also commit to an annual capital reinvestment program equal to at least 3.5% of the casino's gross revenues. The bill will authorize the casino to contain between 2,000 and 5,000 slot machines and between 75 and 150 table games. The Authority's expert forecast of \$105 million in annual tax revenues is conservatively based on an assumed initial casino development having just 2,500 slot machines and 85 table games. The bill's tax rate, capital investment requirements, and casino size requirements, and the resulting revenue forecast, also take into account the comparable tax rates and investment requirements that are governing the expected development of three major casinos and a slots parlor in Massachusetts. The best practices regulatory system provided for by the bill was developed by the NH Gaming Regulatory Oversight Authority. It includes provisions designed to bring to the surface and robustly address problem gambling, and includes a new high level position for a new director of research and problem gambling. The casino will be smoke-free and those under 21 years of age will be excluded from the gaming floor. The bill provides strong and independent roles and responsibilities for local law enforcement, for the Attorney General, and for the State Police. Political contributions and conflicts of interest are strictly limited and regulated. The bill provides for the establishment of a unified gaming system in New Hampshire, bringing the lottery, charitable gaming, and casino gaming under the authority of a new NH Gaming Commission consisting of 5 members appointed by the Governor and Council. The bill requires the winning bidder to have a workforce development plan, including a plan to maximize the use of the state's existing labor force. Live entertainment venue provisions require the winning casino bidder to negotiate agreements with existing venues that address cross marketing limits to exclusivity contracts with performers, coordination of performers schedules, promotions, and ticket prices. The amendment to the bill sets a seating capacity cap of 1,500 seats for a casino-based live entertainment facility, allocates 3% of gross slot machine income to the host community, 1% of gross slot machine income to abutting communities, 1% of gross slot machine income to the host county, and 1% of gross slot machine income to Department of Health and Human Services for programs for problem gambling and related disorders of drug and alcohol addiction. The amendment, which received a 15-5 vote in committee, also includes: a hold harmless provision for charities in the event that there is a downturn in charitable gaming revenues; a provision requiring that the Gaming Commission's rules be adopted in accordance with standard JLCAR procedures; and a provision prohibiting free alcoholic drinks anywhere in the gaming location. A strong majority of NH citizens have repeatedly told pollsters that they want the NH Legislature to permit development of a well-regulated NH-based casino. It is time for the NH House to respond by adopting the proposed amendment and then passing this well-crafted bill.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1451, establishing a canine veterans day. **OUGHT TO PASS.**

Rep. Linda Massimilla for State-Federal Relations and Veterans Affairs. This bill recognizes the service given by dogs who serve the people of this country and the state by proclaiming March 13 of each year as Canine Veterans' Day. As far back as the Revolutionary War, New Hampshire has had dogs in military service. A wolf dog, "Sergeant Beaubien," belonging to Generals William and John Stark was the first known military service dog. This bill would honor, not only dogs serving during wartime, but also police, customs, border patrol, secret service, airport, FBI and local police and fire canine units. **Vote 12-0.**

HCR 10, applying to the Congress of the United States to call for a convention under Article V of the United States Constitution. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeanine M Notter for the **Majority** of State-Federal Relations and Veterans Affairs. Adding Liberty amendments to the Constitution sounds like a wonderful idea, but in order to do that we would have to support a Constitution Convention, or a Con-Con, as it is also commonly known. The danger of a Con-Con or an Article V Convention is that it cannot be limited to a single issue no matter what the resolution reads. The danger of a runaway convention is a very real threat that could throw out our Constitution and replace it with something else.

A better way to rein in our out-of-control federal government is state nullification of federal laws. The states have the power to do this based on the enumerated powers of the Constitution and the 10th Amendment. **Vote 9-4.**

Rep. Timothy J Smith for the **Minority** of State-Federal and Veterans Affairs. This bill applies to congress, under Article V of the US Constitution, to hold an amendment convention to propose an amendment to overturn the US Supreme Court's disastrous decision in Citizens United Vs. FEC. This is specifically an amendment convention, and is not a general "constitutional convention" despite misconceptions which have been espoused by an outside activist group. This is a critical issue aimed at pushing back the tide of corruption in Washington DC. As it deals with a Supreme Court decision, the only constitutional way to address the issue is with an amendment. Thus far, Congress has failed to do so (and will continue to fail, since the status-quo is in their own best interest) so it falls to the states to address the problem. Thankfully, the Founding Fathers

gave us Article V which allows the states to propose an amendment without Congress in case Congress ever became the problem, such as we have now with the institutional corruption that plagues our national politics. Substantial research and legal studies were presented to the committee showing that the convention under Article V can be safely limited to a single topic and HCR-10 contains carefully vetted language to that end. Compatible measures have been introduced in many other states this year, and have already passed one legislative chamber in at least two other states as of this writing.

HCR 11, commemorating the ratification of the seventeenth amendment to the United States Constitution. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeanine M Notter for State-Federal Relations and Veterans Affairs. The other chamber has indicated that it may not be taking up HCRs at this time. Therefore, an effort to pass this resolution is futile. **Vote 10-2.**

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. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert L Theberge for the **Majority** of State-Federal Relations and Veterans Affairs. The majority of the committee voted in favor of the resolution. Residents of the District of Columbia pay federal taxes and serve in the armed forces on behalf of our nation. However, they lack one major privilege of citizenship: voting representation in the U.S. Congress. The resolution seeks to achieve equal access to federal democracy. At issue here is "taxation without representation." **Vote 9-4.**

Rep. Leon H Rideout for the **Minority** of State-Federal Relations and Veterans Affairs. The minority of the committee felt that this bill did not provide a clear path forward for providing representation of the residents of the District of Columbia. There remain questions on why the Capitol was set up in this manner and what unintended consequences may result from the change.

HR 24, urging Congress to investigate the Benghazi incident. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert L Theberge for the **Majority** of State-Federal Relations and Veterans Affairs. The majority believes that the Benghazi incident will be an ongoing issue for which any solution would not be welcomed by an opposing political party. The investigation is ongoing by the federal government for which no further action by the House is warranted. **Vote 10-2.**

Rep. Todd P Smith for the **Minority** of State-Federal Relations and Veterans Affairs. The minority believes that the issues relating to Benghazi needs to have a comprehensive exploration of exactly what occurred.

JUDICIARY

HB 1143, relative to the New Hampshire Law Against Discrimination. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Paul S Berch for the **Majority** of Judiciary. The minority believe this bill is an additional surrender of sovereignty to the federal government in exchange for a not guaranteed transfer of federal funding. **Vote 11-8.**

Rep. Joseph M Hagan for the **Minority** of Judiciary. The minority believe this bill is an additional surrender of sovereignty to the federal government in exchange for a not guaranteed transfer of federal funding.

HB 1159, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry R Phillips for the **Majority** of Judiciary. This bill views an emergency overdose situation as medical not criminal. It offers the granting of immunity from prosecution of possession/use of illegal drugs or the illegal use of the drug alcohol for those who report or seek help to/from law enforcement, the 911 system or medical provider. The immediacy of the situation encourages seeking help to address physical damage from the effects of the drug and possibly save lives. **Vote 13-6.**

Rep. Lenette M Peterson for the **Minority** of Judiciary. This bill does not take in to effect personal responsibility and will not help in reducing the number of overdoses; it will just lead to more criminals on the street.

HB 1214, relative to grounds for termination of tenancy. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter M Sullivan for the **Majority** of Judiciary. The majority of the committee believes that current law provides a fair, balanced and reasonable process that allows landlords to terminate a tenancy while providing tenants with protection from the possibility of homelessness. The language contained in this bill is vague and unclear; it would open the door to landlords initiating evictions without good cause and with little or no consultation with their tenants. It would allow landlords to initiate retaliatory evictions and create a chilling effect that discourages tenants from reporting health and safety violations. The existing system strikes a balance between the interests of the landlord, and tenants, and the committee believes that this bill would only undercut that well-crafted balance. **Vote 14-4.**

Rep. Michael J Sylvia for the **Minority** of Judiciary. Common sense would lead a person to believe that at the end of a lease, with proper notice, a landlord would be able to reclaim his property and if necessary evict the tenant. The courts have ruled that the end of a lease is not valid grounds to begin an eviction. Can you imagine the reverse of this situation where, at the end of a lease the landlord could demand that the tenant must stay and continue to pay rent? Without the provision of this bill landlords will look closely at a tenant and find other grounds on which to begin eviction. This will add unnecessary burden on the court system and all parties involved.

HB 1253, relative to religious societies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy O Horrigan for the **Majority** of Judiciary. The majority agrees with the minority that RSA 306 is outdated. It dates back to the 19th century. It was written during an era when the separation of church and state was not as great as it is today, and when Christianity was our state's only major religion. However, the majority believes that this bill does more harm than good. The bill's main effect would be to completely eliminate certain restrictions, ranging from \$5,000 to \$10,000 per year, on how much money unincorporated religious societies are allowed to take in. Under current law, religious groups are still free to organize themselves as corporations or unincorporated associations just like secular groups. Once they organize themselves as corporations or unincorporated associations, religious groups can take in as much money as they need. The majority concludes that the most prudent course of action would be to leave RSA 306 the way it has been for many years. **Vote 10-7.**

Rep. Lenette M Peterson for the **Minority** of Judiciary. This bill would recodify the religious societies title, eliminating discrimination between religious sects and removing certain powers of incorporated religious societies associated with their use to settle the state including the power to impose property tax and elders having the same powers as selectmen.

HB 1336, relative to the landlord's agent requirement. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter M Sullivan for the **Majority** of Judiciary. New Hampshire landlord agent registration law was the product of a collaborative effort involving property owners, tenant rights, advocates, community organizations and local government. It has allowed municipalities to more effectively enforce health and safety regulations and address problems with chronic violators. This bill strengthens the existing laws by giving it some teeth. Landlords who fail to provide the required contact information would be subject to a \$500 civil fine. The committee believes that this will help encourage greater compliance with the current law. **Vote 12-6.**

Rep. Michael J Sylvia for the **Minority** of Judiciary. Requiring landlords to list a registered agent with a municipality is an unnecessary burden. In many towns there is no process in place to register landlord's agents. This bill adds a \$500 fine for property owners who fail to file. One might ask, if property owners can be found to be fined, why can they not be found for other needs? This bill punishes good property owners with an added regulatory burden which will reduce quality affordable housing options.

HB 1452, relative to jury nullification. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter M. Sullivan for the **Majority** of Judiciary. The New Hampshire House has heard numerous proposals to expand the use of jury nullification in recent years and has consistently rejected such proposals. New Hampshire judges currently provide a jury with what are called "Wentworth Instructions," which allow a jury to convict a defendant if the offense is proven beyond a reasonable doubt. While requiring an acquittal if all elements of the offense have not been proven. This system is fair and just. The role of a jury is to serve as a trier of fact, not to serve as a mini-legislature which makes decisions based on ideological beliefs. By actively encouraging jury nullification, we would be placing a thumb on the scales of justice, encouraging juries to ignore the facts and the law before them. That is contrary to our traditions and the bipartisan majority of the committee agrees that such an approach should once again be rejected. **Vote 13-4.**

Rep. Gary S Hopper for the **Minority** of Judiciary. Last term we passed a law that allowed defense attorneys to explain to a jury their right to find someone not guilty on the basis that they believe the law shouldn't be applied in the case that is before them. In 1851 a few brave men helped the runaway slave, Shadrach Minkins, escape to Canada. Secretary of State Daniel Webster tried to prosecute them under the Fugitive Slave Act. A jury found them not guilty, not because they hadn't done the crime, but because the law was immoral and they weren't willing to enforce it.

We heard in committee that although a defense attorney can inform the jury of its right to nullify a law that it is also the right of the prosecutor to pose a counter argument which would, in effect, leave the jury confused as to its options. HB1452 simply has the Judge explain to the jury its right to use common sense in the implementation of its duties.

"the liberties of the American people were dependent upon the ballot-box, the jury-box, and the cartridge-box; that without these no class of people could live and flourish in this country" Frederick Douglass.

HB 1609-FN, relative to forfeiture of personal property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Woodbury for the **Majority** of Judiciary. This bill seeks to redraft the current law on forfeiture of personal property. It was drafted without consulting the interests of state agencies or the law enforcement community. While the subject of asset forfeiture is current in need of review, the committee felt that because the drafters did not consult other interested state holders and presented a long comprehensive bill with a limited time frame for review, that it would be better to Inexpedient to Legislate this bill with encouragement to present a more balanced bill in the future when there is sufficient time for all concerned to engage in careful evaluation of this important issue. **Vote 14-2.**

Rep. Michael J Sylvia for the **Minority** of Judiciary. Civil asset forfeiture denies our citizens of due process of law. It takes property from the people without a trial and conviction. It also gives law enforcement agencies a perverse incentive to take property for a monetary gain. This bill adds much needed protections to our civil asset forfeiture law.

FISH AND GAME AND MARINE RESOURCES

HB 1495, repealing the prohibition on the use of silencing devices for taking wildlife. **INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan F Manley for Fish and Game and Marine Resources. Concerns in this bill are letting residents be aware when hunters are nearby or in the woods. The benefits of this bill do not outweigh the concerns. No sportsman's group testified in favor of this bill. **Vote 9-2.**

FINANCE

HB 1411-FN-A, relative to restoring moneys to the department of health and human services. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen P Spratt for the **Majority** of Finance. This bill addresses the shortfall caused by back of the budget cuts to DHHS in the amount of 7 million dollars. In testimony the Finance Committee heard that DHHS is facing an approximate \$36 million general fund shortfall as strong demand for services continue. Additionally we heard testimony that program cuts would affect CHINS, ServiceLink and the DD system among others. While the \$7 million would not eliminate the \$36 million shortfall, it would make a significant impact on DHHS's ability to provide essential services supported by the House and wanted by New Hampshire's citizens. The amended bill additionally provides \$8.3 million to the rainy day fund, nearly doubling the existing fund balance. The majority of the committee believes this bill as amended creates a win-win scenario by funding services that the House has already committed to provide and which the public wants, while substantially increasing the fund balance in the rainy day fund. **Vote 13-10.**

Rep. Neal M Kurk for the **Minority** of Finance. The minority believes that this bill is bad public policy. First, it reopens the 2014/2015 budget, contrary to long-standing House practice, by increasing appropriations to the department of health and human services by \$7 million. The state budget covers a two-year period and is the result of difficult compromises. Reopening it for one agency's problems invites reopening it for every other agency and program. Second, this bill spends part of the surplus from the 2012/2013 state budget, thus decreasing the amount that would otherwise go into the rainy day fund. According to the state treasurer, the fund should be at about \$70 million. Today it has \$9 million. Without this bill, the fund would be at \$24 million. With this bill, the fund will be at \$15 million. This is imprudent management of the state's finances.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy M Weber for the **Majority** of Executive Departments and Administration. HB 1307, as introduced, would have prohibited all state agencies or political subdivisions except the national guard from acquiring any military-equipped vehicle, military grade hardware, or title II weapons unless the equipment or weapons are readily available in an open national commercial market. The adjutant general was required to notify the state attorney general of any breach of the new statute. We had testimony from Major General Bill Reddel of the NH Army and Air National Guard, opposing the bill on the grounds that it would be impossible for him to carry out his duties under the proposed statute. The majority of the committee opposed the bill both because it is unworkable, and because this should be a matter for local decision making. The proposed amendment returned some measure of local control by allowing acquisition if approved by a majority vote of the legislative body at a regular or special meeting. The amendment would have required the adjutant general to be notified of all purchases under the new law, but left it unclear as to why the adjutant general needed to be notified, as the adjutant general was no longer required to report violations to the attorney general. Even with the proposed amendment, the majority of the committee believe that this bill is unworkable and unnecessary. **Vote 11-8.**

Rep. Calvin D Pratt for the **Minority** of Executive Departments and Administration. The committee heard that there is a growing number of communities that are accepting military equipment that is designed for the battle field. The equipment includes such items as armored personnel carriers and fully automatic firearms. The citizens have expressed through numerous petitions that they are uncomfortable with this armament of the police force. The increase in “no-knock” searches is also on the rise and this equipment could lead to an escalation of tensions and potentially lead to more danger for the patrol officers. Furthermore, the equipment has not been designed for use in the towns and cities of New Hampshire, the equipment was designed to be used on the battle field.

Lastly, this is a very inefficient use of taxpayer funds as this equipment requires special service, and the parts are more expensive than the commercial-off-the-shelf equipment that is already in use by the police force. Two groups raised concerns, one of local control and one of the obligations of the National Guard to report on these acquisitions that have been addressed in a minority amendment. The amendment will allow local political subdivisions to purchase military-equipped vehicles or other similar equipment after approval by that subdivision’s voters. The amendment also satisfies the National Guard reporting concern.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1154-FN, relative to the use of a laser pointing device for self-defense or defense of others. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dennis H Fields for the **Majority** of Criminal Justice and Public Safety. This bill provides that the use of a laser pointing device in self-defense or defense of others is not a violation of RSA 631:3-a. Under current law it is a violation for knowingly shining the beam of a laser pointing device at an occupied motor vehicle, window, or person and a class A misdemeanor if directed at a law enforcement officer or law enforcement vehicle. The committee heard no testimony to indicate problems with the current law or that people are being charged with pointing a laser device in self defense. The majority believes that this bill would create confusion about what would constitute self defense and therefore recommends ITL. **Vote 13-3.**

Rep. Kyle J Tasker for the **Minority** of Criminal Justice and Public Safety. The Minority of the Committee feels the effects of this bill were misunderstood by the Majority. This will state in law the exception to the violation level offense that pointing a laser device represents, when this takes place during self defense or defense of others.

HB 1230-FN, relative to imposition of consecutive sentences. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert R Cushing for Criminal Justice and Public Safety. This bill would remove judicial discretion to impose sentences for crimes as the judge finds to be appropriate. It does not differentiate between murderers and child rapists with shoplifters and those who write bad checks. At the present time if a defendant feels a sentence is too high, he or she may request a judicial review. This bill is opposed by the New Hampshire Coalition Against Domestic and Sexual Violence. **Vote 13-3.**

HB 1326, establishing the affirmative defense of unwitting possession of a controlled drug. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety. This bill establishes the affirmative defense of unwitting possession of a controlled drug. The majority of the committee believes that this bill is unnecessary because under current law the prosecution already bears the burden of showing that an act was done knowingly and a defendant who is charged with possession of a controlled drug can assert a defense that the possession was unwitting or accidental. **Vote 14-2.**

HB 1362-FN, prohibiting enforcement of any federal law which bans certain firearms or limits firearm magazine size and establishing a criminal penalty for such enforcement. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C Pantelakos for Criminal Justice and Public Safety. This bill establishes a class B felony for a public servant or firearms dealer who enforces or attempts to enforce any federal restriction on firearms manufactured or owned exclusively in this state which remain within the borders of this state and also declares that any federal ban or other restriction on the ownership, possession, or registration of a firearm, firearm accessory, or magazine to be unenforceable. At the public hearing, the sponsor presented the committee with an amendment which would exempt firearms, firearms accessories, and ammunition manufactured in New Hampshire from federal law and regulation. The majority of the committee believes that it would be extremely difficult to regulate the purely intra-state commerce in firearms and that adding penalties for the enforcement of lawful federal firearms regulations is bad policy. **Vote 15-1.**

COMMERCE AND CONSUMER AFFAIRS

HB 1541-FN, allowing health insurance policies to be sold without mandates. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward A Butler for Commerce and Consumer Affairs. This bill, as proposed, seeks to allow New Hampshire carriers to offer products free of “mandated” services currently contained in products offered under both state and federal insurance laws. By seeking to eliminate mandated benefits and protections, such as cover-

ing youths up to age 26 under their parent's policy; parity in costs between men and women; a prohibition against lifetime or annual benefit caps and covering certain preventative services with no cost sharing, it directly conflicts with the federal essential health benefits, other consumer protections and, therefore, would be preempted. This bill would also allow health insurance plans to be sold even if they don't comply with state insurance law. Residents of NH would not benefit from the protections of state law and could not turn to our Insurance Department for assistance if they're mistreated by their insurer. Furthermore, the ACA, as currently structured, requires at least 2 multi-state policies to be available by 2016. The majority knows that this bill would not be able to be implemented and would not be enforceable, if passed. **Vote 9-5.**

CHILDREN AND FAMILY LAW

HB 1316-FN, requiring the use of metal detection devices in court-ordered, supervised visitation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Eileen C. Flockhart for the **Majority** of Children and Family Law. Although there was total agreement about the value of metal detectors, the implementation of this bill would of necessity require the hiring of personnel to provide for the police protection and or security. We heard testimony that expenditures for this could cause many of these centers to close altogether.

