



State of
New Hampshire

HOUSE RECORD

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

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Friday, March 21, 2014

No. 20

Contains: Committee Reports, Bills Laid on Table, Meetings and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on Tuesday, March 25th, at 10:00 a.m. The House will also meet on Wednesday, March 26th, and, if necessary, on Thursday, March 27th.

As we move toward the Crossover deadline next week, I look forward to productive sessions containing thoughtful, concise and civil debate. Your continued efforts are greatly appreciated.

Terie Norelli, Speaker

NOTICE

There will be a Democratic Caucus on **Tuesday, March 25th, Wednesday, March 26th, and Thursday March 27th** at **9:00 a.m.** in Representatives Hall.

Rep. Stephen Shurtleff, Majority Leader

NOTICE

There will be a Republican Caucus on **Tuesday, March 25th** 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 27
April 3

AVAILABLE FRIDAY:

March 28
April 4

Karen O. Wadsworth, Clerk of the House

2014 HOUSE DEADLINES

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

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

TUESDAY, MARCH 25 CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1555-FN, relative to the neglect of elderly, disabled, or impaired adults and relative to financial exploitation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robbie L Parsons for Criminal Justice and Public Safety. This bill establishes the crime of financial exploitation of an elderly, disabled or impaired adult and imposes a mandatory sentence of imprisonment.

State and local law enforcement shall have jurisdiction to investigate reports of abuse, neglect and exploitation of incapacitated adults. Nothing in this section shall impose criminal liability on a person who makes a good faith effort to assist the elderly, disabled, or impaired in the management of funds, assets, which fail through no fault of the person. **Vote 15-0.**

FINANCE

HB 1105-FN-L, relative to aid to school districts for costs of special education. **INEXPEDIENT TO LEGISLATE.**

Rep. John W Cebrowski for Finance. Catastrophic special education funds support local school districts when the cost of educating an identified student exceeds 3 1/2 times the estimated state average expenditure per pupil for the school year proceeding the year of distribution. Currently the Department of Education reimburses the local districts 80% of these costs. HB 1105 would eliminate the current proration provision and the state will be responsible for 100% of the costs. Since the bill would take effect 60 days after passage it would create an 8 to 9 million deficit in the 2015 DOE budget with additional costs committed in future budgets. Special education is too unpredictable to allow open ended funding. The committee does not support this deficit. When we create a budget we need to look ahead two years and be confident of the spending. The bill also takes away budgeting discretion from the legislature, and HB 1105 would also be subject to challenge by school districts and the attorney general. **Vote 25-0.**

HB 1494-FN, relative to administration of the New Hampshire retirement system and authority of the board of trustees. **OUGHT TO PASS.**

Rep. Katherine D Rogers for Finance. This bill was a request of the New Hampshire Retirement System to address a number of "technical" changes to RSA 100-A. The committee passed the bill as it was reported out of the House Committee on Executive Departments and Administration and approved on the House floor. **Vote 20-0.**

HB 1564-FN, relative to escheat proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. William A Hatch for Finance. HB 1564 requires the establishment of an owner outreach and unification unit be established within the abandoned property division of the state treasury. The committee received testimony from the administrator of the abandoned property division that this was not requested by treasury and they are able to process claims with the current staffing structure. The department also noted that they are having system updates that will enhance the process thus additional personnel were not needed at this time. Considering these factors and the additional expenditure of \$90,000 plus each year the committee voted to recommend ITL 24-0. **Vote 24-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1100, establishing a committee to study the ownership by public entities of land for conservation purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. Jane E Beaulieu for Resources, Recreation and Development. Committee members thoroughly reviewed RSA 36A:5 pertaining to how appropriations are authorized for conservation purposes. Conservation commissions have guided municipalities through land conservation efforts for 50 years. The committee believes local governing bodies have the opportunity to work hand-in-hand with the conservation commissions and land trusts to acquire land and secure easements for public benefit in perpetuity. **Vote 14-0.**

HB 1258, relative to fill and dredge permitting applications. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shannon E Chandley for Resource, Recreation and Development. HB 1258 modifies the process for submitting wetlands fill and dredge applications. First, it allows applicants to file directly with the department of environmental services (DES) after securing the acknowledgement of receipt of the application and four copies for distribution locally, thus relieving the town or municipal clerk of the burden of submitting the application to DES. In addition, the bill keeps the requirement that abutters be notified by certified mail, but does not require DES to identify abutters nor their receipt of notice. The amendment standardizes all references to application fee and incorporates the existing filing procedures for state agencies. The committee believes that this bill streamlines the application process for the benefit of all stakeholders. **Vote 15-0.**

HB 1286, relative to youth safety regarding mooring and rafting of boats at or near youth camps. **REFER FOR INTERIM STUDY.**

Rep. Brian Wazlaw for Resources, Recreation and Development. This bill attempts to address a problem encountered by at least one camp for children. Officials from the camp are concerned that the children's safety and well-being are compromised when boaters rafting nearby engage in inappropriate behaviors. The solution proposed in the bill is problematic in that it raises several concerns related to boaters' rights on the open waters, infringement on the camp's neighbors and their moorings and various enforcement concerns.

