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Contains: Corrected Committee Reports and Amendments

ADDENDUM TO HOUSE CALENDAR NO. 19

CORRECTED COMMITTEE REPORTS

FINANCE

HB 435-FN, relative to funding for chartered public school pupils. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan M Ford for the **Majority** of Finance. This bill increases the amount paid to charter schools per student from 40% to 50% of the most recent available average cost per pupil for public school pupils, including any differentiated aid for which a pupil is eligible. The fiscal note indicates that this would increase state expenditures by \$2,763,092 in FY 2015 and by an indeterminable amount in each year thereafter. In FY 09 the total General Fund expenditure for charters was \$3.5 million and the estimated expenditure for next year is now over \$23 million and that is without HB 435. HB 435 creates an unpredictable, but ever-increasing, General Fund obligation. If HB 435 is approved, the Department of Education projects (March 03, 2014) that it will likely cost the state \$130 million over just the next 3 years as compared to \$100 million under the current law. Education funding is complicated and there are many demands being made on the general fund budget by towns and cities including building aid and the need for an increase in catastrophic aid. Currently, many towns and cities are losing money to the adequacy cap and others are looking for more state support to alleviate property taxes.

With 4 new schools opening in 2015 and 10 more charter schools that are in the application process the majority of the committee was concerned with the huge, unknown, long term fiscal implication to the general fund. Educational funding of charter schools is a part of the budget, but without having solid information about the long term implications of raising the funding rate from 40% to 50%, HB 435 is irresponsible. It is the intent of the majority of the Finance Committee to analyze the charter school funding and make a recommendation based on long term predictions and for this reason moved to interim study for HB 435. **Vote 13-8.**

Rep. Kenneth L Weyler for the **Minority** of Finance. The policy of the New Hampshire Legislature is to support charter schools. HB 435 was passed out of the Committee on Education, and by the House. It was sent to the Finance Committee to assure that all the money was available to fund the increase in per student aid that the bill called for. Subsequently, the successes of the various charter schools led to requests to increase enrollments. These factors, and an increase in the average cost per student led to a requirement to decrease the per student stipend from 50% of the average annual student cost to 47.5% of the annual cost per public school student, now \$13,459.40. In order to not exceed the available charter school appropriation for 2015 the stipend to each charter school student would be \$6,393.22.

Although the bill, with the proposed amendment, would restore the relationship of the charter school per pupil spending to nearer what it was when the \$2,000 stipend was first added, it would still fall far short of receiving the support that other public school students receive. The majority of the committee wanted interim study to be assured that going forward the extra stipend would be supported in the future. Since that vote, I have had time to look at future trends and will be presenting those figures at the debate, to show that study is unnecessary and the money is there for 2015 and for the next two biennium.

HB 1406-FN, relative to red list bridges. **OUGHT TO PASS.**

Rep. Kenneth L Weyler for Finance. We have all heard about "red list bridges". We know that we need to spend money on them. Some on the list were structurally deficient; others were just functionally obsolete, for example, a three lane road narrowing for a two lane bridge. This bill narrows the list to the structurally deficient, requires that the list be sent to the Speaker of the House, and that towns be notified of any of their bridges on the list. The bill requires state owned bridges be inspected biannually and municipally owned bridges annually. Procedures for removal from the list are added. The original bill required that signs be placed on each red listed bridge to identify them as such. The House has already removed this requirement and its accompanying expense. **Vote 24-1.**

JUDICIARY

HB 1315, relative to confidentiality of police personnel files. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie Smith for Judiciary. This bill provides for representation by counsel, opportunity to respond, and appeal by the police officer of the judge's decision in the use of a police personnel file in a criminal case. The Attorney General's office in conjunction with law enforcement is currently in the process of updating the procedures regarding police personnel files and therefore the committee believes that legislation in this area is premature and might prove counterproductive. **Vote 13-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1492-FN-L, relative to the issuance of fines for unlicensed dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Syndi G White for Municipal and County Government. The majority of the committee voted to ITL this bill because HB 1261 addresses the same issue. It increases the recovery fee for the cost of sending a letter by certified mail from \$5 to \$10. HB 1492 removes the dollar amount and leaves the decision of what to charge up to each municipality. The committee recognized the need to increase the amount due to increases in postal rates. However, the wording in this bill leaves open the possibility for the towns/cities charging for any service costs, including paying a person to hand deliver the letter. This would result in large disparities in charges throughout the state. The law already allows for fees and fines which, in effect, remedies the need to recover costs involved in the failure to license dogs. **Vote 17-2.**