The committee felt that this could best be addressed through HB 1236, a commission that is fast-tracked to resolve the broader problem for all of these visitation centers. **Vote 17-2.**

Rep. Jeffrey D. Oligny for the **Minority** of Children and Family Law. The bill requires the use of metal detection devices in supervised visitation centers starting on January 1, 2015. The bill was voted Inexpedient to Legislate in committee due to visitation center concerns that they would not have resources available to act in the event that a firearm was detected upon facility entry. Subsequently, the committee passed HB 1236 which establishes a fast track committee to study this topic. The minority believes that decisive action should be taken regardless of any delays incurred in the HB 1236 committee (which the minority also supported).

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 1409, expanding the law against discrimination to prohibit housing discrimination against recipients of rental assistance and victims of domestic violence, sexual assault, or stalking. (Pending question: 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, 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.

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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

11:00 a.m. Subcommittee work session on **HB 1130-FN-L**, relative to the Northeastern Interstate Forest Fire Protection Compact.

FINANCE, Rooms 210-211, LOB

9:30 a.m. **SB 413**, relative to access to health insurance coverage.

FINANCE – (DIVISION I), Room 212, LOB

1:00 p.m. Work session on HB 1564-FN, relative to escheat proceedings.

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

1:00 p.m. Work session on **SB 413**, relative to access to health insurance coverage.

FISCAL COMMITTEE (RSA 14:30-a), Room 103, State House

2:30 p.m. Special meeting regarding tabled items FIS 14-014.

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

9:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

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

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

WEDNESDAY, MARCH 12**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

12:00 p.m. or at lunch break from session Executive session on **HB 1130-FN-L**, relative to the Northeastern Interstate Forest Fire Protection Compact.

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. Continued public hearing on **HB 2014**, relative to the state 10-year transportation improvement program.

10:30 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, **HB 1142-FN-A**, relative to the road toll for alternative fuels.

THURSDAY, MARCH 20

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

2:30 p.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

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.

FRIDAY, MARCH 28

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

9:30 a.m. Regular meeting.

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

1:00 p.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

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 **Cheshire** County Delegation will meet in the Assembly Room of the old Cheshire County Courthouse, 12 Court Street, Keene, NH on **Monday, March 17th** at **7:00 p.m.** The purpose of this meeting is to review the Executive Committee's Proposed Budget for 2014, adopt the 2014 budget and other business.

Rep. Bruce Tatro, Chairman
Rep. Tara Sad, Clerk
Cheshire County Delegation

COUNTY DELEGATION NOTICE

The **Coos** County Delegation will meet **Wednesday, March 12th** during the **lunch break** in LOB Room 203. The pupose 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 Stewartstown (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 March 28th at 9:00 a.m.** at the Hillsborough County Complex, Bouchard Building, Goffstown, NH.

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

REVISED FISCAL NOTES

The following Bills have a revised fiscal note: HB 118, HB 226, HB 255, HB 256, HB263, HB 292, HB 366, 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 1142, HB 1148, HB 1160, HB 1161, HB 1163, HB 1216, HB 1229, HB 1251, HB 1308, HB 1335, HB 1368, HB 1372, HBB 1406, HB 1411, HB 1489, HB 1494, HB 1498, HB 1557, HB 1579, HB 1581, HB 1595, HB 1609, HB 1618, HB 1624, 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.

The House Business caucus will meet on **Monday, March 10th** at 3:00 p.m. in LOB 303. All pro-business representatives are invited and encouraged to attend.

Reps. Laurie Sanborn, Adam Schroadter, Patrick Abrami

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 members of the Legislature who are Grange members and those who would like more information about the Grange are asked to meet with Dick Patten and Bob Haefner on **Wednesday, March 12th** at the **lunch break** for a quick update on Grange Day at the Legislature. Please contact Dick Patten at 496-2917 for info.

Rep. Dick Patten

Please join the New Hampshire Independent Energy Council (NHIEC) for their first annual legislative reception on **Wednesday, March 12th** at the Holiday Inn Concord Downtown. Immediately following the House session NHIEC participants will be on hand to discuss energy policy issues and competitive electric markets. All legislators and staff are invited to enjoy appetizers and beverages, and meet representatives of the member organizations of the NHIEC. This event is free of charge and sponsored by the NHIEC.

Rep. David Borden

The 2014 New Hampshire Poetry Out Loud Recitation program will hold a statewide Championship Competition in Representatives Hall at the State House on **Thursday, March 13th**, at **7:00 p.m.** (snow date March 17). Twelve New Hampshire high school poetry champions will recite great poetry and compete for the opportunity to represent NH at the National Poetry Out Loud Championship in Washington, DC, in April. The 12 students are the winning competitors, coming out of four semi-finals. Thirty-six high schools and close to 10,000 NH high school students participated. All legislators and their families are invited. This event, sponsored by the NH State Council on the Arts, is free and open to the public. To see a listing of high schools or for information contact Catherine O'Brian, Arts Education Coordinator, NH State Council on the Arts (271-0795), or go to: www.nh.gov/nharts (click on the Poetry Out Loud button). Doors will open at 6:30 pm.

Terie Norelli, Speaker

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 Retail Merchants Association of New Hampshire invites all legislators and staff to its rescheduled 47th Annual Legislative Reception and presentation of the annual "Law Enforcement Partner of the Year", "Retailer of the Year" and "Legislator of the Year", awards on **Thursday, March 20th** at **4:00 p.m.** or following the session, whichever is later, at the Concord Holiday Inn. Please join RMANH members, your colleagues and others for light fare and conversation.

Reps. Stephen 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 New Hampshire Association of Regional Planning Commissions and the New Hampshire Planners Association will be hosting a Legislative Breakfast on **Wednesday, April 9th, 8 to 9:30 a.m.** in the State House Cafeteria. We cordially invite all members of the New Hampshire House and Senate to attend and learn about these organizations.

Rep. James Coffey

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

Reps. Pamela Tucker, Al Baldasaro, and Carol McGuire

State House Visitation Schedule

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

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

Virginia J. Drew, Director

Deborah Rivers, Public Information Administrator

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>Group#/Grade</i>
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 21	2:00	Milton & Sanbornville Home School Group	25
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

DATE	TIME	GROUP	Group#/Grade
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
April 1	9:00	Andover Elementary/Middle School	50/4&5
April 1	10:00/11:30 SH/HM	Garrison School – Dover	100/4
April 2	9:30/11:00 SH/HM	Henry Wilson School – Farmington	92/4
April 3	9:30/11:00 SH/HM	Webster Elementary School – Manchester	75/4
April 3	11:00	House Republicans guests	
April 4	9:00	Trinity Christian School	13/4
April 7	9:00/10:30 SH/SC	Riddle Brook School – Bedford	80/4
April 7	10:00/11:30 SH/HM	Lamprey River Elementary School – Raymond	100/4
April 7	3:00	Teen Pact	20/HS
April 8	10:00	Maple Wood School – Somersworth	44/4
April 8	11:30	Pittsfield Elementary School	37/4
April 9	9:45/11:00 SH/HM	Crescent Lake School – Wolfeboro	65/4
April 9	9:45	Nashua Christian Academy	15/4
April 10	9:15	Allenstown Elementary School	40/4
April 10	10:30/11:45 SH/Lawn	Abbott-Downing School – Concord	75/4
April 11	9:30/11:00 SH/HM	Jaffrey Grade School	60/4
April 11	1:00	Teen Pact Family Day	30

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 1102

(2014-0294h)

Proposed by the Committee on Executive Departments and Administration-c

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

1 Police Standards and Training Council; Public Members Added. Amend RSA 188-F:24, I to read as follows:

I. There is established a police standards and training council. It shall consist of [12] **14** members as follows:

(a) [2] **Two** members shall be chiefs of police in towns;

(b) [2] **Two** members shall be chiefs of police in cities;

(c) [2] **Two** members shall be county sheriffs;

(d) [2] **Two** members shall be judges of courts with criminal jurisdiction;

(e) The chancellor of the community college system of New Hampshire, or designee;

(f) The director of the division of state police, or designee;

(g) The attorney general, or designee[~~;~~and];

(h) The commissioner of the department of corrections, or designee[~~;~~]; **and**

(i) Two public members, neither of whom shall be a certified police officer, lawyer, or judge, and neither of whom shall have a spouse, sibling, or parent, by birth, adoption, or marriage, who is a certified police officer, lawyer, or judge.

2 Police Standards and Training Council. Amend RSA 188-F:24, IV to read as follows:

IV. Notwithstanding the provisions of any statute, ordinance, local law, or charter provision to the contrary **and except as otherwise provided in subparagraph 1(i) regarding qualification of public members**, membership on the council shall not disqualify any member from holding any other public office or employment, or cause the forfeiture of any office or employment.

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

2014-0294h

AMENDED ANALYSIS

This bill adds 2 public members to the police standards and training council.

Amendment to HB 1113

(2014-0323h)

Proposed by the Committee on Education - c

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

AN ACT requiring school districts to distribute a concussion and head injury information sheet to student-athletes and establishing a definition for head injury.

Amend the bill by replacing section 1 with the following:

1 Head Injury Policies for Student Sports. Amend RSA 200:49 to read as follows:

200:49 Head Injury Policies for Student Sports. Education is the key to identification and appropriate management of all concussions. The school board of each school district ~~[is encouraged to]~~ **shall** develop guidelines and other pertinent information and forms for student sports to inform and educate coaches, student-athletes, and student-athletes' parents or guardians of the nature and risk of concussion and head injury including continuing to play after concussion or head injury. On an annual basis, a school district or school ~~[is encouraged to]~~ **shall** distribute a concussion and head injury information sheet to all student-athletes. ***The Brain Injury Association of New Hampshire is available to educate and assist the public with implementing and/or updating concussion management protocols.***

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

2 New Paragraph; Head Injury Policies for Student Sports; Definitions. Amend RSA 200:52 by inserting after paragraph IV the following new paragraph:

V. "Head injury" means injuries to the scalp, skull, or brain caused by trauma, and shall include a concussion which is the most common type of sports-related brain injury. 2014-0323h

AMENDED ANALYSIS

This bill requires school districts to distribute a concussion and head injury information sheet to student-athletes. The bill also inserts a definition of head injury.

Amendment to HB 1128 (2014-0604h)

Proposed by the Committee on Education- c

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study issues related to students receiving special education services who attend a chartered public school, including responsibility for funding and provision of special education services, in a manner that ensures that children with disabilities have an equal opportunity to enroll and fully participate in a chartered public school and to receive all services in the child's individualized education plan, and any other issue deemed relevant by the committee. The committee may solicit testimony from any person or organization with information relevant to the committee's objective.

Amendment to HB 1143 (2014-0471h)

Proposed by the Majority of the Committee on Judiciary-r

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

1 Change "Creed" or "Religious Creed" to "Religion." Amend the following RSA provisions by replacing "creed" or "religious creed" with "religion": RSA 354-A:1; 354-A:5, VIII and IX; 354-A:6; 354-A:7, III; 354-A:8; 354-A:10, VIII; 354-A:16; 354-A:17; and 354-A:25.

2 Definition of Multiple Dwelling. Amend RSA 354-A:2, XI to read as follows:

XI. "Multiple dwelling" means [2] **4** or more dwellings, as defined in paragraph V, occupied by families living independently of each other.

3 Definition of Person. Amend RSA 354-A:2, XIII to read as follows:

XIII. "Person" includes one or more individuals, partnerships, associations, corporations, ***unincorporated organizations***, legal representatives, mutual companies, joint-stock companies, ***labor organizations***, trusts, ***trustees, fiduciaries***, trustees in bankruptcy, receivers, and the state and all political subdivisions, boards, and commissions thereof.

4 Definition of Reasonable Accommodation. Amend RSA 354-A:2, XIV-b to read as follows:

XIV-b. "Reasonable accommodation" may include, ***but not be limited to:***

(a) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities.

(b) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(c) ***Making the use and equal enjoyment of dwellings, facilities, and services associated with housing accessible to and usable by individuals with disabilities by modifying rules, policies, practices, or services in housing.***

(d) ***Making the use and equal enjoyment of public accommodations, as defined in paragraph XIV, accessible to and usable by individuals with disabilities by modifying policies, practices, or services to provide such access.***

5 Power to Initiate Complaints. Amend RSA 354-A:5, VI to read as follows:

VI. To **initiate**, receive, investigate, and pass upon complaints alleging violations of this chapter.

6 Unlawful Discriminatory Practices. Amend the introductory paragraph of RSA 354-A:10 to read as follows:

354-A:10 Unlawful Discriminatory Practices. It shall be an unlawful discriminatory practice for any person~~[-, being the owner, lessee, sublessee, assignee, managing agent or other person having the right to rent or lease a dwelling or commercial structure or being in the business of selling or renting dwellings or commercial structures]~~:

7 Fair Housing Exemptions. Amend RSA 354-A:13, I(b) and (c) to read as follows:

(b) To the rental of ~~[a housing accommodation]~~ **living quarters** in a building which contains ~~[housing accommodations]~~ **living quarters** for not more than 3 families living independently of each other, if the owner ~~[or members of his family reside in one of such housing accommodations]~~ **resides in one of the living quarters**; or

(c) To the rental of a room or rooms in a ~~[housing accommodation]~~ **dwelling** with not more than 5 such rooms, if ~~[such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in such housing accommodation]~~ **one room is occupied by the owner of the dwelling**.

8 Fair Housing; Exemptions; Reference Change. Amend RSA 354-A:13, II and III to read as follows:

II. Nothing in this ~~[chapter]~~ **subdivision** shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of r MINORITY OF THE religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

III. Nothing in this ~~[chapter]~~ **subdivision** shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

9 Housing for Older Persons. Amend RSA 354-A:15, IV-VI to read as follows:

IV. ~~[In determining whether housing qualifies as]~~ Housing for persons 55 years or older~~[-, the commission shall adopt rules which require at least the following factors]~~ **shall meet the following criteria**:

(a) The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and service is not practicable, that such housing is necessary to provide important housing opportunities for older persons;

(b) ~~[That]~~ At least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

(c) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

V. Housing shall not fail to meet the requirements for housing for older persons by reason of:

(a) Persons residing in such housing as of September 13, 1988, who do not meet the age requirements of ~~[paragraphs]~~ **RSA 354-A:15**, II or III, provided, that new occupants of such housing meet the age requirements of ~~[paragraph]~~ **RSA 354-A:15**, II or III.

(b) Unoccupied units, provided, that such units are reserved for occupancy by persons who meet the age requirements of ~~[paragraph]~~ **RSA 354-A:15**, II or III.

VI. Any rule concerning the exemption available under this section shall be consistent with federal law. In adopting such rules, the commission shall be guided by applicable federal regulations and interpretations concerning housing for older persons ~~[under 42 U.S.C. section 3607(b)]~~.

10 Public Accommodations; Exemption for Religious Organizations. Amend the subdivision heading preceding RSA 354-A:18 and RSA 354-A:18 to read as follows:
~~[Exemption]~~

354-A:18 Exemption for Religious Organizations. Nothing contained in this ~~[chapter]~~ **subdivision** shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of r MINORITY OF THE religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

11 Retaliation and Required Records; Gender Neutral Reference Added. Amend RSA 354-A:19 to read as follows:

354-A:19 Retaliation and Required Records. It shall be an unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to discharge, expel, or otherwise retaliate or discriminate against any person because he **or she** has opposed any practices forbidden under this chapter or because he has filed a complaint, testified or assisted in any proceeding under this chapter.

12 Procedure on Complaints. RSA 354-A:21 is repealed and reenacted to read as follows:
354-A:21 Procedure on Complaints.

I.(a) Any person claiming to be aggrieved by an unlawful discriminatory practice may make, sign, and file with the commission a verified complaint in writing which shall state the name and address of the respondent alleged to have committed the unlawful discriminatory practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the commission. Any person claiming to be aggrieved by unlawful housing discrimination is exempt from verifying the complaint. The attorney general or one of the commissioners may, in like manner, make, sign, and file such complaint.

(b) In connection with the filing of such complaint, the commission is authorized to receive, investigate, take proof, issue subpoenas, administer oaths, and decide upon complaints of employment, housing, and public accommodation discrimination. The attorney general is authorized to take proof, issue subpoenas, and administer oaths in the manner provided in the civil practice law and rules.

II. Housing Discrimination Procedure on Complaints.

(a) In complaints filed based on housing discrimination, the commission shall send the aggrieved party notice acknowledging receipt of the complaint together with a notice of choice of forums. The commission shall serve notice of filing of the complaint to the respondent, including a copy of the complaint and notice of procedural rights and duties. Proceedings at the commission shall begin within 30 days of receipt of the complaint. In addition, investigation of the housing discrimination complaint and a determination of reasonable cause shall be completed within 100 days after the filing of the complaint. If the commission is unable to complete the investigation and/or make a determination of cause within 100 days, the commission shall notify the parties in writing of the reason. If the investigating commissioner determines that reasonable cause exists that a discriminatory housing practice has occurred or is about to occur, the investigating commissioner shall immediately issue a charge on behalf of the aggrieved party. If the investigating commissioner determines that no reasonable cause exists, the complaint may be dismissed subject to appeal in the superior court pursuant to subparagraph III(c). Each dismissal shall be subject to public disclosure. No charge may be issued if a trial of a civil action has begun. A final administrative disposition of a housing discrimination complaint shall be made within one year of the date of filing unless it is impractical to do so. If the commission cannot make a final disposition within one year, it shall notify the parties in writing of the reason.

(b)(1) Any party alleging to be aggrieved by housing discrimination, upon issuance of a charge by the investigating commissioner, may elect to have the claims asserted in a civil action in the county in which the violation is alleged to have occurred in lieu of a public administrative hearing before the commission. The election shall be made not later than 20 days after receipt of service of the charge. The person making such election shall give notice to the commission and all other complainants and respondents to whom the charge relates.

(2) If a civil action is not elected, the commission shall issue written notice, requiring the respondent to attend a public hearing before 3 members of the commission designated by the chair, none of whom were the investigating commissioner. The hearing shall be scheduled not later than 120 days after the charge issues. The location of the hearing shall be in the county in which the discriminatory practice is alleged to have occurred or is about to occur. All parties shall have a right to obtain issuance of subpoenas, appear in person, be represented by counsel, present evidence, cross-examine witnesses, and create a record. If the aggrieved party cannot obtain legal counsel for a public hearing before the commission, the commission shall provide legal counsel for him or her subject to the rules of the state of New Hampshire for appointment of counsel. If the commission cannot schedule a public hearing within 120 days after the charge issues, written notice to the parties explaining why it is impractical to do so shall be provided. The case in support of the charge may be presented before the commissioners by the aggrieved party or his or her representative. The investigating commissioner who issued the charge shall not participate in the hearing or deliberation of the decision. The respondent shall appear in person with or without a representative. The commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his or her answer. The commissioners shall not be bound by the strict rules of evidence prevalent in courts of law or equity. Testimony taken shall be under oath and transcribed at the request of any party. The cost of transcription shall be borne by the party requesting the transcript unless the party is indigent, in which case the commission shall pay the cost upon request for a waiver and proof of indigency.

(3) If the commission finds in favor of the aggrieved party, it may order appropriate relief, including actual damages suffered by the aggrieved person, injunctive and other equitable relief, and reasonable attorney fees. If counsel for the aggrieved party was appointed in accordance with the rules of the state of New Hampshire for the appointment of counsel, any award of attorney fees shall be deposited to the general fund. The civil penalties set forth in the federal Fair Housing Act, as amended in 1988, 42 U.S.C. section 3601, et seq., and any future amendments to the act shall apply to housing discrimination public hearings except that if the acts of housing discrimination that are the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties may be imposed without regard to the period of time within which any discriminatory housing practice occurred.

(4) The commission hearing panel shall issue written findings of fact and rulings of law to the parties within 60 days of the end of the hearing. If the commission is unable to issue findings and rulings within 60 days, written notice to the parties explaining why it is impractical to issue the decision shall be provided.