Moreover, the proposed legislation would be unlikely to solve the problem as described. A subcommittee met with several stakeholders, including the sponsor, Marine Patrol and camp representatives. It was agreed that further work is needed. **Vote 15-0.**

HB 1348, relative to the community development finance authority. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela J Hubbard for Resources, Recreation and Development. The sponsor of this piece of legislation has identified a serious issue, that of faulty or ailing septic systems and their repair or replacement. Non-point source pollution from septic systems presents a significant threat to the quality of New Hampshire's waters. The committee is intrigued by the concept of establishing a fund to help homeowners upgrade, replace and repair their septic systems, but finds that HB 1348 is not the appropriate solution. The sponsor recognizes that more work and research is needed to bring forth a bill with viable financial options to aid people with systems which are in need of repair or replacement. **Vote 15-0.**

HB 1383, relative to municipal monitoring of large groundwater withdrawals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leigh A Webb for Resources, Recreation and Development. The bill limits the time DES may require a municipality to collect data relative to seasonal water flow, exempts certain municipalities from filing conservation management plan reports after a well is permitted, and modifies the requirements, in RSA 485:11, for the installation, repair, and replacement of backflow devices. The amendment changes "unaccounted for water" to "water balance" so as to be consistent with existing DES rules, reduces reporting requirements for municipalities under conservation management plans, and makes a modification to RSA 485:11, to be consistent with language passed in SB 116, which adequately addresses the concerns of all parties involved. **Vote 14-0.**

HB 1467, relative to large groundwater withdrawal permits. **INEXPEDIENT TO LEGISLATE.**

Rep. Harry C Merrow for Resources, Recreation and Development. The bill would have required the Department of Environmental Services (DES) to terminate certain large groundwater withdrawal permits when required building permits become null and void. The bill was primarily brought forward by the town of Northwood because of previous water problems with a bottling company. The company is now in litigation and existing permits will likely expire prior to the conclusion of the case. The committee felt that adequate rules and RSAs have been put in place since the original incident and that towns have options to prevent or address future problems. **Vote 13-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1129, establishing a committee to study energy efficiency. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Grossman for Science, Technology and Energy. Keeping in mind that "the acquisition of energy efficiency that can be obtained at a lower cost than conventional energy supply benefits the citizens and businesses of New Hampshire," this bill requires state agencies to meet with stakeholders and develop the "how to" for an energy efficiency plan and share their wisdom with policymakers. **Vote 13-0.**

HB 1192-FN, eliminating the threshold price on the use of proceeds from the regional greenhouse gas initiative program. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Grossman for Science, Technology and Energy. While the committee supports the accomplishments and goals of the regional greenhouse gas initiative, we felt that creating an overall energy efficiency plan, through other legislation, was a higher priority. **Vote 15-0.**

HB 1220, relative to limitations on ethanol in gasoline. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E Mann for Science, Technology and Energy. This bill prohibits the sale of gasoline containing more than 10% corn-based ethanol, contingent upon any two other New England states adopting similar prohibiting legislation. The committee heard testimony describing the negative impact of corn-based ethanol production on the environment and the harmful effects of ethanol on gasoline engines, which would be more harmful at higher concentrations. Moreover, growing corn to produce ethanol competes with food production. **Vote 15-0.**

HB 1224-FN, relative to best practices for the transmission of energy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William S Baber for Science, Technology, Energy. The state currently has no role or authority for inspecting hazardous liquid pipelines (i.e. oil pipelines). Two existing operational oil pipelines dating from WWII cross the state from Maine to New Hampshire in the Route 2 corridor passing some 70 bodies of water. These pipelines transport crude oil from Portland, ME to Montreal and may in the future be reversed to transport tar sands crude in the reverse direction. This bill requires the PUC apply for authorization and reimbursement to assume the federal inspection role for hazardous liquid pipelines that the PUC currently performs for natural gas pipelines. The bill also directs the PUC to report annually to the Science, Technology, and Energy committee on the safety of all pipelines under their responsibility. At the request of the PUC, the bill adjusts the civil penalty under RSA 374:7-a so that it is consistent with federal requirements to maintain inspection authority for natural gas pipelines. **Vote 15-0.**

HB 1352, establishing a committee to explore public-private partnerships to coordinate energy transmission corridors with rapid transit. **INEXPEDIENT TO LEGISLATE.**