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Floor Amendment to HB 1114-FN

(2014-0961h)

Proposed by Reps. Cahill, Moody, Schroadter

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

AN ACT relative to applications for school building aid.

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

1 School Building Aid; Alternative School Building Aid. Amend 2013, 144:3, I to read as follows:

I. Notwithstanding RSA 198:15-a through RSA 198:15-hh and RSA 198:15-u through RSA 198:15-w, the commissioner of the department of education shall issue no school building aid or alternative school building aid for any project approved ~~[on or after June 30, 2013 through June 30, 2015]~~ **during the biennium ending June 30, 2015. This section shall not prohibit a school district, a city maintaining a school department within its corporate organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an area school as defined in RSA 195-A:1, or a receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, that authorizes a construction project between June 30, 2013 and June 30, 2015 from submitting an application to the department between June 30, 2013 and June 30, 2015. The department shall accept such applications and consider them pursuant to the provisions of RSA 198.**

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

2014-0961h

AMENDED ANALYSIS

This bill permits a school district to apply for school building aid for construction projects approved by a school district during the biennium ending June 30, 2015, and requires the department of education to accept such applications.

Floor Amendment to HB 1264

(2014-0902h)

Proposed by Rep. Rideout

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

AN ACT requiring the governor to annually proclaim February 23 as Second Amendment Day.

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

1 New Section; Observances Proclaimed by the Governor; Second Amendment Day. Amend RSA 4 by inserting after section 13-r the following new section:

4:13-s Second Amendment Day. The governor shall annually proclaim February 23 as Second Amendment Day. The governor shall urge the citizens of this state to observe this day with appropriate educational and civic events.

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

2014-0902h
AMENDED ANALYSIS

This bill requires the governor to annually proclaim February 23 as Second Amendment Day.

Floor Amendment to HB 1264
(2014-1023h)

Proposed by Rep. Jones

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

AN ACT relative to carrying of firearms by nonresidents and establishing a committee to study the economic impact to the state of enacting gun control legislation.

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

1 Pistols and Revolvers; Reciprocity. Amend RSA 159:6-d to read as follows:

159:6-d Full Faith and Credit for Licenses From Other States; Reciprocity.

I. Notwithstanding the provisions of RSA 159:6, no nonresident holding a current and valid license to carry a loaded pistol or revolver in the state in which he *or she* resides or who is a peace officer in the state in which he *or she* resides, shall be required to obtain a license to carry a loaded pistol or revolver within this state if:

[E-](a) Such nonresident carries upon his *or her* person the license held from the state in which he *or she* resides; and

[E-](b) The state in which such person is a resident provides a reciprocal privilege for residents of this state.

II. A nonresident who resides in a state which does not require a license to carry a loaded pistol or revolver or who resides in a state that has an optional license to carry a loaded pistol or revolver shall not be required to obtain a license to carry a loaded pistol or revolver within this state.

2 Committee Established. There is established a committee to study the economic impact to the state of enacting gun control legislation.

3 Membership and Compensation.

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

(a) Four members of the house of representatives, 2 of whom shall be appointed by the speaker of the house of representatives and 2 of whom shall be appointed by the minority leader of the house of representatives.

(b) Two members of the senate, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the minority leader of the senate.

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

4 Duties. The committee shall study the economic impact to the state of enacting gun control legislation. Specifically, the committee shall study the economic impact of firearms companies in the state in terms of jobs and revenue created in the New Hampshire economy, and recent trends involving states in which firearms companies have moved their business out of state as a result of stricter gun control legislation. The committee may also study any other issue which it determines is relevant to its objective. The committee may solicit any advice or testimony which it deems necessary from any individual or organization with information which the committee deems relevant to its study.