(c) The commission may bring a civil action in the name of the commission to enforce the New Hampshire fair housing act if the facts as alleged also violate the Fair Housing Act, 42 U.S.C. section 3601, et seq. If the commission determines it will bring a civil action, the parties shall be so notified. If the commission determines not to file a civil action, it shall close the case and inform the parties of the complainant's rights in the matter.

(d) In complaints filed based on housing discrimination, from the time a complaint is filed, and ending with a filing of a charge or a dismissal, the commission shall engage in conciliation of the complaint with the parties. Any conciliation agreement reached shall be between respondent and complainant and will be approved by the commission. Such agreements shall be made public unless the complainant and respondent agree otherwise and the commission determines that disclosure of the agreement is not required to further the overall statutory purpose.

III. Employment and Public Accommodations Procedure on Complaints.

(a) After the filing of any employment or public accommodations complaint, the respondent shall be promptly served with a copy of the complaint and a date by which to file a response and any other information required for investigative purposes. A copy of the notice of service of the complaint shall be provided to the complainant. The commission shall make prompt investigation in connection with the filing of a complaint.

(b) In complaints filed based on employment discrimination and public accommodations discrimination, from the time a complaint is filed and ending with a dismissal, the commission shall assist and provide the parties opportunities to voluntarily resolve the complaint. If an investigating commissioner determines that probable cause exists for crediting the allegations of an employment discrimination or public accommodations discrimination complaint, the commissioner, or his or her designee, shall immediately endeavor to eliminate the unlawful discriminatory practice complained of by conference, conciliation, and persuasion. Any conciliation agreement reached with the assistance of the commissioner shall be between the respondent and complainant, with the commission signing on as a party. Such agreements shall be made public unless the complainant and respondent agree otherwise and the commission determines that disclosure of the agreement is not required to further the overall statutory purpose.

(c) If the investigating commissioner finds no probable cause to credit the allegations in the complaint, the complaint shall be dismissed, subject to a right of appeal to superior court within 30 days of the date of notice of dismissal. To prevail on appeal in superior court, the moving party shall establish that the commission's decision is unlawful or unreasonable by a clear preponderance of the evidence. The findings of the investigating commissioner upon questions of fact shall be upheld as long as the record contains credible evidence to support them. If the court reverses the probable cause finding of the investigating commissioner, the court shall remand the case for further proceedings in accordance with this section, unless the complainant or respondent elects to proceed with a hearing in superior court pursuant to RSA 354-A:21-a.

(d)(1) In case of failure to eliminate an unlawful discriminatory practice complained of, or in advance thereof, if, in the judgment of the commissioner making the investigation, circumstances so warrant, the commissioner shall cause to be issued and served in the name of the commission, a written notice, together with a copy of such complaint as the same may have been amended, requiring the respondent named in such complaint to answer at a hearing before 3 members of the commission, designated by the chair and sitting as the commission, at a time and place to be fixed by the chair and specified in such notice. The place of any such hearing shall be the office of the commission or such other place as may be designated by the commission.

(2) The case in support of the complainant may be presented before the commission by the complainant or complainant's representative. The commissioner who shall have previously made the investigation and caused the notice to be issued shall not participate in the hearing except as a witness, nor shall he or she participate in the subsequent deliberation of the commission in such case. Any prior endeavors at conciliation shall not be received in evidence. The respondent shall appear at the hearing in person or by representative, with or without counsel, and submit evidence. The commission, the complainant, or the complainant's representative shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend its answer. The commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity when conducting public hearings. The testimony taken at the hearing shall be under oath and transcribed at the request of any party. The cost of transcription shall be borne by the party requesting the transcript unless the party is indigent, in which case the commission shall pay the cost upon that party's request for a waiver and proof of indigency.

(3) If, upon all the evidence at the hearing, the commission finds by a preponderance of evidence that the respondent has engaged in an unlawful discriminatory practice under RSA 354-A:7 or RSA 354-A:17, the commission shall make findings of fact and rulings of law in writing to the parties which shall grant such relief as the commission panel deems just and equitable, including but not limited to: requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such affirmative action, including,

but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay, restoration to membership in any respondent labor organization, or the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons, as in the judgment of the commission, will effectuate the purpose of this chapter and including a requirement for report of the manner of compliance. Such cease and desist orders for affirmative relief may be issued to operate prospectively. The commission may also order compensatory damages to be paid to the complainant by the respondent, shall order reasonable attorney fees to the complainant, and in order to vindicate the public interest, order the respondent to pay an administrative fine. The administrative fine shall be deposited in the general fund. The amount of the administrative fine shall not exceed:

(A) Ten thousand dollars if the respondent has not been adjudged to have committed any prior discriminatory practice in any administrative hearing or civil action.

(B) Fifty thousand dollars if the respondent has been adjudged to have committed a prior discriminatory practice in any administrative hearing or civil action and the adjudication was made no more than 5 years prior to the date of filing the current charge.

(C) Seventy five thousand dollars if the respondent has been adjudged to have committed 2 or more discriminatory practices in any administrative hearings or civil action and the adjudications were made during the 7-year period preceding the date of filing of the charge.

(e) In employment discrimination based public hearings, when issuing an order awarding back pay, the commission shall calculate the back pay award by determining the amount the complainant would have earned but for the unlawful discriminatory practice. The commission shall subtract from that amount any unemployment compensation or interim earnings received by the complainant for the time period covered by the back pay award.

(f) If upon all the evidence the commission finds that a respondent has not engaged in any unlawful discriminatory practice, the commission shall make findings of fact and rulings of law in writing to the parties dismissing the complaint. All public hearing decisions of the commission shall be made public. A copy of the commission's public hearing decision shall be delivered in all cases to the attorney general, and such other public officers as the commission deems relevant or proper. The commission shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure and its own actions.

(g) Any complaint relative to employment or public accommodation discrimination filed pursuant to this paragraph shall be filed within 180 days after the alleged act of discrimination. Any complaint filed pursuant to this paragraph by the attorney general or one of the commissioners shall be so filed within 180 days after the alleged unlawful discriminatory practice.

(h) In administering complaints filed under this paragraph, the commission shall be exempt from the provisions of RSA 541-A:29, II, but shall close each case or commence adjudicative proceedings on such case under this section within 24 months after the filing date of the complaint.

13 Choice of Forum. Amend RSA 354-A:21-a to read as follows:

354-A:21-a Choice of Forum.

I. Any party alleging to be aggrieved by any **employment discrimination or public accommodations discrimination** practice made unlawful under this chapter may, at the expiration of 180 days after the timely filing of a complaint with the commission, or sooner if the commission assents in writing, but not later than 3 years after the alleged unlawful practice occurred, bring a civil action for damages or injunctive relief or both, in the superior court for the county in which the alleged unlawful practice occurred or in the county of residence of the party. ***The waiting period described in this paragraph shall not apply to a party aggrieved by housing discrimination.***

II. Any party alleged to have committed any practice made unlawful under this chapter may, in any case in which a determination of probable cause has been made by the investigating commissioner, remove said complaint to superior court for trial. A court in cases so removed may award all damages and relief which could have been awarded by the commission, except that in lieu of an administrative fine, enhanced compensatory damages may be awarded when the court finds the respondent's discriminatory conduct to have been taken with willful or reckless disregard of the charging party's rights under this chapter. A superior court trial shall not be available to any party if a hearing before the commission has begun or has concluded pursuant to RSA 354-A:21, II(b) **or RSA 354-A:21, III(d)**, or to a complainant whose charge has been dismissed as lacking in probable cause who has not prevailed on an appeal to superior court pursuant to RSA 354-A:21, [H(a)] **III(c)**. In superior court, either party is entitled to a trial by jury on any issue of fact in an action for damages regardless of whether the complaining party seeks affirmative relief.

[H:] **III.** The [charging party] **complainant** shall notify the commission of the filing of any superior **or federal** court action, and the respondent shall notify the commission of the removal to superior court after a finding of probable cause **in accordance with commission rules**. After such notice, the commission shall dismiss the complaint without prejudice. A party electing to file a civil action with the superior court under [paragraph I] **this section**, shall be barred from bringing any subsequent complaint before the commission based upon the same alleged unlawful discriminatory practice.

[III. The commission may, after a finding of probable cause, bring suit in superior court at its own expense on behalf of an aggrieved person in housing discrimination cases.]

14 Criminal Penalty. Amend RSA 354-A:24 to read as follows:

354-A:24 Criminal Penalty. Any person[, employer, labor organization or employment agency,] **as defined in RSA 354-A:2, XIII**, who or which shall willfully resist, prevent, impede or interfere with the commission or any of its members or representatives in the performance of duty under RSA 354-A, or shall willfully violate an order of the commission, shall be guilty of a misdemeanor if [a natural person,] **an individual** or guilty of a felony if any other person. Procedure for the review of the order shall not be deemed to be such willful conduct.

15 Reference Change. Amend RSA 354-A:3, II to read as follows:

II. Any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the unexpired term of the member who is to be succeeded. Four members of the commission shall constitute a quorum for the purpose of conducting the commission's business, with the exception of hearings conducted pursuant to RSA 354-A:21[, H(b)], **III(d)**. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission. Each member of the commission shall be entitled to expenses actually and necessarily incurred by the member in the performance of the member's duties.

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

2014-0471h

AMENDED ANALYSIS

This bill amends RSA 354-A, the state Law Against Discrimination to conform to the Fair Housing Act, 42 U.S.C. section 3601, et seq., as amended.

Amendment to HB 1152-FN (2014-0017h)

Proposed by the Committee on Executive Departments and Administration- c

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

1 Repeal. RSA 100-A:19, relative to benefits for call, substitute, or volunteer firemen, is repealed.

2 Administration of Benefit Payments to Existing Beneficiaries.

I. For each person receiving an annual allowance under RSA 100-A:19 as of the effective date of this act, the retirement system shall continue to pay the annual allowance to each such person as had been provided under RSA 100-A:19 prior to its repeal.

II. The retirement system shall fund the benefits required under paragraph I with the remaining funds available for RSA 100-A:19 as of the effective date of this act. All such funds shall be transferred to and held in a subtrust of the retirement system which is tax exempt pursuant to Section 115 of the Internal Revenue Code.

III. The retirement system shall be reimbursed from available funds in the subtrust a reasonable annual fee for administration of the benefit until payments under paragraph I have terminated.

IV. Upon cessation of all benefit payments under paragraph I, any remaining funds held in the subtrust under paragraph II shall be refunded to the individual call firefighter, governmental entity, or other organization which paid the annual sums under RSA 100-A:19 for the 2013 fiscal year. Said refund shall be paid in a lump sum to the respective fire chief, clerk, or other responsible officer or governmental representative who remitted such annual sums on a pro rata basis based upon the total amounts remitted pursuant to RSA 100-A:19 for the 2013 fiscal year. Each such fire chief, clerk, or other responsible officer or governmental representative shall, in turn, make payments of the refunded sums, on a pro rata basis as reasonably determined, to the individual call firefighter, if then surviving and located by the remitting entity, without unreasonable delay.

3 Retirement System; Annuity Accumulation Fund; Call, Substitute, or Volunteer Firemen Amounts. Amend RSA 100-A:16, II(a) to read as follows:

(a) The state annuity accumulation fund shall be the fund in which shall be accumulated all reserves for the payment of all state annuities payable from contributions made by employers, any amounts transferred thereto from a similar fund under one or more of the predecessor systems, **and** amounts transferred from the member annuity savings fund, [~~and all amounts paid to the system by or on account of call, substitute, or volunteer firemen~~] and from which shall be paid all benefits payable under the system other than those payable from the member annuity savings fund.

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

Floor Amendment to HB 1170-FN (2014-0205h)

Proposed by Rep. Keith Murphy

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

AN ACT establishing the murder of a person 12 years of age or younger as a capital offense.

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

1 Capital Murder; Murder of a Person Twelve Years of Age or Under. Amend RSA 630:1, I to read as follows:

I. A person is guilty of capital murder if he **or she** knowingly causes the death of:

(a) A law enforcement officer or a judicial officer acting in the line of duty or when the death is caused as a consequence of or in retaliation for such person's actions in the line of duty;

(b) Another before, after, while engaged in the commission of, or while attempting to commit kidnapping as that offense is defined in RSA 633:1;

(c) Another by criminally soliciting a person to cause said death or after having been criminally solicited by another for his personal pecuniary gain;

(d) Another after being sentenced to life imprisonment without parole pursuant to RSA 630:1-a, III;

(e) Another before, after, while engaged in the commission of, or while attempting to commit aggravated felonious sexual assault as defined in RSA 632-A:2;

(f) Another before, after, while engaged in the commission of, or while attempting to commit an offense punishable under RSA 318-B:26, I(a) or (b); ~~or~~

(g) Another, who is licensed or privileged to be within an occupied structure, or separately secured or occupied section thereof, before, after, or while in the commission of, or while attempting to commit, burglary as defined in RSA 635:1; **or**

(h) Another, who is 12 years of age or younger at the time of the offense.

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

2014-0205h

AMENDED ANALYSIS

This bill establishes the murder of a person 12 years of age or younger as a capital offense.

Amendment to HB 1176

(2014-0796h)

Proposed by the Committee on Children and Family Law-c

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

1 New Section; Termination of the Parent-Child Relationship in Cases of Sexual Assault. Amend RSA 170-C by inserting after section 5 the following new section:

170-C:5-a Termination of the Parent-Child Relationship in Cases of Sexual Assault. A petition for termination of the parent-child relationship shall be granted in cases where the child's birth is the result of sexual assault of the birth mother and where termination of the parent-child relationship is in the best interests of the child. This section shall apply to a person who has been found to be the father of a child and who:

I. Has been convicted of or who has pled guilty or nolo contendere to a violation of sexual assault as defined in RSA 632-A:2 through RSA 632-A:4, or a similar statute in another state against the birth mother for his conduct in fathering the child; or

II. At a fact-finding hearing, is found to have committed an act of non-consensual sexual penetration for his conduct in fathering the child.

2 Determination of Parental Rights and Responsibilities; Sexual Assault. Amend RSA 461-A:6, V-VII to read as follows:

V. If the court finds that the birth of the child is the result of an act of sexual assault by the child's parent, and parental rights have not been terminated under RSA 170-C:5-a, the court may prohibit contact between such parent and the victim of the assault and the child. The court shall make orders that best protect the victim of the assault and the best interests of the child. In this paragraph, "sexual assault" shall mean sexual assault as provided in RSA 632-A:2, RSA 632-A:3, and RSA 632-A:4.

VI. If the court determines that it is in the best interest of the children, it shall in its decree grant reasonable visitation privileges to a party who is a stepparent of the children or to the grandparents of the children pursuant to RSA 461-A:13. Nothing in this paragraph shall be construed to prohibit or require an award of parental rights and responsibilities to a stepparent or grandparent if the court determines that such an award is in the best interest of the child.

~~[VI.]~~ **VII.** The court may appoint a guardian ad litem to represent the interests of the child according to RSA 461-A:16.

~~[VII.]~~ **VIII.** At the request of an aggrieved party, the court shall set forth the reasons for its decision in a written order.

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

Floor Amendment to HB 1190

(2014-0754h)

Proposed by Rep. Williams

Amend the bill by replacing section 1 with the following:

1 County Conventions; Hillsborough; Transfer of Funds. Amend RSA 24:13-c, VI to read as follows:

VI. Any request to transfer funds must be made in writing by a department head to the county commissioners who ~~if they~~ **may approve such requests for transfers up to such amount as the executive committee may from time to time approve by majority vote. If the amount of the department's request exceeds such amount, and the county commissioners** approve ~~same~~ **the request, the commissioners** shall report in writing their recommendation to the executive committee. The executive committee by majority vote may approve such transfer of funds in whole or in part.

2014-0754h

AMENDED ANALYSIS

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 an amount approved by the executive committee.

Amendment to HB 1193

(2014-0844h)

Proposed by the Committee on Commerce and Consumer Affairs-c

Amend the bill by replacing section 2 with the following:

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

Amendment to HB 1195

(2014-0610h)

Proposed by 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 1200**(2014-0584h)****Proposed by the Committee on Education-c**

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Educational Institution Policies on Social Media. Amend RSA 189 by inserting after section 64 the following new subdivision:

Educational Institution Policies on Social Media

189:65 Educational Institution Policies on Social Media.

I. An educational institution shall not:

(a) Require or request a student or prospective student to disclose or to provide access to a personal social media account through the student's or prospective student's user name, password, or other means of authentication that provides access.

(b) Require or request a student or prospective student to access a personal social media account in the presence of any employee of the educational institution in a manner that enables the employee to observe the contents of the personal social media account.

(c) Compel a student or prospective student to add anyone to his or her list of contacts associated with a personal social media account or require, request, suggest, or cause a student or prospective student to change the privacy settings associated with a personal social media account.

(d) Take or threaten to take any action against a student or prospective student to discipline or prohibit such student or prospective student from participation in curricular or extracurricular activities for refusal to disclose information or to take actions specified in subparagraphs (a)-(c).

(e) Fail or refuse to admit a prospective student as a result of the refusal by the prospective student to disclose information or to take actions specified in subparagraphs (a)-(c).

II. Nothing in this subdivision shall prohibit an educational institution from adopting a policy which permits:

(a) Conducting an investigation, without requiring or requesting access to a personal social media account through username, password, or other means of authentication, for the purpose of ensuring compliance with applicable law or educational institution's policies against student misconduct based on the receipt of specific information about activity associated with a student's social media account.

(b) Revoking a student's access, in whole or in part, to equipment or computer networks owned or operated by the educational institution.

(c) Monitoring the usage of the educational institution's computer network.

III. This subdivision shall not apply to personal social media accounts that are created or provided by the educational institution if the student has been provided advance notice that the account may be monitored at any time by employees of the educational institution.

IV. In this section:

(a) "Educational institution" means a public or private school, college, university, or other institution that offers students, participants, or trainees an organized course of study or training that is academic, technical, vocational, trade-oriented, or designed to prepare a person for employment.

(b) "Social media account" means an account, service, or profile on a social networking website that is used by a current or prospective student primarily for personal communications. This definition shall not apply to an account opened or provided by an educational institution and intended to be used solely on behalf of the educational institution.

Amendment to HB 1236**(2014-0718h)****Proposed by the Committee on Children and Family Law-c**

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

AN ACT relative to the use of metal detection devices at supervised visitation centers and establishing a commission to study supervised visitation centers.

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

1 Protection of Persons from Domestic Violence; Temporary Relief; Visitation. Amend RSA 173-B:4, I(a)(5) to read as follows:

(5) Denying the defendant visitation, ***ordering that visitation shall take place only at a supervised visitation center that uses a metal detection device and has trained security personnel on-site,***

ordering that visitation shall be supervised, or ordering a specific visitation schedule. Visitation shall only be ordered on an ex parte basis where such order can be entered consistent with the following requirements. In determining whether visitation can be safely ordered, the court shall consider the following factors:

(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation **or by ordering supervised visitation at a center that uses a metal detection device and has trained security personnel on-site.**

(C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.

2 Protection of Persons from Domestic Violence; Relief; Visitation. Amend RSA 173-B:5, I(b)(6) to read as follows:

(6) Establishing visitation rights with regard to the parties' minor children. The court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children. This may include orders denying visitation, [or] requiring supervised visitation **that shall take place only at a visitation center that uses a metal detection device and has trained security personnel on-site, or requiring supervised visitation**, where such order can be entered consistent with the following requirements. In determining whether visitation shall be granted, the court shall consider whether visitation can be exercised by the non-custodial parent without risk to the plaintiff's or children's safety. In making such determination, the court shall consider, in addition to any other relevant factors, the following:

(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.

(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation **or by ordering supervised visitation at a center that uses a metal detection device and has trained security personnel on-site.**

(C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.

3 New Paragraph; Parental Rights and Responsibilities; Supervised Visitation. Amend RSA 461-A:4 by inserting after paragraph IV the following new paragraph:

V. If the court orders supervised visitation, it may order that such visitation shall take place only at a visitation center that uses a metal detection device and has trained security personnel on-site.

4 New Section; Protection of Persons from Domestic Violence; Commission to Study Supervised Visitation Centers. Amend RSA 173-B by inserting after section 25 the following new section:

173-B:26 Commission to Study Supervised Visitation Centers. There is established a commission to study supervised visitation centers.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the criminal justice and public safety committee, one of whom shall be a member of the children and family law committee, and one of whom shall be a member of the executive departments and administration committee.

(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) A representative from the department of justice, appointed by the attorney general.

(e) A representative from the circuit court, appointed by the circuit court administrative judge.

(f) A representative from the New Hampshire Association of Chiefs of Police, appointed by the president.

(g) A representative from the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the executive director;

(h) A representative from the New Hampshire Court Appointed Special Advocates, appointed by the executive director.

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

III. The commission shall study:

(a) The availability of supervised visitation centers throughout the state, the range of services offered, and extent to which there is an unmet need for services in the state.

(b) The criteria used by the courts and the division of children, youth and families (DCYF) to determine whether supervised visitation should be required in any particular case and, if required, when supervised visitation is no longer necessary.

(c) The policies and procedures currently in place at visitation centers to ensure the safety of staff and clients, to include those addressing intake and screening, security, and training and qualification of staff, and whether those policies and procedures are consistent with best practices in the field.

(d) Whether supervised visitation centers should be licensed.

IV. The commission shall solicit information from current providers of visitation services, including county-based programs, private centers, and non-profit programs, and may solicit advice and input from any individual, agency, or organization with information or expertise relevant to the commission's duties.

V. Commission members shall be appointed within 30 days after the effective date of this section.

VI. 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 15 days after all members have been appointed. A majority of the members of the commission shall constitute a quorum.

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

5 Repeal. RSA 173-B:26, relative to the commission to study supervised visitation centers, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect November 1, 2014.

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

2014-0718h

AMENDED ANALYSIS

This bill permits that the court to limit visitation to supervised visitation centers that use metal detection devices and have trained security personnel on-site. The bill also establishes a commission to study supervised visitation centers.

Amendment to HB 1238

(2014-0735h)

Proposed by the Committee on Education- c

Amend the bill by replacing section 1 with the following:

1 Statewide Educational Improvement and Assessment Program; Accessibility of Assessment Materials. Amend RSA 193-C:10 to read as follows:

193-C:10 Accessibility of Assessment Materials. After the assessment results are released by the department, a pupil's parent or legal guardian shall have the right to inspect and review ~~[the pupil's assessment booklet, answer or response sheets, surveys, instructions or directions to the pupil, and any other supplemental materials utilized to administer the assessment]~~ ***the pupil's assessment, including the questions asked, the pupil's answers, instructions or directions to the pupil, and other supplementary materials related or used to administer the pupil's assessment.*** A parent or legal guardian shall direct a request for inspection or review to the pupil's school, and the school shall comply with such request within 45 days of its receipt. ***The department of education shall make available released assessment items on the department's website as soon as possible after the statewide assessment results are released.*** The commissioner shall adopt rules, pursuant to RSA 541-A, to implement procedures for the review and inspection of assessment materials. These rules shall provide parents and legal guardians with no fewer rights accorded to them under the Family Educational and Privacy Rights Act, 20 U.S.C. 1232g.

2014-0735h

AMENDED ANALYSIS

This bill requires the department of education to make available portions of a pupil's assessment on the department's website as soon as possible after the statewide assessment results are released.

Amendment to HB 1241

(2014-0657h)

Proposed by the Committee on Executive Departments and Administration-c

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

1 Distribution of Pamphlet Required. Amend RSA 160-C:12 to read as follows:

160-C:12 Distribution of Pamphlet Required. Any person engaged in selling permissible fireworks shall ~~[make available]~~ ***provide*** to the purchaser a pamphlet, approved by the commissioner, detailing the appropriate and safe use of the permissible fireworks being sold.

2 Permissible Fireworks Advisory Committee. Amend RSA 160-C:13 to read as follows:

160-C:13 Permissible Fireworks Advisory Committee.

I. There is hereby established a permissible fireworks advisory committee. The composition of this committee shall be as follows:

(a) One senator, appointed by the senate president;

(b) One representative, appointed by the speaker of the house of representatives;

(c) The state fire marshal, or designee;

(d) The director of the division of state police, or designee; [and]

(e) *One member of the New Hampshire Association of Fire Chiefs, appointed by the governor from a list of up to 3 candidates nominated by that organization;*

(f) [3] *Two* public members, [~~2 of whom shall be~~] engaged in the retail sale of consumer fireworks in New Hampshire [~~and one of whom shall be a regular purchaser of consumer fireworks~~], appointed by the governor, *one of whom shall be appointed from a list of up to 3 candidates nominated by the New Hampshire Fireworks Association; and*

(g) *One public member appointed by the governor, who does not, and never has had any connection to the consumer fireworks business, and is not the spouse of a person with any connection to the consumer fireworks business.*

II. No vote of the committee shall take place unless [3] **5** members of the committee are present. The term of office of each member appointed by the governor shall be 2 years and until a successor is appointed and qualified. The other members of the committee shall serve terms coterminous with their terms in office. Vacancies shall be filled in the same manner for the unexpired terms. Members shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate. The committee shall elect a chairperson annually.

[H:] III. The committee shall meet at least [~~once~~] **twice** per calendar year, prior to October 1, and within 30 days of any emergency removal from retail sale of permissible fireworks pursuant to RSA 160-C:16. The purpose of the meeting following the emergency removal of permissible fireworks shall be to review the basis for the commissioner's decision and to make a recommendation to the commissioner as to whether the items are properly classified pursuant to 27 C.F.R. section 555.11.

[H:] IV. The committee shall review the rules and standards of the Consumer Product Safety Commission regarding consumer fireworks so as to provide information and advice to the commissioner on the application and enforcement of the state's fireworks laws.

[IV:] V. On or before [~~December 1, 2011, and each~~] December 1 [~~thereafter~~] **annually** the committee shall make a report of the committee's activities and any recommendations for legislation to the commissioner, the speaker of the house of representatives, **and** the senate president[, the house clerk, the senate clerk, and the state library].

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

2014-0657h

AMENDED ANALYSIS

This bill requires a person who sells permissible fireworks to provide a safety pamphlet to the purchaser. The bill also revises membership of the permissible fireworks advisory committee.

Amendment to HB 1260-FN-LOCAL

(2014-0708h)

Proposed by the Committee on Children & Family Law-c

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:
3 Petition. Amend RSA 169-D:5, I-a to read as follows:

I-a. The petition shall be in writing and verified under oath. The following notice shall be printed on the front of the petition in bold in no smaller than 14 point font size: "See back for important information and financial obligations." The back of the petition shall include a notice of liability for parents and other individuals chargeable by law for the child's support and necessities, **which shall state: "In accordance with RSA 169-D:29, parents and others chargeable by law for the child's support and necessities are required to reimburse the state for the cost of voluntary or court ordered services. The amount that you will be required to reimburse the state will be based on your ability to pay. You have a right, upon written request, to receive a statement from the department of the cost of services incurred in the case to date. Upon our receipt of notice of a proposed service or placement, you must contact your insurance carrier within 48 hours to see if coverage is available to pay for the proposed service or placement and notify the department of the results. If insurance coverage is available, you must cooperate with your insurance carrier and comply with their requirements for direct payment to the provider."**

Amendment to HB 1276

(2014-0829h)

Proposed by the Committee on Commerce and Consumer Affairs-c

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

1 Advertising Restrictions. Amend RSA 179:31, VII to read as follows:

VII. Advertising of liquor or beverages shall not contain:

(a) Any reference to minors, pictorial or otherwise, **that could be interpreted to suggest that the contents are safe for consumption by minors.**

(b) Any subject matter or illustrations inducing persons under the legal drinking age to drink. All coupon offers requiring consumer participation shall contain reference that the coupon offer is available only to persons of legal drinking age.

(c) Any statement that is false or misleading.

VII-a. All coupon offers requiring consumer participation shall contain reference that the coupon offer is available only to persons of legal drinking age.

2 Effective Date. This act shall take effect 30 days after its passage.

2014-0829h

AMENDED ANALYSIS

This bill modifies restrictions on alcoholic beverage advertising.

Amendment to HB 1281-FN

(2014-0832h)

Proposed by the Committee on Commerce and Consumer Affairs-c

Amend the bill by replacing section 2 with the following:

2 New Section; Insurance; Group; Copayments for Certain Specialists. Amend RSA 415 by inserting after section 18-w the following new section:

415:18-x Copayments, Coinsurance, or Office Visit Deductibles for Certain Specialists. Each insurer that issues or renews any policy of group or blanket accident or health insurance that constitutes health coverage for the services of chiropractors licensed under RSA 316-A, or physical therapists licensed under RSA 328-A, shall offer an optional plan which shall not charge a copayment, coinsurance, or office visit deductible that is greater than the copayment, coinsurance, or office visit deductible amount charged to the insured for the services of a primary care physician or osteopath licensed under RSA 329.

Amend the bill by replacing all after section 4 with the following:

5 Applicability; Effective Date. The provisions of sections 1 and 2 of this act shall take effect and apply January 1, 2015 to health insurance plans effective on or after January 1, 2015 and sold exclusively off the federally-facilitated exchange. For health insurance plans sold through the federally-facilitated exchange and those same plans sold off the federally-facilitated exchange, the provisions of sections 1 and 2 shall take effect and apply January 1, 2016.

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 5 of this act.

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

2014-0832h

AMENDED ANALYSIS

This bill declares that under individual policies copayments, coinsurance, or office deductibles for chiropractors and physical therapists shall not be greater than such amounts charged for the services of primary care physicians or osteopaths licensed under RSA 329. Insurers offering group policies shall offer an optional plan which requires that copayments, coinsurance, or office deductibles for chiropractors and physical therapists shall not be greater than such amounts charged for the services of primary care physicians or osteopaths licensed under RSA 329.

Amendment to HB 1282-FN

(2014-0698h)

Proposed by the Committee on Commerce and Consumer Affairs-r

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

AN ACT relative to prepaid contracts for home heating fuel.

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

1 Definition of Heating Fuel and Heating Fuel Season. Amend RSA 339:78, II to read as follows:

II. **"Heating fuel" means heating oil, kerosene, or liquefied petroleum gas.**

III. "Heating [oil] **fuel** season" means a period of 12 months beginning no earlier than May 1.

2 Requirements for Guaranteed Price Plans and Prepaid Contracts for Home Heating Fuel. Amend RSA 339:79, III to read as follows:

III. A contract that requires prepayment by the consumer or caps the price of heating [oil] **fuel** shall comply with paragraphs I and II of this section. Such contract also:

(a) Shall not ~~require~~ **allow residential** consumers to commit for a term of more than one heating [oil] **fuel** season. Such contracts shall ~~be offered no earlier than January 1~~ **not be advertised, solicited, or signed earlier than May 1 or later than October 31** of the year in which the heating [oil] **fuel** season begins.

(b) Shall require dealers to reimburse consumers at the contract price for any undelivered pre-purchased [oil] **fuel**, within 30 days after the contract ends, unless the dealer and consumer agree to different terms.

(c) Shall include a clear explanation of the means by which the dealer will meet the obligations of the contract for the entire contract period, including supplier agreements, futures contracts, bonding, [or] a line of credit **or liquid product inventory**.

(d) Shall not falsely claim coverage. Any dealer who falsely claims coverage or fails to maintain coverage until the completion of the contract shall be guilty of a class A misdemeanor, in addition to other penalties as provided in paragraph VI.

3 Guaranteed Price Plans and Prepaid Contracts; Inventory Requirement. Amend RSA 339:79, IV(b) and (c) to read as follows:

(b) A surety bond, made payable to the attorney general, in an amount not less than 50 percent of the total amount of funds paid to the dealer by consumers pursuant to prepaid heating oil, kerosene, or liquefied petroleum gas contracts; [or]

(c) A letter of credit, made payable to the attorney general, from an FDIC-insured institution in an amount that represents 100 percent of the cost to the dealer of the maximum number of gallons that the dealer is committed to deliver pursuant to all prepaid contracts entered into by the dealer. The cost shall be calculated at the time the contracts are entered into[-]; **or**

(d) A liquid product inventory of home heating oil, kerosene, or liquefied petroleum gas in an amount equal to 75 percent of the outstanding volume in gallons that the dealer is obligated to deliver under the terms of prepaid contracts in force.

4 New Paragraphs; Registration and Reporting Requirement; Dedicated Fund. Amend RSA 339:79 by inserting after paragraph V the following new paragraphs:

V-a. A home heating oil, kerosene, or liquefied petroleum gas dealer who offers prepaid contracts under this section shall register the dealer's intent to offer such contracts with the secretary of state by May 1 of each year. Registration shall be on a form provided by the secretary of state, shall be accompanied by a fee of \$100, and shall indicate which securitization method or combination of methods listed in paragraph IV are used to secure the contracts. Fees received under this paragraph shall be deposited in the petroleum sales contract fund, a nonlapsing fund established in the office of the treasurer and continually appropriated to the secretary of state. The fund shall be kept distinct and separate from all other funds and shall be used by the secretary of state to administer this section.

V-b. A home heating oil, kerosene, or liquefied petroleum gas dealer who offers prepaid contracts under this section shall file an annual report with the secretary of state by December 1 of each year demonstrating how the dealer has satisfied the requirements of this section, including how the prepaid contracts are secured. The report shall be made on a form provided by the secretary of state. The form shall conspicuously bear the warning that making a false statement on the form shall constitute an unfair or deceptive act or practice in violation of RSA 358-A. The report shall be signed by the dealer. If the dealer is a corporation, the report shall be signed by either the president or an officer of the corporation and shall include a list of all of the members of the board of directors of the corporation. The secretary of state may not charge a fee for the form or for filing the report.

5 New Subparagraph; Application of Receipts; Petroleum Sales Contract Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (316) the following new subparagraph:

(317) Moneys deposited in the petroleum sales contract fund established in RSA 339:79, V-a.

6 New Paragraph; Acts Prohibited Under the Consumer Protection Act; Failure to Provide Timely Delivery of Home Heating Fuel. Amend RSA 358-A:2 by inserting after paragraph XIV the following new paragraph:

XV. Failing to deliver home heating fuel in accordance with a prepaid contract.

7 Committee to Study Propane Service Contracts Established. There is established a committee to study propane service contracts.

I. The committee shall be comprised of 3 members of the house of representatives, appointed by the speaker of the house of representatives.

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

III. The committee shall:

(a) Study the statutory requirements for propane contracts in other states and consider whether these laws have had a negative effect on consumers by, for example, raising the cost of propane.

(b) Identify the specific areas, if any, in which consumers are financially or otherwise harmed by current contract requirements. Areas to consider shall include:

(1) Payment and delivery practices.

(2) Charges for services outside of regularly scheduled deliveries.

(3) Minimum orders or deliveries.

(4) Tank ownership or transfer practices and agreements.

(5) Termination of services by the consumer or the propane provider.

(c) Recommend appropriate consumer protection measures intended to remedy harmful practices.

(d) Propose minimum requirements for propane service contracts in New Hampshire.

IV. 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 member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two members of the committee shall constitute a quorum.

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

8 Effective Date.

I. Sections 1-6 of this act shall take effect January 1, 2015.

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

2014-0698h

AMENDED ANALYSIS

This bill:

I. Establishes minimum inventory, registration, reporting requirements for home heating oil, kerosene, or liquefied petroleum gas dealers who offer prepaid contracts.

II. Makes the failure to deliver home heating fuel in accordance with a prepaid contract a violation of the consumer protection act.

III. Establishes a committee to study propane service contracts.

Amendment to HB 1295

(2014-0629h)

Proposed by the Committee on Environment and Agriculture - c

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

1 Livestock; Definition. Amend RSA 427:38, III to read as follows:

III. "Livestock" shall ~~mean all~~ **include but not be limited to beef and dairy cattle, steer, oxen, goats, sheep, swine, horses, mules, or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk (Cervus [elephas] canadensis), fallow deer (Dama dama), red deer (Cervus elephas), and reindeer (Rangifer [tarandus] tarandus).**

2 Livestock; Definition. RSA 21:34-a, II(a)(4) is repealed and reenacted to read as follows:

(4) The raising and sale of livestock which shall include but not be limited to all beef and dairy cattle, steer, oxen, goats, sheep, swine, horses, mules or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk (Cervus canadensis), fallow deer (Dama dama), red deer (Cervus elephas), and reindeer (Rangifer tarandus).

3 Livestock; Definition. RSA 427:2, XVIII is repealed and reenacted to read as follows:

XVIII. "Livestock" shall include but not be limited to all beef and dairy cattle, steer, oxen, goats, sheep, swine, horses, mules, or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, rabbits, yaks, elk (Cervus canadensis), fallow deer (Dama dama), red deer (Cervus elephas), reindeer (Rangifer tarandus), and poultry.

4 Livestock; Definition. Amend RSA 427:33, II to read as follows:

II. The term "livestock" shall include but not be limited to cattle, steer, oxen, horses, swine, sheep, goats, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, yaks, elk (Cervus [elephas] canadensis), fallow deer (Dama dama), red deer (Cervus elephas), reindeer (Rangifer [tarandus] tarandus), poultry, rabbits, and other species of animals susceptible of use in the production of meat and meat products;

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

Amendment to HB 1300

(2014-0689h)

Proposed by the Committee on Environment and Agriculture - c

Amend RSA 433:9-a as inserted by section 1 of the bill by replacing it with the following:

433:9-a Licensing Requirements. No person shall label agricultural, vegetable, flower, and tree and shrub seeds for planting purposes for distribution or sale in this state without first having obtained a seed labeling license. The license application shall be submitted on forms furnished by the commissioner and shall be accompanied by the license fee as prescribed by the commissioner. ***Sellers of less than 25 pounds of fruit, flower, or vegetable seeds per year shall be exempt from the licensure requirements of this section.***

Amend RSA 433:6, III as inserted by section 2 of the bill by replacing it with the following:

III. The provisions of RSA 433:3 and 4 shall not apply to tree seed produced by the consumer ***or sellers of less than 25 pounds of fruit, flower, or vegetable seeds per year.***

Amendment to HB 1307

(2014-0364h)

Proposed by the Minority of Executive Departments and Administration-r

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

AN ACT relative to the state and political subdivisions acquiring military-equipped vehicles or equipment which are not readily available in an open national commercial market.

Amend RSA 111:8, II as inserted by section 1 of the bill by replacing it with the following:

II. Except as provided in paragraph I, no state agency or political subdivision of this state shall acquire, purchase, or otherwise accept for use any military-equipped vehicle or military grade hardware, including but not limited to armored personnel carriers, title II weapons, unmanned aerial vehicles, or unmanned ground vehicles, unless such military grade vehicle or hardware is readily available in an open national commercial market or has been approved prior to receipt by a political subdivision, by a majority vote of the legislative body at a regular or special meeting. The adjutant general shall be promptly notified of all purchases of equipment described in this section. Any military-equipped vehicle or military grade hardware acquired in violation hereof shall be forfeited.

2014-0364h

AMENDED ANALYSIS

This bill prohibits state agencies and political subdivisions of the state except for the state guard from acquiring military-equipped vehicles or equipment which are not readily available in an open national commercial market, unless the purchase has been approved prior to receipt by a majority vote of the legislative body at a regular or special meeting.

Floor Amendment to HB 1323 (2014-0764h)

Proposed by Rep. Winters

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

1 Filing. Amend RSA 655:14 to read as follows:

655:14 Filing: General Provisions. The name of any person shall not be printed upon the ballot of any party for a primary unless he or she is a registered member of that party, he or she shall have met the age and domicile qualifications for the office he or she seeks at the time of the general election, he or she meets all the other qualifications at the time of filing, and he or she shall file with the appropriate official between the first Wednesday in June and the Friday of the following week a declaration of candidacy as provided in RSA 655:17. ***If the person is a candidate for the office of state representative and is not registered as a member of the party because he or she is not yet 18 years of age, that person shall swear an affidavit that he or she intends to register as a member of that party on or before the day of the general or special election.***

2 Declarations of Candidacy and Intent. Amend RSA 665:17 and RSA 655:17-a to read as follows:

655:17 Declaration of Candidacy. Declarations of candidacy shall be in the following form and signed by the candidate:

I, _____, declare that I am domiciled in Ward _____, in the city (or town or unincorporated place) of _____, county of _____, state of New Hampshire, and am a registered voter herein ***or that I am a candidate for the office of state representative and not yet 18 years of age, but will register to vote on or before the day of the general or special election;*** that I am a registered member of the _____ party ***or that I am a candidate for the office of state representative and not yet 18 years of age, but will register as a member of the ----- party;*** that I am a candidate for nomination for the office of _____ (or for delegate to the state convention) to be made at the primary election to be held on the _____ day of _____; and I hereby request that my name be printed on the official primary ballot of the party in which I am registered as a candidate for such nomination or election. I declare that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee which makes me ineligible to file as a candidate for this office. I further declare that, if nominated as a candidate for said office or if elected as such delegate, I will not withdraw; and that, if elected, I will be qualified for and will assume the duties of said office.