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

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

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

2014-1023h
AMENDED ANALYSIS

This bill permits a nonresident from a state that does not require a license to carry a loaded pistol or revolver to carry in New Hampshire. The bill also establishes a committee to study the economic impact to the state of enacting gun control legislation.

Floor Amendment to HB 1264
(2014-1031h)

Proposed by Rep. Burt

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

AN ACT relative to carrying of firearms by nonresidents and establishing a commission to study the effect on public safety of encouraging firearms training for self-defense and hunter safety training at the high school level.

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

1 Pistols and Revolvers; Reciprocity. Amend RSA 159:6-d to read as follows:

159:6-d Full Faith and Credit for Licenses From Other States; Reciprocity.

I. Notwithstanding the provisions of RSA 159:6, no nonresident holding a current and valid license to carry a loaded pistol or revolver in the state in which he **or she** resides or who is a peace officer in the state in which he **or she** resides, shall be required to obtain a license to carry a loaded pistol or revolver within this state if:

[F:](a) Such nonresident carries upon his **or her** person the license held from the state in which he **or she** resides; and

[H:](b) The state in which such person is a resident provides a reciprocal privilege for residents of this state.

II. A nonresident who resides in a state which does not require a license to carry a loaded pistol or revolver or who resides in a state that has an optional license to carry a loaded pistol or revolver shall not be required to obtain a license to carry a loaded pistol or revolver within this state.

2 New Subdivision; Commission Established. Amend RSA 159 by inserting after section 26 the following new subdivision:

Commission to Study the Effect on Public Safety of Encouraging Firearms Training
for Self-Defense and Hunter Safety Training at the High School Level

159:27 Commission Established.

I. There is established a commission to study the effect on public safety of encouraging firearms training for self-defense and hunter safety training at the high school level. The members of the commission shall be as follows:

(a) Four members of the house of representatives, 2 of whom shall be appointed by the speaker of the house of representatives and 2 of whom shall be appointed by the minority leader of the house of representatives.

(b) The commissioner of the department of safety, or designee.

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

(d) The executive director of the department of fish and game, or designee.

(e) One member from the New Hampshire Firearms Coalition, appointed by that organization.

(f) One member from Gun Owners of New Hampshire, appointed by that organization.

(g) One member from the Second Amendment Sisters of New Hampshire, appointed by that organization.

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 the effect on public safety of encouraging firearms training for self-defense and hunter safety training at the high school level.

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

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

3 Repeal. RSA 159:27, relative to the commission to study the effect on public safety of encouraging firearms training for self-defense and hunter safety training at the high school level, and the subdivision heading immediately preceding RSA 159:27, are repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 2, 2014.

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

2014-1031h

AMENDED ANALYSIS

This bill permits a nonresident from a state that does not require a license to carry a loaded pistol or revolver to carry in New Hampshire. The bill also establishes a committee to study the effect on public safety of encouraging firearms training for self-defense and hunter safety training at the high school level.

Floor Amendment to HB 1307

(2014-1007h)

Proposed by Rep. Hoell

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. In a city or town that has adopted a charter the legislative body shall place such vote on the official ballot for any regular municipal election. 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.

2014-1007h

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 or majority vote at a regular municipal election.

**Floor Amendment to HB 1411-FN-A
(2014-1024h)**

Proposed by Reps. Chandler and Kurk

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

AN ACT transferring surplus revenues to the revenue stabilization reserve account.

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

1 Transfer of Surplus to Revenue Stabilization Reserve Account. Notwithstanding RSA 9:13-e, II, and upon completion of the official audit performed pursuant to RSA 21-I:18, II(a) for the fiscal year ending June 30, 2014, the state treasurer shall transfer \$15,300,000 to the revenue stabilization reserve account, established in RSA 9:13-e.

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

2014-1024h

AMENDED ANALYSIS

This bill requires the state treasurer to transfer budget surplus moneys to the revenue stabilization reserve account.