655:17-a Declaration of Intent; Other Candidates. Declarations of intent for nonparty or other candidates shall be in the following form and signed by the candidate:

I, _____, declare that I am domiciled in Ward _____, in the city (or town or unincorporated place) of _____, county of _____, state of New Hampshire, and am a registered voter herein ***or that I am a candidate for the office of state representative and not yet 18 years of age, but will register to vote on or before the day of the general or special election;*** that I intend to be a candidate for the office of _____ to be chosen at the general election to be held on the _____ day of _____; and I intend to file nomination papers by the deadline established under RSA 655:43. I further declare that, if qualified as a candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified for and shall assume the duties of said office.

3 Affidavit of Qualifications. Amend RSA 655:28 to read as follows:

655:28 Affidavit of Qualifications. A candidate for nomination for the office of governor, councilor, state senator, or state representative shall swear an affidavit covering [his] *the candidate's* qualifications as to age, that the candidate is a registered voter *or, if the person is a candidate for the office of state representative and is not yet 18 years of age, that the candidate will register to vote on or before the day of the general or special election*, that his *or her* domicile is in the district [he] *the candidate* desires to represent, that he *or she* is not a candidate for incompatible offices as defined in RSA 655:10, and that he *or she* is not a federal employee which [he] *the candidate* understands would make him *or her* ineligible to file [his] *the* candidacy. The secretary of state shall not print upon the primary ballot of any party the name of any person unless there is filed with [him] *the secretary of state* such an affidavit at the time his candidacy is filed.

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

**Amendment to HB 1327
(2014-0696h)**

Proposed by the Committee on Executive Departments and Administration-c

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

AN ACT relative to the duties of the information technology council.

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

1 New Subparagraph; Information Technology Council. Amend RSA 21-R:6, I by inserting after subparagraph (g) the following new subparagraph:

(h) The security of data shared with the federal government, methods to improve state data security practices, and suggested legislation, policies, and procedures to limit data sharing when its confidentiality cannot be assured.

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

2014-0696h

AMENDED ANALYSIS

This bill directs the information technology council to advise the department of information technology on ways in which state data sharing practices may be improved.

**Amendment to HB 1333
(2014-0799h)**

Proposed by 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 feasibility of prorating the elderly property tax exemption in certain cases.

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

1 Statement of Purpose. The general court finds that:

I. It is in the interest of New Hampshire taxpayers to ensure that recipients of the elderly property tax exemption do not have household income that exceeds the qualifying amount adopted by a city or town.

II. It is in the interest of the state of New Hampshire, its local subdivisions, and its senior population to enable elderly individuals to maintain their independence from state and local support.

2 Study Committee Established.

I. There is established a committee to study the feasibility of prorating the elderly exemption in certain cases. The members of the study 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 study committee shall receive mileage at the legislative rate when attending to the duties of the study committee.

III. The study committee shall:

(a) Study the feasibility of prorating the elderly property tax exemption if the owner shares occupancy in the residence with a person or persons who are not the person's spouse and who are over 18 years of age, and the combined personal income of such occupants exceeds the qualifying amount for the elderly exemption adopted by a city or town.

(b) Determine the benefits derived by the state of New Hampshire, its local subdivisions, and its senior population when elderly individuals are able to maintain their independence from state and local support.

(c) Make recommendations for a solution that mutually benefits the interests in both subparagraphs (a) and (b).

IV. Pursuant to its duties and goals as described in paragraph III, the study committee shall solicit input from, and participation of, all interested parties that the study committee deems beneficial to its research.

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

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

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

2014-0799h

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of prorating the elderly property tax exemption in certain cases.

Amendment to HB 1336

(2014-0372h)

Proposed by the Majority of the Committee on Judiciary-r

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Landlord's Agent Required. Amend RSA 540:1-b by inserting after paragraph IV the following new paragraph:

V. A municipality may, pursuant to its bylaws or ordinances, establish and collect a \$500 fine for the failure of an owner of restricted property to comply with the requirements of this section.

2014-0372h

AMENDED ANALYSIS

This bill enables municipalities to fine landlords who do not provide the city or town clerk with contact information for an agent authorized to accept service on behalf of the owner of the property.

Amendment to HB 1353

(2014-0748h)

Proposed by the Committee on Commerce and Consumer Affairs-c

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

1 Uninsured Motor Vehicle. Amend RSA 259:117 to read as follows:

259:117 Uninsured Motor Vehicle. "Uninsured motor vehicle," for the purposes of RSA 264:15, shall mean, subject to the terms and conditions of the coverage required therein, an insured motor vehicle for which the liability insurer is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. The term shall also include an insured motor vehicle if and to the extent that, at the time of the subject accident, ~~[the limits of liability insurance carried as to such motor vehicle are lower than the minimum limits applicable to motor vehicle liability insurance policies issued pursuant to the laws of New Hampshire]~~ **(1) the applicable liability insurance limits are less than the limits of the uninsured motorist coverage applicable to the insured; or (2) the available liability insurance has been reduced by payments to others injured in the subject accident to an amount less than the limits of the uninsured motorist coverage applicable to the insured.**

2 Uninsured Motorist Coverage. Amend RSA 264:15, I to read as follows:

I. No policy shall be issued under the provisions of RSA 264:14, with respect to a vehicle registered or principally garaged in this state, unless coverage is provided therein or supplemental thereto at least in amounts or limits prescribed for bodily injury or death for a liability policy under this chapter, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or drivers of uninsured motor vehicles, and hit-and-run vehicles because of bodily injury, sickness, or disease, including death resulting therefrom. **No policy shall limit or reduce the uninsured motorist coverage available to the insured to less than the one person minimum coverage required by RSA 259:61 unless the uninsured motorist coverage available to all insureds exceeds the one accident minimum coverage required by RSA 259:61, in which case the one accident limit shall apply.** When an insured elects to purchase liability insurance in an amount greater than the minimum coverage required by RSA 259:61, the insured's uninsured motorist coverage shall automatically be equal to the liability coverage elected. For the purposes of this paragraph umbrella or excess policies that provide excess limits to policies described in RSA 259:61 shall also provide uninsured motorist coverage equal to the limits of liability purchased, unless the named insured rejects such coverage in writing. Rejection of such coverage by a named insured shall constitute a rejection of coverage by all insureds, shall apply to all vehicles then or thereafter eligible to be covered under the policy, and shall remain effective upon policy amendment or renewal, unless the named insured requests such coverage in writing.

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

2014-0748h

AMENDED ANALYSIS

This bill modifies when coverage is available under uninsured motor vehicle coverage provisions.

**Amendment to HB 1376
(2014-0645h)**

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

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

AN ACT establishing a committee to study pipeline safety and development in the state of New Hampshire.

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

1 Committee Established. There is established a committee to study pipeline safety and development in the state of New Hampshire.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall, in consultation with the department of environmental services, the public utility commission, and the office of energy and planning:

I. Review existing Pipeline and Hazardous Materials Safety Administration reports on New Hampshire pipeline safety.

II. Study the safety of the existing pipeline system for oil and gas.

III. Study the safety, environmental, and economic impact of any expansion or repurposing of pipelines.

IV. Develop an emergency plan to deal with spills and leaks.

V. Study the safety of moving gas and oil (including but not limited to diluted bitumen) over land transport, meaning rail or road.

VI. Clarify financial obligations for cleanup.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, the state library, the websites of the department of environmental services, the public utility commission, and the office of energy and planning, and newspapers of general circulation in the state on or before May 1, 2015.

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

2014-0645h

AMENDED ANALYSIS

This bill establishes a committee to study pipeline safety and development in the state of New Hampshire.

**Amendment to HB 1381-FN
(2014-0317h)**

Proposed by the Committee on Commerce and Consumer Affairs-c

Amend RSA 178:1, VII as inserted by section 1 of the bill by replacing it with the following:

VII. No educational, political, charitable, or other nonprofit organization shall be required to obtain a license from the commission to offer wine and/or liquor for auction in order to fundraise for such organization so long as the total retail value of the wine and/or liquor offered for auction is \$500 or less.

2014-0317h

AMENDED ANALYSIS

This bill exempts charities from requiring any license to auction wine and liquor if the value of the wine and liquor is \$500 or under.

**Floor Amendment to HB 1403-FN
(2014-0730h)**

Proposed by Rep. Murotake

Amend the bill by replacing section 2 with the following:

2 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than **\$9.00** or that set forth in the federal minimum wage law, as amended. Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$30 a month in tips directly from the customers will receive a base rate from the employer of not less than 45 percent of the applicable minimum wage. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

2014-0730h

AMENDED ANALYSIS

This bill establishes a state minimum hourly wage.

Amendment to HB 1411-FN-A

(2014-0324h)

Proposed by the Majority of the Committee on Finance -r

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

AN ACT relative to restoring moneys to the department of health and human services and depositing the balance of the surplus into the revenue stabilization reserve account.

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

2 Transfer of Surplus to Revenue Stabilization Reserve Account. The state treasurer shall transfer to the revenue stabilization reserve account, established in RSA 9:13-e, an amount equal to any surplus greater than \$64,000,000 for the fiscal year ending June 30, 2013 as determined by the official audit performed pursuant to RSA 21-I:8, II(a).

Amendment to HB 1449

(2014-0779h)

Proposed by the Majority of the Committee on Education-r

Amend the bill by replacing section 1 with the following:

1 Chartered Public Schools; Application. Amend RSA 194-B:3, II(a) to read as follows:

(a) Educational mission *statement, which provides the foundation for all other elements in the application and which shall include details of the specific purpose and goals of the school. The educational mission statement shall count for not less than 50 percent in the criteria for evaluating a chartered public school application. The mission statement shall make a clear and documented case that the proposed school will serve a student population in a geographic area where chartered public schools are not present or reasonably accessible, or will meet a need not currently being met in the school district in which it will be located by broadening learning opportunities for an underserved student population, offering an alternative curriculum, employing an alternative and innovative methodology, or some combination of the same. The application shall demonstrate that the school's academic program will vary from those of the other schools in the district serving the same grade levels as follows:*

(1) If innovation is cited in the educational mission statement as a justification for applying for a charter, there shall be a clear and specific description of the innovations to be used and evidence that such innovations do not duplicate those already in use in the other public schools in the district.

(2) If specialization in a certain disciplinary area, such as science, technology, engineering, and mathematics subjects, or the arts, is cited in the educational mission statement as a justification for applying for a charter, there shall be a clear and specific description of the academic program for each area of specialization and evidence that the program will differ from those in the other public schools in the district.

Amendment to HB 1456

(2014-0776h)

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

Amend RSA 161-H:1, III as inserted by section 1 of the bill by replacing it with the following:

III. The legislature, therefore, hereby establishes a procedure for the review, approval, monitoring, and enforcement of compliance in the planning, siting, construction, and operation of energy facilities, **and hereby stipulates that the site evaluation committee may only approve sites for energy facilities that will not unduly interfere with the orderly development of the region. Due consideration shall be given to the views of municipal and regional planning commissions and municipal governing bodies, as well as adverse impacts to visual aesthetics, public health and safety, the environment and natural resources.**

**Amendment to HB 1565-FN
(2014-0241h)**

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

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

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

Fraudulent Filings

478:42 Fraudulent Filings.

I. A person may not intentionally or knowingly present for filing or cause to be presented for filing in the registry, any type of document that is an alleged judgment or other document purporting to memorialize or evidence an act, order, directive, or process of creating a lien without having been authorized under state law, the Constitution, or the laws of the United States. For purposes of this section, a document or instrument purporting to create a lien on real or personal property is presumed to be fraudulent if:

(a) The document or instrument alleges to create a lien or assert a claim against real or personal property or an interest in real or personal property and is not certified or ordered by a court or a judicial entity expressly created or established under the Constitution or the laws of this state or of the United States; or

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

(c) Is not created by implied or express consent or agreement of the obligor, debtor, or owner of the real or personal property or an interest in the real or personal property; or

(d) Is not an equitable, constructive, or other lien imposed by a court with jurisdiction created or established under the Constitution or laws of this state or the United States.

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

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

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

III. Any person who shall knowingly or intentionally file a document or instrument with the express intent to fraudulently create a lien on real or personal property shall be guilty of a class B felony.

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

2014-0241h

AMENDED ANALYSIS

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

**Amendment to HB 1567-FN
(2014-0747h)**

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

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

1 New Chapter; Electronic Device Location Information. Amend RSA by inserting after chapter 644 the following new chapter:

CHAPTER 644-A

ELECTRONIC DEVICE LOCATION INFORMATION

644-A:1 Definitions. In this chapter:

I. "Electronic communication service" means a service that provides users the ability to send or receive wire or electronic communications.

II. "Electronic device" means a device that enables access to or use of an electronic communication service, remote computing service, or location information service, including without limitation a cellular telephone.

III. "Government entity" means a federal, state, or local agency, including but not limited to a law enforcement agency or any other investigative entity, department, division, bureau, board, or commission, or an individual acting or purporting to act for or on behalf of a federal, state, or local agency. "Government entity" shall not apply to a federal government agency to the extent that federal statute preempts such application.

IV. "Location information" means information concerning the location of an electronic device, including both the current location and any prior location of the device that, in whole or in part, is generated, derived from, or obtained by the operation of an electronic device.

V. "Location information service" means a global positioning service or other mapping or directional information service.

VI. "Owner" means the individual or person having the legal title, claim, or right to an electronic device.

VII. "Person" means a corporation, trust, estate, partnership, limited liability company, association, firm, or any other legal entity.

VIII. "Remote computing service" means computer storage or processing services provided by means of an electronic communication service.

IX. "User" means an individual, person, or government entity that uses an electronic device.

644-A:2 Warrant Required for Acquisition of Location Information.

I. Except as provided in this chapter, a government entity shall not obtain location information from an electronic device without a warrant issued by a judge based on probable cause and on a case-by-case basis.

II. No government entity shall place, locate, or install an electronic device on the person or property of another, or obtain location information from such an electronic device, without a warrant issued by a judge based on probable cause and on a case-by-case basis.

644-A:3 Exceptions to Warrant Requirement. A government entity may obtain the location information without a warrant:

I. To respond to a call for emergency services;

II. With the informed consent of the owner or user of the electronic device concerned, except when the device is known or believed by the owner or user to be in the possession of a third party known to the owner or user;

III. With the informed consent of the parent or foster parent of a minor who is the owner or user, or the legal guardian or next of kin of the owner or user, if the owner or user is believed to be deceased or reported missing and unable to be contacted;

IV. If the government entity reasonably believes that an emergency involving immediate danger of death or serious physical injury to a person requires the disclosure, without delay, of location information concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger, and the possessor of the location information, in good faith, believes that an emergency involving danger of death or serious physical injury to a person requires the disclosure without delay;

V. Pursuant to a legally-recognized exception to the warrant requirement;

VI. With the informed consent of the employee, if the government entity is the owner of the electronic device and the user is employed by the government entity or the device is attached to personal property owned by the government entity; or

VII. Pursuant to a court-ordered ignition interlock device installed in a motor vehicle.

644-A:4 Conditions of Use of Location Information. No individual or person shall, without consent, place, locate, or install an electronic device on the person or property of another and obtain location information from such electronic device. No such consent shall be required by the parent, foster parent, or legal guardian of a minor or by the legal guardian for the subject of his or her guardianship.

644-A:5 Action Against a Corporation. This chapter shall not be construed to create a cause of action against a corporation or its officers, employees, or agents for providing location information to a government entity in accordance with the provisions of this chapter.

644-A:6 Penalties.

I. A government entity that purposely violates this chapter shall be guilty of a class B misdemeanor.

II. An individual or person who is injured as a result of a violation of this chapter may file a civil action against a government entity, individual, or person that fails to comply with the provisions of this chapter.

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

Amendment to HB 1570-FN (2014-0618h)

Proposed by 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-r

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.

Floor Amendment to HB 1572-FN (2014-0836h)

Proposed by Rep. Meaney

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

AN ACT establishing a 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; 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 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 Contingency. Sections 5 and 6 of this act shall take effect on the date the chairperson of the health and human services oversight committee certifies to the director of the office of legislative services that the subcommittee on Alzheimer's disease and other related dementia, established in RSA 126-A:15-a, has completed the state plan for Alzheimer's disease and other related dementia.

5 Reference Change. Amend RSA 126-A:5, XXIII to read as follows:

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.

6 Repeal. RSA 126-A:15-a, establishing the subcommittee on Alzheimer's disease and other related dementia, is repealed.

7 Effective Date.

- I. Section 5 and 6 of this act shall take effect as provided in section 4 of this act.
- II. The remainder of this act shall take effect upon its passage.

2014-0836h

AMENDED ANALYSIS

I. Establishes a 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 1587-FN-LOCAL
(2014-0839h)**

Proposed by the Committee on Education-c

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

1 New Subdivision; School Boards; Student Information Protection and Privacy. Amend RSA 189 by inserting after section 64 the following new subdivision:

Student Information Protection and Privacy

189:65 Definitions. In this subdivision:

I. "Biometric" means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.

II. "Board" means the state board of education.

III. "Department" means the department of education.

IV. "District", "school", or "school district" means a school district, including the school administrative unit to which it may belong, and the high school educational program at the state prison or county jail in which an inmate under the age of 21 is participating.

V. "Disclosure" means permitting access to, revealing, releasing, transferring, or otherwise communicating, personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic.

VI. "Statewide longitudinal data system" (SLDS) means the department's statewide longitudinal data system containing student information collected pursuant to RSA 193-E:5 and the state longitudinal database created to house data pursuant to RSA 193-E:5.

VII. "Student personally-identifiable data" means:

(a) The student's name.

(b) The name of the student's parents or other family members.

(c) The address of the student or student's family.

(d) Indirect identifiers, including the student's date of birth, place of birth, social security number, email, social media address, or other electronic address, telephone number, credit card account number, insurance account number, and financial services account number

(e) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

VIII. "Testing entity" means a third party, within or outside of New Hampshire, contracted to administer the state assessment as defined in RSA 193-C:6.

IX. "Workforce information" means information related to unemployment insurance, wage records, unemployment benefit claims, or employment and earnings data from workforce data sources, such as state wage records, wage record interchange system (WRIS) data or the federal employment data exchange system (FEDES).

189:66 Data Inventory and Policies Publication. The department shall create, maintain, and make publicly available an annually-updated index of data elements containing definitions of individual student personally-identifiable data fields or fields identified in RSA 189:68 currently in the SLDS or any other database maintained by the department, or added or proposed to be added thereto, including:

I. Any individual student personally-identifiable data required to be reported by state or federal law.

II. Any individual student personally-identifiable data which has been proposed for inclusion in the SLDS with a statement explaining the purpose or reason for the proposed collection.

III. Any individual student personally-identifiable data that the department collects or maintains.

IV. Any data identified in RSA 189:68.

189:67 Limits on Disclosure of Information,

I. A school shall, on request, disclose student personally-identifiable data about a student to the parent, foster parent, or legal guardian of the student under the age of 18 or to the eligible student.

II. A school or the department may disclose to a testing entity the student's name or unique pupil identifier, but not both, and birth date for the sole purpose of identifying the test taker. This data shall be destroyed by the testing entity as soon as the testing entity has completed the verification of test takers, shall not be disclosed by the testing entity to any other person, organization, entity or government or any component thereof, other than the district, school or school district, and shall not be used by the testing entity for any other purpose whatsoever, including but not limited to test-data analysis.

III. Neither a school nor the department shall disclose or permit the disclosure of student personally-identifiable data, the unique pupil identifier, or any other data listed in RSA 189:68, I to any testing entity performing test-data analysis. The testing entity may perform the test analysis but shall not connect such data to other student data.

IV. Except as provided in RSA 193-E:5, or pursuant to a court order signed by a judge, the department shall not disclose student personally-identifiable data in the SLDS to any individual, person, organization, entity, government or component thereof, but may disclose such data to the school district in which the student's resides.

V. Student personally-identifiable data shall be considered confidential and privileged and shall not be disclosed, directly or indirectly, as a result of administrative or judicial proceedings.

VI. The department shall report quarterly on its website the number of times it disclosed student personally-identifiable data to any person, organization entity or government or a component thereof, other than the student, his or her parents, foster parents or legal guardian and the school district, early childhood program or post-secondary institution in which the student was enrolled at the time of disclosure; the name of the recipient or entity of the disclosure; and the legal basis for the disclosure.

189:68 Student Privacy.

I. The department shall not collect or maintain the following data in the SLDS:

- (a) Name of the student's parents or other family members.
- (b) Address of the student or student's family.
- (c) Student email or other electronic address.
- (d) Student or family telephone number.
- (e) Student or parent credit card account number, insurance account number, or financial services account number.
- (f) Juvenile delinquency records.
- (g) Criminal records.
- (h) Medical and dental insurance information.
- (i) Student birth information, other than birth date and town of birth.
- (j) Student social security number.
- (k) Student biometric information.
- (l) Student postsecondary workforce information including the employer's name, and the name of a college attended outside of New Hampshire.
- (m) Height and weight.
- (n) Body mass index (BMI).
- (o) Political affiliations or beliefs of student or parents.
- (p) Family income, excluding free and reduced lunch program eligibility as determined by Food Nutrition Services of the United States Department of Agriculture.
- (q) Mother's maiden name.
- (r) Parent's social security number.
- (s) Mental and psychological problems of the student or the student's family.
- (t) Sex behavior or attitudes.
- (u) Indication of a student pregnancy.
- (v) Religious or ethical practices, affiliations, or beliefs of the student or the student's parents.

II. No school shall require a student to use an identification device that uses radio frequency identification, or similar technology, to identify the student, transmit information regarding the student, or monitor or track the student without approval of the school board, after a public hearing, and without the written consent of a parent or legal guardian of an affected student which may be withheld without consequence.

III. No school shall install remote surveillance software on a school supplied computing device provided to a student without the approval of the school board, after a public hearing and without the written consent of a parent, foster parent, or legal guardian of the affected student which may be withheld without consequence. In this paragraph, "surveillance" means observing, capturing images, listening, or recording and shall not include locating equipment when there is reason to believe the equipment is about to be or has been stolen or damaged.

2 Information Technology Council; Members; Commissioner of Education. RSA 21-R:6, II(g) is repealed and reenacted to read as follows:

(g) The commissioner of the department of education, or designee.

3 Unique Pupil Identification. Amend RSA 193-E:5, I(o) to read as follows:

(o) At the request of an early childhood program, **school** district, or postsecondary institution, the department of education shall provide pupil-level data from the unique pupil identification system to an early childhood program, **school** district, or postsecondary institution for pupils pursuing an education in that entity. ***Except as otherwise specifically provided in statute, the department shall not provide for any purpose any student personally-identifiable [pupil-level] data to [an entity not directly involved with the pupil's education] any public or private individual or entity, including the local, state, or federal government, or department or agency thereof, regardless of whether such individual or entity is for profit or not-for-profit, and regardless of whether the public or private individual or entity is involved in any way with the pupil's education.***

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

**Amendment to HB 1601
(2014-0265h)**

Proposed by 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 1617-FN
(2014-0144h)**

Proposed by the Committee on Executive Departments and Administration- c

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

1 Vital Records Administration; Privacy. Amend RSA 5-C:4, II to read as follows:

II. In collecting information, prime consideration shall be given to the protection of the privacy of the individuals about whom information is given. In accordance with the provisions of this chapter, the secretary of state shall ensure that, when information is collected, the minimum of data shall be collected to accomplish a specific purpose, that no information shall be available to unauthorized personnel, that only the minimum be made available to authorized personnel, and that no information that could possibly adversely affect an identified individual be made public. The department of health and human services shall have access to vital records information in accordance with the provisions of RSA 126:24-c. ***The New Hampshire retirement system shall have access to a limited data set of vital records information in accordance with the provisions of RSA 100-A:14, XVI.***

2 New Paragraph; Vital Records; Disclosure of Information. Amend RSA 5-C:9 by inserting after paragraph VII the following new paragraph:

VIII. The New Hampshire retirement system shall have a direct and tangible interest in a limited data set of death, marriage and divorce information of members and beneficiaries for purposes of administering RSA 100-A, limited to name of registrant, date of birth, place of birth, social security number, date of vital event, place of vital event, marital status, and name of spouse. The secretary of state and the executive director of the New Hampshire retirement system shall enter into a memorandum of understanding for the purposes of delineating specific procedures for access to this limited data set.

3 New Paragraph; Retirement System Administration. Amend RSA 100-A:14 by inserting after paragraph XV the following new paragraph:

XVI. Access to Information From Vital Records for Retirement System Purposes. The retirement system shall have a direct and tangible interest in death, marriage, and divorce vital records information of members and beneficiaries, limited to name of registrant, date of birth, place of birth, social security number, date of vital event, place of vital event, marital status, and name of spouse. The secretary of state and the executive director of the New Hampshire retirement system shall enter into a memorandum of understanding for the purposes of delineating specific procedures for access to this limited data set.

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

2014-0144h

AMENDED ANALYSIS

This bill grants the retirement system authority to establish electronic access to a limited data set of vital records data on deaths, marriages, and divorces held by the division of vital records administration for the purposes of the administration of RSA 100-A.

This bill is a request of the New Hampshire retirement system.

Amendment to HB 1619-FN (2014-0654h)

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

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

1 New Chapter; Expectation of Privacy. Amend RSA by inserting after chapter 507-G the following new chapter:

CHAPTER 507-H EXPECTATION OF PRIVACY

507-H:1 Expectation of Privacy.

I. An individual shall have an expectation of privacy in personal information, including personal identifiers, content, and usage, given or available to third-party providers of information and services, including cellular and land-line telephone, electric, water, and other utility services; internet service providers; social media providers; email service providers; banks and financial institutions; insurance companies; and credit card companies.

II.(a) No municipal, state, or federal department, agency, employee, or contractor shall acquire, collect, retain, or use the personal information described in paragraph I, directly or indirectly, related to customers located in New Hampshire except:

(1) With a warrant signed by a judge and based on probable cause or pursuant to a judicially-recognized exception to the warrant requirement.

(2) In the case of the division of emergency services and communications, when handling emergency 911 telecommunications.

(b) Subparagraph (a) shall not apply to personal information described in paragraph I if required by a municipal, state, or federal department, agency, employee, or contractor pursuant to state or federal law, provided that such information is requested of and supplied by a third-party provider of information and services for named individuals only or, in the case of employees and/or contractors of a third-party provider of information and services, for all of its employees and/or contractors.

III. No municipal, state, or federal department, agency, employee, or contractor shall acquire, collect, or retain individually-identifiable social media data, including such data associated with Facebook and Twitter, whether password-protected or encrypted or not, except:

(a) With a warrant signed by a judge and based on probable cause, or pursuant to a judicially-recognized exception to the warrant requirement.

(b) In connection with hiring an individual to work for such departments or agencies.

(c) Investigating misconduct on the part of employees or contractors of such departments or agencies.

(d) In an emergency involving severe bodily injury or significant damage to property.

(e) If required by a municipal, state, or federal department, agency, employee, or contractor pursuant to state or federal law, provided that such social media data is for named individuals only.

507-H:2 Action Against a Corporation. This chapter shall not be construed to create a cause of action against a corporation or its officers, employees, or agents for providing information to a municipal, state, or federal department, agency, employee, or contractor in accordance with the provisions of this chapter.

507-H:3 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply.

507-H:4 Construction. This chapter shall be construed to provide the greatest possible protection of the privacy of the people of this state.

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

**Amendment to HB 1620-FN
(2014-0653h)**

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

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

1 New Chapter; Drones. Amend RSA by inserting after chapter 644 the following new chapter:

**CHAPTER 644-A
DRONES**

644-A:1 Definitions. In this chapter:

I. "Airspace" means the space above the ground in New Hampshire.

II. "Drone" means an aerial vehicle that:

- (a) Does not carry a human operator;
- (b) Uses aerodynamic forces to provide vehicle lift;
- (c) Can fly autonomously or be piloted remotely; and
- (d) Can be expendable or recoverable.

III. "Government" means federal, state, and local agencies and departments and any political subdivisions thereof, including employees, agents, and contractors.

IV. "Individual" means a living human being.

V. "Information" means any evidence, images, sounds, or data gathered by a drone.

VI. "Person" means individuals, corporations, organizations, and for-profit and not-for-profit entities, excluding the government.

VII. "Surveillance" means the willful act of monitoring, tracking, or following, while photographing, taking images of, listening to, or making a recording of:

(a) A recognizable individual or a group of individuals, including their movements, activities, or communications; or

(b) The interior of a building or structure.

644-A:2 Government Use of Drones Limited; Exceptions.

I.(a) A government may use a drone for law enforcement purposes only under the following conditions:

(1) If a government first obtains a search warrant signed by a judge and based on probable cause or the use is pursuant to a legally-recognized exception to the warrant requirement.

(2) If a government possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life or serious damage to property, or to forestall the imminent escape of a suspect, or the destruction of evidence. The use of a drone under this subparagraph shall be limited to a period of 48 hours of its initial use. Within 24 hours of the initiation of the use of a drone under this subparagraph, the government shall report in writing the use of a drone to the attorney general who shall annually post such reports on the department of justice website in a searchable format.

(3) If a government obtains the prior consent of the person who is the subject of the surveillance and the owner or lessee of the property which is the subject of the surveillance.

(b) If a government uses a drone under this paragraph, it shall within 24 hours permanently destroy all information gathered by the drone other than that relating directly to the purpose for which the drone was used or any evidence of another crime discovered inadvertently, and only such information may be retained or disclosed to another government.

(c) Evidence obtained by a government through the use of a drone in violation of this paragraph shall not be admissible in any judicial or administrative proceeding and shall not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.

II. No government shall own, use, or exercise control over a drone that is equipped with any kind of lethal or non-lethal weapon.

III. Except as provided in paragraph I, no government shall use a drone for surveillance.

IV. A government that owns, uses, or exercises control over a drone in this state that causes injury to a person or a person's property shall be strictly liable for such injury.

V. A government that owns, uses, or exercises control over one or more drones shall annually on July 1 submit a written report to the attorney general containing information on the number of such drones and the number of times each such drone was used during the prior year. The attorney general shall annually post such reports on the department of justice website in a searchable format.

644-A:3 Non-government Use of Drones Limited; Exceptions.

I. No person shall use a drone to conduct surveillance without the prior consent of each affected person and each owner or possessor of affected buildings or structures or parts thereof. It shall not be a defense to a charge of violating this chapter that the buildings or structures were not marked with a no-trespassing sign or similar notice.

II. No person shall own, use, or exercise control over a drone that is equipped with any kind of lethal or non-lethal weapon.

III. Any person that owns, uses, or exercises control over a drone in this state that causes injury to a person or such person's property shall be strictly liable for the injury.

644-A:4 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply. This section shall be construed to provide the greatest possible protection of the privacy of the people of this state.

644-A:5 Construction. This chapter shall be construed to provide the greatest possible protection of the privacy of the people of this state.

644-A:6 Penalties.

I. An individual, including a government employee, agent, and contractor, who violates RSA 644-A:2 shall be guilty of a class A misdemeanor.

II. A government that violates RSA 644-A:2 shall be subject to a civil penalty of up to \$10,000 which shall be deposited in the general fund of the state.

III. A person who violates RSA 644-A:3 shall be guilty of a class B misdemeanor.

IV. Any person who suffers injury caused by a drone operated in violation of this chapter shall be entitled to damages from the person or government that committed the violation of not less than \$1,000 and an award of reasonable attorney fees.

V. In addition to any other remedies allowed by law, a person who willfully gains unauthorized control over a drone shall be liable to the owner of the drone in an amount of not less than \$1,000 and an award of reasonable attorney fees.

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

**Amendment to HB 1625-FN
(2014-0771h)**

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

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

1 New Sections; Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-B by inserting after section 2-b the following new sections:

318-B:2-c Personal Possession of Marijuana.

I. Any person possessing one ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation.

II. Any person possessing 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation.

III.(a) Any person 18 years of age or older who is convicted of violating paragraph I or II shall be subject to a fine not to exceed \$100 and shall forfeit the marijuana or hashish.

(b) Any person under 18 years of age who is convicted of violating paragraph I or II shall forfeit the marijuana or hashish. The offender's parents or legal guardians shall be notified of the offense. The court shall order the offender to complete an approved alcohol and substance abuse education program, at the offender's expense, within one year of the date of the offense. Further, the court shall order the offender to participate in community service, which shall be completed within one year of the date of the offense. The offender shall furnish the court with evidence of completion of both an approved alcohol and substance abuse education program and community service. An offender who fails to complete both an alcohol and substance abuse education program and community service shall be subject to an additional fine of \$750.

(c) Any person who is not yet 21 years of age on the date of the incident, who is convicted of an offense under paragraph I or II may, at the discretion of the court, be subject to the revocation or denial of a driver's license or privilege to drive for not less than 90 days but not more than one year on the first finding or conviction under this paragraph, and not less than 6 months but not more than 2 years for a subsequent finding or conviction. Nothing in this paragraph shall prevent the court from requiring any person subject to its provisions to successfully completing a substance abuse education program in lieu of a loss or denial of driving license or privilege. The director, upon receipt of a notification from the court that the court has ordered the suspension of a person's license or driving privilege pursuant to this paragraph, shall forthwith issue a formal order of suspension and, in the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license. Notwithstanding any other law regarding confidentiality, any court which convicts or makes a finding that an offense described in this paragraph has occurred involving a person who meets the age limits specified in this paragraph, and which orders the revocation or denial of a driver's license or privilege to drive, shall forward a notice of such conviction or finding to the director. The director shall maintain the confidentiality of notices received.

(d) The director shall, when ordered by the court, revoke the driver's license or privilege to drive or deny an application for a license for not less than 90 days but not more than one year on the first finding or conviction under paragraph I or II, and not less than 6 months but not more than 2 years for a subsequent finding or conviction; provided, however, that the director shall not revoke or deny a license or privilege to drive under this paragraph without first giving the person an opportunity for a hearing to determine that the person is the individual who was convicted of the offense and against whom the court order applies. In the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

IV.(a) No record of a violation of this section shall be recorded in any database of criminal offenders.

(b) No record that includes personally-identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.

V.(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph I or II.

(b) Any person in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer who informs the person that he or she has been found to be in possession of what appears to the officer to be an ounce or less of marijuana or 5 grams or less of hashish, may be arrested for a violation of paragraph I or II.

(c) Any person who fails to produce a form of identification provided for in subparagraph (b) may be arrested for a violation of paragraph I or II if the person fails or refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed such person that he or she has been found in possession of what appears to the officer to be an ounce or less of marijuana or 5 grams or less of hashish.

VI.(a) Except as specifically provided in RSA 263:56-b, III and IV, neither the state nor any of its political subdivisions shall impose any form of penalty on a person for possessing one ounce or less of marijuana, 5 grams or less of hashish, or paraphernalia for marijuana use, nor shall any penalties or obligations exceeding those outlined in RSA 263:56-b, III or IV be imposed by the state nor any of its political subdivisions solely for having cannabinoids or cannabinoid metabolites in the urine, blood, sweat, hair, fingernails, toenails, or other tissue or fluid of the human body.

(b) Possession of one ounce or less of marijuana, possession of 5 grams or less of hashish, possession of paraphernalia for marijuana use, or the presence of cannabinoids or cannabinoid metabolites in the urine, blood, sweat, hair, fingernails, toenails, or other tissue or fluid of the human body shall not constitute grounds for denying a person student financial aid, public housing, or any form of public financial assistance including unemployment benefits, or denying a person the right to operate a motor vehicle, or disqualifying a person from serving as a foster parent or adoptive parent.

318-B:2-d Plea by Mail.

I. Any person 18 years of age or older who is charged with a violation of RSA 318-B:2-c, I or II may enter a plea of guilty, nolo contendere, or not guilty, by mail in a circuit court, district division.

II. Such defendant shall receive, in addition to the summons, a fine notice entitled "Notice of Fine" which shall contain the amount of the fine for a violation of RSA 318-B:2-c I or II. A defendant who is issued a summons and notice of fine and who wishes to plead guilty or nolo contendere shall enter his or her plea on the summons and return it with payment of the fine within 30 days of the date of the summons. Payment by credit card may be accepted in lieu of cash payment.

III. If the defendant wishes to enter a plea of not guilty, he or she shall enter such plea on the summons and return it within 30 days of the date of the summons. The circuit court, district division shall schedule a trial.

IV. Whenever a defendant does not enter a plea by mail within 30 days of the date of the summons, the defendant shall be defaulted and shall be subject to an additional \$100 fine.

V. Whenever a defendant fails to pay a fine in connection with a conviction for a violation of RSA 318-B:2-c, I or II, or payment of such fine is uncollectible, the defendant shall be defaulted and the fine shall increase to \$200.

2 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(b)-(d) to read as follows:

(b) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 20 years, a fine of not more than \$300,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than \$500,000, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other than crack cocaine, in a quantity of 1/2 ounce or more, including any adulterants or dilutants;

(2) A substance classified in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of one ounce or more including any adulterants or dilutants;

(3) Lysergic acid diethylamide, or its analog, in a quantity of less than 100 milligrams including any adulterants or dilutants, or where the amount is undetermined, or phencyclidine (PCP) or its analog, in a quantity of less than 10 grams, including any adulterants or dilutants, or where the amount is undetermined;

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

(5) Methamphetamine or its analog, in a quantity of one ounce or more including any adulterants or dilutants;

(6) ~~Marijuana in a quantity of 5 pounds or more including any adulterants or dilutants, or hashish in a quantity of one pound or more including any adulterants and dilutants;~~

(7) Flunitrazepam in a quantity of 500 milligrams or more.

(c) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$100,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 15 years, a fine of not more than \$200,000, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other than crack cocaine, in a quantity less than 1/2 ounce including any adulterants or dilutants;

(2) A substance or mixture classified as a narcotic drug in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of less than one ounce including any adulterants or dilutants;

(3) Methamphetamine, or its analog in a quantity of less than one ounce including any adulterants or dilutants;

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

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

(6) Flunitrazepam in a quantity of less than 500 milligrams;

(7) Any other controlled drug or its analog, other than those specifically covered in this section, classified in schedules I, II, III or IV.

(d) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$25,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 6 years, a fine of not more than \$50,000, or both:

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

(2) Any schedule V substance or its analog.

(e) Any person who possesses, propagates, cultivates, grows, harvests, or manufactures 6 or fewer marijuana plants shall be guilty of a class A misdemeanor.

3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II to read as follows:

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter, shall be sentenced as follows, except as otherwise provided in this section:

(a) In the case of a controlled drug or its analog, classified in schedules I, II, III or IV, other than those specifically covered in this section, the person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class A felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of up to \$50,000 may be imposed;

(b) In the case of a controlled drug or its analog classified in schedule V, the person shall be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$15,000, or both. If a person commits any such violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed;

(c) ~~[In the case of more than 5 grams of hashish, the person shall be guilty of a misdemeanor, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$5,000 may be imposed.]~~

~~(d)~~ In the case of **more than one ounce** of marijuana, including any adulterants or dilutants, or **more than** 5 grams or less of hashish, the person shall be guilty of a class A misdemeanor.

(d) In the case of one ounce or less of marijuana, including any adulterants or dilutants, or 5 grams or less of hashish, including adulterants or dilutants, the person shall be guilty of a violation pursuant to RSA 318-B:2-c.

4 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) **Except as provided in RSA 318-B:2-c**, controls any premises or vehicle where he knows a controlled drug or its analog is illegally kept or deposited;

5 Other Alcohol or Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. ***This section shall not apply to possession of marijuana or hashish as provided in RSA 318-B:2-c.***

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

**Amendment to HB 1633-FN-A-LOCAL
(2014-0809h)**

Proposed by the Minority of Ways and Means-r

Amend RSA 284-B:1, I as inserted by section 1 of the bill by replacing it with the following:

I. The integrity of gaming in New Hampshire, the efficient and effective regulation of all forms of gaming in New Hampshire, and public confidence in gaming in New Hampshire are vitally important to the economy of the state and the general welfare of New Hampshire citizens.

Amend RSA 284-B:1, IV as inserted by section 1 of the bill by replacing it with the following:

IV. New Hampshire has a current and continuing interest in promoting economic recovery, small business development, tax relief, and job creation and construction and operation of a gaming location in New Hampshire, regulated by the state in accordance with best practices, can assist in the promotion of those interests.