**Floor Amendment to HB 1503-FN
(2014-0904h)**

Proposed by Rep. Rideout

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

AN ACT including "fetus" in the definition of "another" for the purpose of certain criminal offenses.

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

1 Homicide; Capital Murder. Amend RSA 630:1, IV to read as follows:

IV. As used in this section [~~and RSA 630:1-a, 1-b, 2, 3 and 4~~], the meaning of "another" does not include a [foetus] **fetus**.

2 New Paragraphs; First Degree Murder; Definition of Another; Exemption for Abortion. Amend RSA 630:1-a by inserting after paragraph III the following new paragraphs:

IV. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, and RSA 630:4, the meaning of "another" shall mean another person, or a fetus as defined in subparagraph V(b).

V.(a) Nothing in this section or RSA 630:1-b, RSA 630:2, RSA 630:3, or RSA 630:4 shall apply to any act committed by the woman pregnant with the fetus, to any medical procedure, including abortion, performed by a physician or other licensed medical professional at the request of the pregnant woman or her legal guardian, or to the lawful dispensation or administration of lawfully prescribed medication. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, or RSA 630:4, "abortion" means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the fetus. Such use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of a fetus, or to remove a dead fetus caused by spontaneous abortion, or to remove an ectopic pregnancy.

(b) In this section, "fetus" means an unborn offspring, from the embryo stage which is the end of the eighth week after conception when major structures have formed, until birth.

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

2014-0904h
AMENDED ANALYSIS

This bill provides that a fetus shall be included in the definition of “another” for the purpose of first and second degree murder, manslaughter, negligent homicide, and causing or aiding suicide.

Floor Amendment to HB 1591-FN
(2014-1028h)

Proposed by Rep. C. McGuire

Amend RSA 91-A:2, II as inserted by section 1 of the bill by replacing it with the following:

II. Subject to the provisions of RSA 91-A:3, all meetings, whether held in person, by means of telephone or electronic communication, or in any other manner, shall be open to the public. Except for town meetings, school district meetings, and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras, and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection not more than 5 business days after the meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any public body, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town. ***Meeting notice and the agenda shall be made*** at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the public body, who shall post a notice of the time and place of such meeting as soon as practicable, and shall employ whatever further means are reasonably available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city or town or guidelines or rules of order of any public body require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter. For the purposes of this paragraph, a business day means the hours of 8 a.m. to 5 p.m. on Monday through Friday, excluding national and state holidays.

2014-1028h
AMENDED ANALYSIS

This bill requires 24 hours notice of the meeting and the agenda before a public meeting held pursuant to the right-to-know law.

Amendment to HB 1602
(2014-0781h)

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

Amend RSA 369-B:3-a as inserted by section 1 of the bill by replacing it with the following:

369-B:3-a Divestiture of PSNH Generation Assets. ~~[The sale of PSNH fossil and hydro-generation assets shall not take place before April 30, 2006.]~~

I. Before July 1, 2014, the commission shall commence and expedite a proceeding to determine whether all or some of PSNH's generation assets should be divested or retired. On or before December 31, 2014 the commission shall submit a progress report to the legislative committee on electric utility restructuring established under RSA 374-F:5. Notwithstanding RSA 374:30, [subsequent to April 30, 2006,] the commission may order PSNH [may] to divest or retire all or some of its generation assets if the commission finds that it is in the economic interest of retail customers of PSNH to do so, and provides for the cost recovery of such divestiture.

II. Prior to any divestiture of its generation assets, PSNH may modify or retire such generation assets if the commission finds that it is in the ~~[public]~~ ***economic*** interest of retail customers of PSNH to do so, and provides for the cost recovery of such modification or retirement.

2014-0781h
AMENDED ANALYSIS

This bill:

I. Authorizes the public utilities commission to determine whether PSNH generation assets should be divested or retired.

II. Permits the public utilities commission to order PSNH to divest all or some of its generation assets.

III. Adds certain costs associated with the divestiture of PSNH generation assets to stranded costs.