Amend RSA 284-B:2, XXXI as inserted by section 1 of the bill by replacing it with the following:

XXXI. "Impacted live entertainment venue" means a not-for-profit or municipally-owned performance venue located in New Hampshire and operating at the time this chapter becomes effective designed in whole or in part for the presentation of live concerts, comedy or theatrical performances, which the commission determines experiences, or is likely to experience, a negative impact from the development or operation of a licensee live entertainment venue at a gaming location.

Amend RSA 284-B:2, XLI through LXV as inserted by section 1 of the bill by replacing it with the following:

XLI. "Licensee live entertainment venue" means any indoor space at a gaming location designed principally for the purpose of the presentation of live concerts, comedy or theatrical performances; provided that this definition shall not include any space the principal purpose of which is the sale of food or beverage, including any restaurant or bar holding an on-premises liquor license pursuant to RSA 178.

XLII. "Management company" means a person, subject to a commission approved management contract with a gaming licensee, that is responsible for the management of all or part of the operation of a gaming floor.

XLIII. "Management contract" means a contract, subcontract, or collateral agreement between a management company and a gaming licensee providing for the management of all or part of a gaming floor.

XLIV. "Major policymaking position" means the executive director of the gaming control division, any individual who reports directly to the executive director of the gaming control division, the director of problem gambling and research, and any other individual so designated by the commission.

XLV. "Minimum theoretical payout percentage" means the total value of jackpots expected to be paid by a slot machine divided by the total value of slot machine wagers expected to be made on that slot machine during a game cycle calculated in accordance with rules adopted by the commission consistent with this chapter.

XLVI. "Money" means cash or instruments that are convertible to cash in any negotiable currency.

XLVII. "Multi-casino progressive system" means a system approved by the commission pursuant to which a common progressive jackpot is offered on slot machines that are interconnected in more than one casino within or outside the state.

XLVIII. "Noncashable promotional credit" means a credit or other electronic thing of value utilized to play a slot machine or electronic table game that activates play but is not convertible to cash at the conclusion of play.

XLIX. "Non-gaming employee" means an individual, not otherwise included in the definition of a key employee or gaming employee, who is employed by a gaming applicant or gaming licensee to include an employee providing security services in a gaming location other than on the gaming floor or in a restricted area, a bartender, cocktail server or other person engaged solely in preparing or serving food or beverages, clerical or secretarial personnel, a parking attendant, a janitorial, stage, sound and light technician, or other employee so designated by the commission.

L. "Non-gaming vendor" means a person providing goods and services not included in the definition of a gaming vendor including, but not limited to, construction companies, vending machine providers, linen suppliers, garbage handlers, maintenance companies, limousine services, food purveyors or suppliers of alcoholic beverages.

LI. "Officer" means the chief executive officer, chief financial officer, chief operating officer, chief information officer, chief compliance officer, and chief legal officer of a corporation, or their equivalents in any unincorporated entity.

LII. "Person" means an individual, limited liability company, proprietorship, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, government entity, or other legal entity.

LIII. "Player" means an individual who plays a slot machine or a table game at a gaming location licensed by the commission.

LIV. "Player tracking system" means the collective hardware, software, communications technology, and other ancillary equipment used to collect, monitor, interpret, analyze, authorize, report and audit data with regard to player activity generally or on an individual basis at a slot machine.

LV. "Principal" means a person associated with a gaming applicant or gaming licensee required to be qualified for licensure in accordance with RSA 284-B:17, VII in conjunction with a gaming license application and includes the following persons:

(a) An officer or director of a gaming applicant or gaming licensee.

(b) A person, including a shareholder, general partner, limited partner, or member or manager of a limited liability company who directly or indirectly holds more than 5 percent of a legal or beneficial interest in, or ownership of the securities of, a gaming applicant or gaming licensee.

(c) A person who has a controlling interest in a gaming applicant or gaming licensee.

(d) A person who has the ability to elect one or more members of the board of directors of a gaming applicant or gaming licensee or to otherwise manage, control, influence, or affect a gaming applicant or gaming licensee.

(e) A person who is a lender or other licensed financial institution of a gaming applicant or gaming licensee, other than a bank or lending institution which makes a loan or holds a mortgage or other lien acquired in the ordinary course of business.

(f) An institutional investor who directly or indirectly holds more than 5 percent of a legal or beneficial interest in, or ownership of the securities of, a gaming applicant or gaming licensee.

(g) An underwriter of a gaming applicant or gaming licensee.

(h) A person with an ownership or financial interest in a gaming location required to be qualified for licensure in accordance with this chapter in conjunction with a gaming license application.

(i) Any other person associated with a gaming applicant or gaming licensee required to be qualified for licensure in accordance with this chapter in conjunction with a gaming license application.

LVI. "Progressive controller" means a device independent of the operating system of a slot machine that calculates and transmits to a slot machine the amount of an available progressive jackpot based on a pre-established rate of progression and denomination of a slot machine.

LVII. "Promotional play" means an award by a gaming licensee of cashable and noncashable credits on a slot machine or table game:

(a) Directly or indirectly to a player.

(b) With or without regard to the:

(1) Identity of the player; or

(2) Player's level of gaming activity.

LVIII. "Promotional play system" means the collective hardware, software, communications technology, and other ancillary equipment used to facilitate the award of promotional play at a slot machine or table game by means of either a:

(a) Promotional play instrument.

(b) Download from the system to a slot machine.

LVIX. "Rake" means a set fee or percentage assessed by a gaming licensee for providing the services of a dealer, gaming table or location, to allow the play or operation of a table game at which a player competes against another player.

LX. "Restricted area" means that part of a gaming location directly related to the operation of the gaming floor where access is specifically designated by the commission as restricted, including, but not limited to:

(a) Cashier's cage, including a satellite cashiers' cage and ancillary offices.

(b) A room or location in which any central computer system resides.

(c) Count room and trolley storage areas.

(d) Areas designated for the storage, repair or destruction of slot machines, associated equipment and table game devices.

(e) Information technology department operations centers.

(f) Progressive controller locations.

(g) Surveillance monitoring rooms.

(h) Vault and armored car bay locations.

(i) Any other area that a gaming licensee, with the authorization of the commission, designates as restricted in its system of accounting and internal control or that the commission designates as restricted at the gaming location.

LXI. "Slot data system" means the collective hardware, software, communications technology, and other ancillary equipment used to collect, monitor, interpret, analyze, authorize, report, and audit data with regard to activity at a slot machine, including slot machine meter readings, error conditions, security, accounting, player tracking, and productivity analysis.

LXII. "Slot machine" means a mechanical, electrical, or other device, contrivance, or machine which, upon insertion of a coin, ticket, or similar object therein, or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash or tickets to be exchanged for cash, or to receive merchandise or any thing of value, whether the payoff is made automatically from the machine or in any other manner, except that the cash equivalent value of any merchandise or other thing of value shall not be included in determining the payout percentage of a slot machine. Slot machine shall not include a redemption slot machine or redemption poker machine available in a family entertainment center pursuant to RSA 647:2, II(f).

LXIII. "Subsidiary" means a corporation, a significant part of whose outstanding equity securities are owned, subject to a power or right of control, or held with power to vote, by a holding company or an intermediary company, or a significant interest in a firm, association, partnership, trust, or other form of business organization, other than an individual, which is owned, subject to a power or right of control, or held with power to vote, by a holding company or an intermediary company.

LXIV. "Table game" means:

(a) A game in the form of baccarat, big six wheel, blackjack, craps, double attack blackjack, mini-baccarat, mini-craps, mini-dice, pai gow, red dog, roulette, sic bo, casino war, poker including Asia poker, Boston 5 stud poker, Caribbean stud poker, Colorado hold 'em poker, double cross poker, double down stud poker, fast action hold 'em, flop poker, four card poker, let it ride poker, pai gow poker, pokette, Spanish 21, Texas hold 'em bonus poker, 3-card poker, 2-card joker poker, ultimate Texas hold 'em, or winner's pot poker.

(b) Any variations or composites of such games, provided that such variations or composites are found by the commission to be suitable for use after an appropriate test or experimental period under such terms and conditions as the commission shall deem appropriate.

(c) Any other banking or percentage game played with cards, dice, tiles, dominoes, or other equipment or an electronic, electrical or mechanical device played for money or other representation of value which is determined by the commission to be compatible with the public interest and to be suitable for casino use after such appropriate test or experimental period as the commission shall deem appropriate.

(d) The term table game shall not include games of chance pursuant to RSA 287-D, bingo and lucky 7 under RSA 287-E, pari-mutuel racing pursuant to RSA 284, raffles pursuant to RSA 287-A, or lottery pursuant to RSA 284:21-h and RSA 287-F.

LXV. "Table game device" includes, but is not limited to, a gaming table, cards, dice, chips, shufflers, tiles, dominoes, wheels, a drop box, or any other equipment used or consumed in connection with the operation of a table game.

LXVI. "Ticket" means an instrument that upon insertion into a slot machine bill validator entitles the player inserting the ticket to credits on a slot machine corresponding to the amount printed on the ticket.

LXVII. "Wager" means a sum of money or representative of value that is risked on an occurrence for which the outcome is uncertain.

Amend RSA 284-B:3, II(a)-(b) as inserted by section 1 of the bill by replacing it with the following:

(a) The gaming commission shall assume the powers, rights, duties, and responsibilities granted to the state lottery commission under RSA 284 and any rules adopted pursuant thereto, and any reference to the state lottery commission in RSA 284 or any other statutory cites, including without limitation the reference in RSA 287-F:5, except for the references in the provisions of RSA 284:21-a through RSA 284:21-d regarding the creation and membership of the state lottery commission and except as the context may otherwise require and shall be deemed to refer to the gaming commission, provided that the gaming commission may delegate to the state lottery commission such powers, rights, duties, and responsibilities as it deems in the best interest of the state lottery, and provided further that the gaming commission shall not delegate its power to issue rules, nor its power to appoint the lottery executive director, and provided further that the gaming commission may discontinue or adjust the terms of such delegation at any time.

(b) The gaming commission shall assume the powers, rights, duties, and responsibilities granted to the state racing and charitable gaming commission under RSA 284, RSA 287-D and RSA 287-E, and any rules adopted pursuant thereto, and any reference to the state racing and charitable gaming commission in RSA 284, RSA 287-D and RSA 287-E or any other statutory cites, except for the references in the provisions of RSA 284:6-a, I regarding the creation and membership of the racing and charitable gaming commission and except as the context may otherwise require shall be deemed to refer to the gaming commission, provided that the gaming commission may delegate to the state racing and charitable gaming commission such powers, rights, duties, and responsibilities as it deems in the best interest of racing and charitable gaming, and provided further that the gaming commission shall not delegate its power to issue rules, nor its power to appoint the

racine and charitable gaming executive director, nor its power to license a primary game operator or game operator employer, and provided further that the gaming commission may discontinue or adjust the terms of such delegation at any time.

Amend RSA 284-B:5, XXVIII as inserted by section 1 of the bill by replacing it with the following:

XXVIII. The commission may require a labor organization, union, or affiliate seeking to represent employees at a gaming location to be registered by the commission.

Amend RSA 284-B:5, XXXI as inserted by section 1 of the bill by replacing it with the following:

XXXI. The commission may exercise any power or authority necessary to perform the duties assigned to it by this chapter and no specific enumeration of powers in this chapter shall be read to limit the authority of the commission to administer this chapter.

Amend RSA 284-B:9, I(i)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) Application, investigation, and renewal fees consistent with the annual fee schedule adopted and published by the commission;

Amend RSA 284-B:9, I(j)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) Application, investigation, and renewal fees for each category of license, registration, or permit consistent with the annual fee schedule adopted and published by the commission;

Amend RSA 284-B:9, I(k)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) Application, investigation, and renewal fees for each category of license or registration consistent with the annual fee schedule adopted and published by the commission;

Amend RSA 284-B:9, I(bb) as inserted by section 1 of the bill by replacing it with the following:

(bb) The adoption of an annual fee schedule specifying application, investigation, and renewal fees that are not expressly specified in this chapter and that relate to any license, registration, permit, or authorization awarded, issued, or accepted pursuant to this chapter, which fee schedule shall cover the reasonable costs associated with processing an application or renewal or conducting an investigation, including the criminal history record check and any background investigation required under this chapter.

Amend RSA 284-B:9, I(ff) as inserted by section 1 of the bill by replacing it with the following:

(ff) If the commission elects to employ a central computer system, rules establishing a process for selecting and licensing a provider of a central computer system.

Amend RSA 284-B:9, I(vv) as inserted by section 1 of the bill by replacing it with the following:

(vv) The power of the commission to delegate its authority to perform any of its functions under this chapter or the regulations adopted pursuant thereto to an employee of the commission, which rules shall include, but not be limited to, a right of appeal to the commission where a delegated action is to be deemed the final action of the commission, provided, further that a commission action shall thereafter be subject to review in accordance with the procedures specified in RSA 284-B:25, XIII and RSA 284-B:25, XIV, provided, further that the commission shall not delegate its power to issue rules.

Amend RSA 284-B:9, III-VI as inserted by section 1 of the bill by replacing them with the following:

III. A request for applications under RSA 284-B:17 shall not occur prior to adoption of licensing rules. Operating rules shall not be prerequisite to a request for applications.

IV. A license, registration, or permit, including a gaming license, shall not be issued prior to the adoption of, at a minimum, licensing rules in accordance with RSA 284-B:9.

Amend RSA 284-B:10, I as inserted by section 1 of the bill by replacing it with the following:

I. Pursuant to an open competitive bidding process conducted in accordance with the provisions of RSA 21-I, the commission may acquire and operate a central computer system into which all slot machines shall be connected.

Amend RSA 284-B:10, I as inserted by section 1 of the bill by replacing it with the following:

I. The commission shall award and issue a single gaming license for one gaming location in New Hampshire.

Amend RSA 284-B:14, I as inserted by section 1 of the bill by replacing it with the following:

I. The commission shall award and issue a single gaming license for one gaming location in New Hampshire.

Amend RSA 284-B:17, I as inserted by section 1 of the bill by replacing it with the following:

I. The commission shall issue a request for applications for a gaming license within 30 days of the adoption of licensing rules in accordance with RSA 284-B:9, IV. The request for applications shall require all gaming license applications to be submitted to the commission no later than 120 days after the publication of the request, provided, however, that an applicant who has paid the full application and investigation fees required by RSA 284-B:18 may receive one extension of up to 30 days upon a finding of good cause shown by the commission. Applications received after the deadline shall not be reviewed by the commission. The commission shall approve, approve with conditions, or deny all applications submitted in accordance with the provisions of this chapter and any applicable rules promulgated by the commission.

Amend RSA 284-B:17, IV(f)(7) as inserted by section 1 of the bill by replacing it with the following:

(7) Commitment to the full implementation of procedures and controls precluding the offer of alcoholic beverages free of charge at the gaming location; and

Amend RSA 284-B:17, V(i) as inserted by section 1 of the bill by replacing it with the following:

(i) Evidence in the form of completed studies and/or reports issued by independent, recognized experts in the most relevant field to establish how the gaming location and gaming operation proposed by the applicant addresses or impacts the following:

(1) The availability of local resources to support services and amenities necessary to accommodate projected guest volume in the form of transportation, regional geography, work force demographics, rooms and meals, utilities, and law enforcement;

(2) The immediate and long range financial feasibility of the applicant's proposed gaming location and operation including a projection of the revenues to be produced by the operation of slot machines and table games at the gaming location, the ability to achieve positive gross operating profit on an annual basis in a specific time frame, and the estimated municipal and state tax revenue to be generated by the gaming location, as supported by an expert experienced in the field of gaming;

(3) Economic and environmental benefits to the region and the state from the project, including the ability of the applicant's proposed gaming location and operation, both in its construction and its operation, to provide new and sustainable jobs for the community and to meet the highest practicable energy efficiency and environmental sustainability standards;

(4) The accessibility of the proposed gaming location to public transportation and public highway infrastructures;

(5) The ability of the design of the proposed gaming location to enhance tourism and development and to create commercial development opportunities for the community and its compatibility with historic uses, regional branding and local zoning ordinances;

(6) The impact on the local and regional community, including:

(A) Impact on the local and regional economies, including but not limited to, cultural institutions and small businesses in the host community and surrounding communities; and

(B) Costs and benefits to the host and surrounding communities in the form of jobs, revenues, business development, and social issues associated with the gaming location; and

(7) Signed agreements between the impacted live entertainment venue and the applicant setting forth the agreement of the parties with regard to mitigation of any potential negative impact resulting from the construction and operation of a licensee live entertainment venue gaming location in proximity to the impacted live entertainment venue, provided, however, that the agreement shall include, but not be limited to, terms relating to cross marketing, limitations to exclusivity arrangements with performers, coordination of performance schedules, promotions, and ticket prices.

(8) A description of any licensee live entertainment venue proposed, which space shall not have a seating capacity in excess of 1,500 seats; provided that this restriction on seating capacity shall not be applied to limit the attendance at any outdoor event hosted by the facility.

(j) Such other information as the commission shall deem relevant to its consideration of the application. Amend RSA 284-B:17, VII(a)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) Application, investigation, and renewal fees consistent with the annual fee schedule adopted and published by the commission;

Amend RSA 284-B:18, III(b)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) Revenue in an amount determined by the general court shall be paid to the state treasurer and credited to the commissioner of the department of health and human services to support programs established by RSA 172 to fund baseline research into the prevalence of problem gambling in New Hampshire prior to the expansion of gaming as authorized by this chapter, to identify and assess the treatment needs of individuals with compulsive and problem gambling disorders, to identify effective programming to prevent and control compulsive and problem gambling, and to examine the connections between gambling disorders and drug and alcohol addiction disorders.

Amend RSA 284-B:22, III as inserted by section 1 of the bill by replacing it with the following:

III. In any decision by the commission relating to a gaming license, the attorney general's opinion as to the suitability of an applicant for licensure under RSA 284-B:20 shall be presumptively binding on the commission, provided that the commission, at the hearing required by paragraph V or VII, as applicable, may rebut the presumption and deviate from the attorney general's opinion after making, as part of its written decision pursuant to paragraph XIII, specific written findings demonstrating the basis for its contrary determination

Amend RSA 284-B:25, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Application, investigation, and renewal fees for each category of license, registration, or permit consistent with the annual fee schedule adopted and published by the commission.

Amend RSA 284-B:29, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Application, investigation, and renewal fees for each category of license or registration consistent with the annual fee schedule adopted and published by the commission.

Amend RSA 284-B:30, II as inserted by section 1 of the bill by replacing it with the following:

II. A gaming applicant or gaming licensee shall not conduct business with a person required to be licensed as a gaming vendor pursuant to this chapter unless the person is licensed by the commission or otherwise authorized to engage in business with an applicant or the gaming licensee in accordance with RSA 284-B:29, V(a)-(d).

Amend RSA 284-B:35 as inserted by section 1 of the bill by replacing it with the following:

284-B:35 Prohibition on Credit and Play with Credit Cards or Debit Cards.

I. A gaming licensee shall not extend credit to a player at a gaming location.

II. A gaming licensee shall not permit or enable in any way the direct use of credit cards or debit cards by a player at a slot machine or table game.

III. No credit card or debit card advance machine, kiosk, or booth shall be located on or within 100 feet of a gaming floor.

IV. No automatic teller shall be located on or within 100 feet of a gaming floor.

V. A player may use a credit card or a debit card at a gaming location to purchase chips, slot machine credits, or table game credits or for an advance of cash to be used at a slot machine or table game, provided the purchase or advance is processed by a payment processor licensed and classified as a gaming vendor providing services ancillary to gaming.

Amend RSA 284-B:36, III as inserted by section 1 of the bill by replacing it with the following:

III. The gaming licensee shall comply with the provisions of RSA 179:44, I, prohibiting the provision of free drinks in any part of the gaming location.

Amend RSA 284-B:39, I as inserted by section 1 of the bill by replacing it with the following:

I. The commission shall adopt rules consistent with applicable state law relating to the acceptance, accounting for, and distribution of tips and gratuities received by an employee of a gaming licensee from a player at a slot machine or table game.

Amend RSA 284-B:48, I as inserted by section 1 of the bill by replacing it with the following:

I. A gaming licensee shall remit to the state treasurer a tax of 35 percent of gross slot machine revenue and 18 percent of gross table game revenue in a manner and time as provided for by this chapter.

(a) Upon receipt of payment of taxes on gross slot machine revenue and gross table game revenue by a gaming licensee under this chapter and in accordance with a schedule established by the state treasurer, the state treasurer shall:

(1) Pay 3 percent of the gross slot machine income to the host community;

(2) Pay one percent of the gross slot machine income to the New Hampshire community or communities that abut the host community, dividing such 1 percent for payment in equal shares if there is more than one abutting community;

(3) Pay one percent of the gross slot machine income to the county in which the host community is located;

(4) Pay one percent of the gross slot machine revenue to the commissioner of the department of health and human services to support programs established by RSA 172 to identify, assess, prevent, and treat both compulsive and problem gambling and the related disorders of drug and alcohol addiction; and

(5) Deposit the balance into the gaming regulatory fund established by RSA 284-B:18, V.

(b) Upon payment of taxes on gross slot machine revenue and gross table game revenue by a gaming licensee under this chapter, and subject to payment by the state treasurer of the amounts specified in subparagraph (a), the commission shall:

(1) Reimburse funds received by the commission from activities authorized by RSA 284, RSA 287-D, RSA 287-E, and RSA 287-F in proportion to the expenses of the commission borne by each such activity in the administration of this chapter as authorized by RSA 284-B:3, VII(a), prior to the payment of the license fee.

(2) Reimburse funds received by the gaming regulatory oversight authority from activities authorized by RSA 284 and RSA 287-F in proportion to the expenses of the authority borne by each such activity in the administration of RSA 284-A.

(3) Charge to and pay out of the tax payments received the compensation of the commissioners, expenses of the commissioners, compensation of assistants, and other necessary expenses of the commission, of the office of the commission chair, and of the division of gaming control, including suitable furniture, equipment, supplies, and office expenses, provided that the commission shall submit an operating budget based on accounting units or other budgetary units required by the general court and shall submit its budget in the same format and at the same time as other state agencies, provided, however, the commission is authorized to transfer funds between line items within and among any budgetary unit.

(4) Make distributions to the state treasurer for transfer to the attorney general and department of safety and local law enforcement in amounts equal to any costs of regulatory control over a gaming licensee that are not covered by any other designated source of funding in this chapter, provided that such distributions shall be in accordance with a budget therefor approved by the general court.

Amend RSA 284-B:48, II as inserted by section 1 of the bill by replacing it with the following:

II. The general court shall determine the distribution of the balance of tax payments on gross slot machine revenue or gross table game revenue remitted by a gaming licensee that remains after provision for the distributions and charges provided for by paragraph I.

Amend RSA 284-B:52-54 as inserted by section 1 of the bill by replacing them with the following:

284-B:52 Adjusted Charitable Benefit. Any charity that held charitable games in New Hampshire in accordance with RSA 287-D or RSA 287-E during the fiscal year ending June 30, 2013 ("FY 13") or the fiscal year ending June 30, 2014, ("FY 14") shall be eligible to receive an adjusted charitable benefit as follows:

(a) If the eligible charity held charitable games during FY 13, but not during FY 14, then the gaming commission shall determine the total net revenue awarded to each such eligible charity from charitable games held during FY 13. This amount shall be called the "FY 13 base charitable benefit."

(b) If the eligible charity held charitable games during FY 14, then the gaming commission shall determine the total net revenue awarded to each such eligible charity from charitable games held during FY 14. This amount shall be called the "FY 14 base charitable benefit."

(c) Within 60 days of the close of each fiscal year in which a gaming licensee has operated video lottery machines or table gaming pursuant to this chapter, the gaming commission shall determine the total net revenue awarded from charitable games for the immediately preceding fiscal year for each charity that both:

(1) Is an eligible charity under this section; and

(2) Conducted charitable games during the immediately preceding fiscal year. This amount shall be called the "annual charitable benefit."

(d) For each charity for which an annual charitable benefit calculation was made under subparagraph (c), the gaming commission shall determine if the FY 13 base charitable benefit or the FY 14 base charitable benefit, as applicable, exceeds the annual charitable benefit. If the FY 13 base charitable benefit or FY 14 base charitable benefit, as applicable, exceeds the annual charitable benefit, the difference shall be called the "adjusted annual charitable benefit" and the gaming commission shall notify the gaming licensee of the amount of the aggregate adjusted annual charitable benefit for all applicable eligible charities for the immediately preceding fiscal year.

(e) Within 20 days of receipt of such notice, the gaming licensee shall pay the aggregate adjusted annual charitable benefit determined under subparagraph (d) to the gaming commission.

(f) Within 15 days of receipt of payment of the aggregate adjusted annual charitable benefit, the gaming commission shall pay the individual adjusted annual charitable benefit to each applicable eligible charity.

(g) The payment due under this section shall not be subject to offsets or credits.

(h) To the extent the gaming licensee has operated video lottery machines or table games for only a portion of a fiscal year, the adjusted annual charitable benefit amount for that year shall be proportionally pro-rated.

(i) An eligible charity shall only be entitled to receive an adjusted annual charitable benefit for a particular fiscal year if it conducted charitable games in accordance with RSA 287-D or RSA 287-E during that same fiscal year. If a charity eligible under this paragraph stops conducting such charitable games for 2 consecutive fiscal years after the opening of the gaming licensee, such charity shall no longer be eligible to receive an annual charitable benefit.

284-B:53 Legal Shipment of Gaming Devices Into New Hampshire. All shipments into this state of gaming devices, including slot machines, the registering, recording, and labeling of which has been duly made by the manufacturer or dealer in accordance with sections 3 and 4 of an Act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," designated as 15 U.S.C. sections 171-1172, shall be deemed legal shipments into this state.

284-B:54 Declaration of Limited Exemption From Operation of the Provisions of 15 U.S.C. sections 1171-1178. Pursuant to section 2 of an act of Congress of the United States entitled "An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce," designated as 15 U.S.C. sections 1171-1178, the state of New Hampshire, acting by and through the duly elected and qualified members of its legislature, does hereby, in accordance with and in compliance with the provisions of that section 2 of that act of Congress, declare and proclaim that section 2 of that Act of Congress shall not apply to any gambling device in this state where the transportation of such a device is specifically authorized by and done in compliance with the provisions of this chapter and any rules adopted by the commission pursuant to it, and that any such gambling device transported in compliance with state law or regulations shall be exempt from the provisions of that Act of Congress.

284-B:55 Severability and Preemption.

I. If any clause, sentence, subparagraph, paragraph, subsection, section, article, or other portion of this chapter or the application thereof to a person or circumstances shall be held to be invalid, such holding shall not affect, impair, or invalidate the remainder of this chapter or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, subparagraph, subsection, section, article, or other portion thereof directly involved in such holding or to the person or circumstance therein involved.

II. If any provision of this chapter is inconsistent with, in conflict with, or contrary to any other provision of law, such provision of this act shall prevail over such other provision and such other provision shall be deemed to be amended, superseded or repealed to the extent of such inconsistency or conflict. Notwithstanding the provisions of any other law to the contrary, no local government unit of this state shall enact or enforce any ordinance or resolution conflicting with any provision of this act or with any policy of this state expressed or implied herein, whether by exclusion or inclusion. The commission shall have exclusive jurisdiction over all matters delegated to it or within the scope of its powers under the provisions of this chapter.

Amend RSA 284-B:4, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The lottery division by and through its executive director shall administer the procedures associated with the operation of the state lottery under RSA 284:21-a through RSA 284:21-v, RSA 287-F, all other provisions of law relating to the operation of the state lottery, and the rules adopted pursuant thereto, shall have primary responsibility for the audit, compliance, and regulatory enforcement functions required to effect the purposes of RSA 284:21-a through RSA 284:21-v, RSA 287-F, all other provisions of law relating to the operation of the state lottery, and the rules adopted pursuant thereto, and shall support the work of the lottery commission in its performance of such powers, rights, duties and responsibilities as may be delegated to it by the gaming commission. The lottery division shall cooperate with the attorney general and the division of state police gaming enforcement unit in the enforcement of this chapter.

Amend RSA 284-B:4, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The division of racing and charitable gaming by and through its executive director shall administer the procedures associated with the conduct of racing and charitable gaming under RSA 284, RSA 287-D, RSA 287-E, all other provisions of law related to racing and charitable gaming, and the rules adopted pursuant thereto, shall have primary responsibility for the audit, compliance and regulatory enforcement functions required to effect the purposes of RSA 284, RSA 287-D, RSA 287-E, all other provisions of law related to racing and charitable gaming, and the rules adopted pursuant thereto, and shall support the work of the racing and charitable gaming commission in its performance of such powers, rights, duties, and responsibilities as may be delegated to it by the gaming commission. The division of racing and charitable gaming shall cooperate with the attorney general and the division of state police gaming enforcement unit in the enforcement of this chapter.

Amend RSA 284-B:4, IV(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The division of gaming control by and through its executive director shall administer the procedures associated with the licensing, registration, and permitting of persons under this chapter and the rules adopted pursuant thereto and shall have primary responsibility for the audit, compliance, and regulatory enforcement functions required to effect the purposes of this chapter and its rules. The division of gaming control shall cooperate with the attorney general and the division of state police gaming enforcement unit in the enforcement of this chapter.

Amend RSA 284-B:5, I as inserted by section 1 of the bill by replacing it with the following:

I. The gaming commission shall have general and exclusive regulatory authority and responsibility over the conduct of gaming and related activities as described in this chapter and the rules adopted pursuant thereto. The commission shall enforce the provisions of this chapter and any rules and shall ensure the integrity of the acquisition and operation of slot machines, associated equipment, and table game devices and shall have sole regulatory authority over every aspect of the authorization, operation, and play of slot machines and table games.

Amend RSA 284-B:9, I as inserted by section 1 of the bill by replacing it with the following:

(kk) Requiring a gaming applicant, gaming licensee, and principal licensee to comply with state and local building codes, local zoning ordinances and bylaws, and any other applicable land use rules and regulations.

Amend RSA 284-B:17, VII(g) as inserted by section 1 of the bill by replacing it with the following:

(g) The commission may waive a principal license requirement pursuant to this paragraph in accordance with rules adopted by the commission requiring a showing that the person seeking the waiver does not have the ability to, or the intention of, managing, controlling, or otherwise influencing or affecting the affairs or operations of a gaming applicant or gaming licensee or its holding, intermediary, or subsidiary company. In no event, however, shall the commission waive the requirements of this paragraph for a person holding more than 15 percent of a gaming applicant or gaming licensee.

Amend RSA 284-B:18, IV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The commission shall adopt rules consistent with this chapter relating to procedures for renewal of a gaming license, including an application and review process and such other procedures as are necessary to implement this paragraph.

Amend RSA 284-B:19, V as inserted by section 1 of the bill by replacing it with the following:

V. The commission shall adopt rules consistent with this chapter relative to the completeness review applied to an application for a principal license, key employee license, gaming employee registration, non-gaming employee permit, gaming vendor license, non-gaming vendor registration, or other authorization filed

with the commission. The rules shall provide for a form of notice to the applicant and a time frame for notice of deficiency and resubmission by an applicant consistent with the efficient administration of the licensing process.

Amend RSA 284-B:20, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Where the commission finds, after study and comparison of applicable licensing standards, that the licensing standards of another jurisdiction within the United States or Canada are comprehensive, thorough, and require a suitability assessment substantially similar to this chapter, the commission may prescribe by rules consistent with this chapter, an abbreviated investigative process pursuant to which the attorney general and/or commission may, but are not obligated to, expedite an applicant's background investigation or review by affording a degree of deference to a license, registration, or permit held by an applicant in a jurisdiction found to be comparable to New Hampshire. The availability of an abbreviated investigative process shall not limit the discretion of or otherwise preclude the attorney general or commission from determining that information it has independently or separately developed or received shall supersede or outweigh a license, registration, or permit in good standing in a comparable state. An applicant's eligibility for an abbreviated investigation process shall not be construed to waive any fees associated with an application. An abbreviated licensing process shall not be applied to an applicant for a gaming license.

Amend RSA 284-B:20, XII as inserted by section 1 of the bill by replacing it with the following:

XII. The commission shall prescribe rules consistent with this chapter, after consultation with the attorney general and division of state police, relative to the time allotted to the attorney general to conduct and report to the commission on a background investigation related to an applicant for a principal license, key employee license, gaming vendor license, or other background investigation performed pursuant to this chapter. The rules shall be consistent with the efficient administration of the licensing process.

Amend RSA 284-B:24, II-III as inserted by section 1 of the bill by replacing them with the following:

II. A gaming license issued by the commission pursuant to this chapter is transferrable with the prior approval of the commission pursuant to rules adopted by the commission consistent with this chapter. A person seeking to acquire a gaming license through a transfer shall qualify for licensure under this chapter. The commission shall reject a gaming license transfer to an unsuitable person and may reject a proposed transfer that, in the opinion of the commission, would be disadvantageous to the interests of the state. A transfer of a gaming license without the prior approval of the commission shall result in the immediate and automatic termination of the gaming license.

III. An interest in a gaming licensee or gaming location substantial enough to trigger a requirement that a person qualify as a principal licensee in accordance with RSA 284-B:17, VII is transferrable with the prior approval of the commission pursuant to rules adopted by the commission consistent with this chapter. A person seeking to acquire an interest in a gaming licensee or gaming location shall qualify for licensure under this chapter. The commission shall reject a transfer of an interest in a gaming licensee or gaming location to an unsuitable person and may reject a proposed transfer that, in the opinion of the commission, would be disadvantageous to the interests of the state. A transfer of an interest in a gaming licensee or gaming location meeting the requirements of this paragraph without the prior approval of the commission may result in the termination of a gaming license.

Amend RSA 284-B:29, VII as inserted by section 1 of the bill by replacing it with the following:

VII. A gaming applicant or gaming licensee may utilize a vendor that has not been licensed, registered, or otherwise authorized under this section by the commission when a threat to public health, welfare, or safety exists or circumstances outside the control of the applicant or gaming licensee require immediate action to mitigate damage or loss to the gaming location or to the state. Any rules adopted shall include a requirement that the applicant or gaming licensee contact the board immediately upon utilizing a vendor that would otherwise require licensing under this chapter.

Amend RSA 284-B:30, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A fully executed and complete application on forms prescribed by the commission. An application shall be deemed complete in accordance with rules adopted pursuant to RSA 284-B:19.

Amend the introductory paragraph of RSA 284-B:32, IV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) That the gaming location complies with the provisions of this chapter and any relevant rules adopted by the commission relative to:

Amend RSA 284-B:33, II(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Ensure that transactions or financial events which occur in the operation of a slot machine or table game are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles in the United States, this chapter and the rules adopted thereunder.

Amend RSA 284-B:33, IV as inserted by section 1 of the bill by replacing it with the following:

IV. An initial internal control submission submitted pursuant to paragraph I shall be accompanied by the following attestations and reports:

(a) An attestation by the gaming licensee's chief executive officer or a designee with a direct reporting relationship to the chief executive officer attesting that the officer believes, in good faith, that the submitted internal controls conform to the requirements of the chapter and the rules adopted by the commission.

(b) An attestation by the chief financial officer or a designee with a direct reporting relationship to the chief financial officer attesting that the officer believes, in good faith, that the submitted internal controls are designed to provide reasonable assurance that financial reporting conforms to generally accepted accounting principles in the United States and complies with applicable laws, rules, and regulations, including this chapter and the rules adopted by the commission.

(c) A report from an independent registered public accounting firm licensed to practice in New Hampshire expressing an opinion regarding:

(1) The effectiveness of the design of the submitted system of internal controls over financial reporting; and

(2) Whether the submitted system of internal controls materially deviates from the requirements of applicable laws, rules, and regulations, this chapter and the rules adopted by the commission.

Amend RSA 284-B:36, I as inserted by section 1 of the bill by replacing it with the following:

I. The commission shall adopt rules consistent with this chapter relating to the direct or indirect offer by a gaming licensee to a player and a player's guests of complimentary services. The rules shall require a gaming licensee to provide such information as the commission shall require with regard to complimentary services at least quarterly and shall further require more timely and detailed disclosure to the commission where a player or a player's guests receive complimentary services valued in excess of \$2,000 over a specified period.

Amend RSA 284-B:39, I as inserted by section 1 of the bill by replacing it with the following:

I. The commission shall adopt rules consistent with this chapter relating to the acceptance, accounting for and distribution of tips and gratuities received by an employee of a gaming licensee from a player at a slot machine or table game.

Amend RSA 284-B:41, I as inserted by section 1 of the bill by replacing it with the following:

I. The commission shall adopt rules consistent with this chapter relating to the exclusion of an individual from a gaming location including, but not limited to, standards for exclusion, administration of an exclusion list and notice to gaming licensees of placement of an individual on the exclusion list.

Amend RSA 284-B:43, IX(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Has been determined by the commission to be qualified in accordance with standards adopted by rules consistent with this chapter.

Amend RSA 284-B:45, III as inserted by section 1 of the bill by replacing it with the following:

III. A gaming licensee shall make available to any player upon request the complete text of any rules adopted by the commission regarding table games and the conduct of play, the pay-off of a winning wager, an approximation of the odds of winning for each wager, and such other disclosures to the player as the commission shall require. If requested by the player, the information required by this paragraph shall be made available in hard copy form at no cost to the player.

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

V. The commission shall adopt rules consistent with this chapter and the efficient administration of a gaming licensee's obligations hereunder with regard to the reversion of amounts to the state.

Amend the bill by inserting after section 16 the following and renumbering the original sections 17-18 to read as 23-25, respectively:

17 Change from "Racing and Charitable Gaming Commission" to "Gaming Commission.". Amend the following RSA provisions by replacing "racing and charitable gaming commission" with "gaming commission": 6:12-d, II(1); 21:33-a, III(a); 21-I:18, I(n); 21-P:4, VI (introductory paragraph); 167:7-b, II(c); 175:1, LVI; 273-C:2, IV; 284:6-a, IV-VI; 284:9; 284:11; 284:12; 284:12-a; 284:20-f; 284:22; 284:23; 287-A:8, III; 287-D:1-b; 287-D:2; 287-D:2-b; 287-D:2-c; 287-D:2-d; 287-D:3; 287-D:6, III; 287-D:7; 287-D:8; 287-E:1, VI; 287-E:7, II(b); 647:2, V(a).

18 Change from "Racing and Charitable Gaming Commission" to "Racing and Charitable Gaming Division.". Amend the following RSA provisions by replacing "racing and charitable gaming commission" with "racing and charitable gaming division": 284:7; 284:8; 284:13; 284:13-a; 284:14; 284:14-c; 284:14-d; 284:20-d; 284:32-b; 284:38-a; 284-A:1; 287-D:1-a; 287-D:2, II; 287-D: VIII-X; 287-D:9; 287-E:2; 287-E:16.

19 Change from "Lottery Commission" to "Gaming Commission". Amend the following RSA provisions by replacing "lottery commission" with "gaming commission": 6:12, I(b)(1); 21-I:18, I(g); 94:1-a; 284:21-jj; 284:21-f; 284:21-i; 284:21-j.

20 Change from "Lottery Commission" to "Lottery Division". Amend the following RSA provisions by replacing "racing and charitable gaming commission" with "lottery division": 284:21-h; 284:21-k; 284:21-m; 284:21-o; 284:21-q; 284:21-s; 284:21-v; 287-F:10, I-j; 663:8.

21 Change from "Lottery Commission and Racing and Charitable Gaming Commission" to "Gaming Commission". Amend the following RSA provisions by replacing "lottery commission and racing and charitable gaming commission" with "gaming commission": 284:17-c; 284:21-j; 284-A:2, I(e); 284-A:2, VI; 20:7; 21:33-a.

22 Gaming Regulatory Oversight Authority; Reference Changed. Amend RSA 284-A:1, III to read as follows:
 III. The executive director of the lottery [~~commission~~] **division**, or designee.

2014-0809h

AMENDED ANALYSIS

This bill:

I. Establishes the gaming commission and places the lottery commission and racing and charitable gaming commission under its jurisdiction as separate divisions.

II. Allows for the selection and operation of one casino in New Hampshire, including the operation of video slot machines and table games.

III. Establishes the gaming enforcement unit in the division of state police.

IV. Distributes proceeds from gross slot machine income and gross table game income to reimburse the gaming regulatory oversight authority for certain expenses and to pay for the operation of the gaming commission.

V. Sets the percentage of proceeds from gross slot machine income and distributes it to the host community, abutting communities, the host county, and for the costs of regulatory control.

VI. Establishes the gaming regulatory fund.

This bill is a request of the gaming regulatory oversight authority established in RSA 284-A:1.

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