Rep. Amanda A Merrill for Science, Technology and Energy. Testimony at the hearing on this bill addressed the potential benefits of public-private partnerships not only within the realm of siting transmission corridors but in a wide range of other contexts as well. Committee members agree with the goal of exploring such partnerships but were uncertain as to the intended scope of the proposed study and therefore the appropriateness of establishing a new committee. **Vote 15-0.**

HB 1540, relative to least cost integrated resource plans filed by an electric utility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Amanda A Merrill for Science, Technology and Energy. This bill amends RSA 378:37 - 378:42 which governs the least cost energy planning process of New Hampshire utilities. The amended bill clarifies the timetable for utilities' submission of plans and the inclusion of natural gas utilities in the purview of the statute, allows the public utilities commission greater flexibility in granting waivers from plan requirements when good cause is found and updates the list of required plan elements, with deletions or additions as appropriate. **Vote 15-0.**

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1136, establishing a committee to study the laws relating to the New Hampshire veterans' home. **OUGHT TO PASS.**

Rep. Linda Massimilla for State-Federal Relations and Veterans Affairs. This bill establishes a committee to study the laws relating to the New Hampshire Veterans' Home which have not been updated since May of 1986. **Vote 12-0.**

HCR 12, urging Congress to fund the development and implementation of a comprehensive health care delivery system to enhance the level of specialty care for New Hampshire's veterans. **INEXPEDIENT TO LEGISLATE.**

Rep. David C Lundgren for State-Federal Relations and Veterans Affairs. This resolution is a duplicate of HR 22. The subject matter was addressed in another resolution. **Vote 10-2.**

HR 20, urging Congress to support a statewide veterans' medical identification card. **OUGHT TO PASS.**

Rep. Leon H Rideout for State-Federal Relations and Veterans Affairs. This resolution replaced two other similar resolutions dealing with urgent care for NH Veterans and urges Congress and the department of veterans affairs to fulfill its goal of providing excellence in patient care. Whereas a full scale VA hospital is cost prohibitive, the resolution encourages the development and implementation of a pilot program via the use of a veterans medical ID card for use in New Hampshire existing medical facilities. **Vote 13-0.**

HR 22, urging Congress to fund the development and implementation of a comprehensive health care delivery system to enhance the level of specialty care for New Hampshire's veterans. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Massimilla for S. The committee felt that this resolution duplicated several other resolutions heard by the committee and therefore it was deemed unnecessary. **Vote 12-0.**

TRANSPORTATION

HB 1149-FN, relative to motor vehicle registrations. **OUGHT TO PASS.**

Rep. Brian D Rhodes for Transportation. This bill will waive the requirement for a physical copy of certificate of registration if the clerk has access to the electronic system of record and can verify the information for the current or previous registration period. This enhancement will save taxpayers time and aggravation when registering motor vehicles.

This bill will also correct a difference between the established fee for a certified copy of a motor vehicle registration in two different places in statutes – RSA 261:141, IX, and RSA 263:42, II. **Vote 14-0.**

HB 1183, relative to display of antique motor vehicle plates. **OUGHT TO PASS.**

Rep. Steven D Smith for Transportation. Just as John Milner saw the writing on the wall when Falfa's 55 Chevy came to town, the times are changing. The committee recognizes that today's antique classics are of a newer vintage. This bill updates our statute to encourage more collectors to save more classics. **Vote 11-0.**

HB 1291, relative to sales by motor vehicle dealers. **INEXPEDIENT TO LEGISLATE.**

Rep. William J O'Neil for Transportation. This bill is too broad and vague. The person who requested this bill has withdrawn his intent. Therefore this bill is unnecessary. **Vote 11-0.**

HB 1313, relative to highway surveillance. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael B O'Brien for Transportation. After reconsideration, the committee still feels as in the original vote of ITL 8-3. The intention of this bill would limit the use of data obtained through highway surveillance. The sponsor stated as we move to the future, technology will be invented that could track our comings and

goings without our permission. The committee believes this prediction may exist sometime in the future, but for now not a current issue. The vote to ITL will allow the committee to wait until the issue of surveillance becomes prevalent, and reserves for the committee the opportunity to write a bill focusing on citizens' right to privacy. **Vote 16-0.**

HB 1317, relative to driver education. **OUGHT TO PASS.**

Rep. Karel A Crawford for Transportation. This bill was requested by the department of safety to correct wording in RSA 263:19 I to delete the reference to the department of education regarding driver education. The department of safety is now supervising driver education. **Vote 14-1.**

HB 1324-FN, relative to access to event data recorders. **INEXPEDIENT TO LEGISLATE.**

Rep. Bruce E Hodgdon for Transportation. The prime sponsor of the bill felt that more work on this bill was needed to make a better bill. **Vote 11-0.**

HB 1329, prohibiting the use of facial recognition technology in connection with driver's license photographs. **OUGHT TO PASS.**

Rep. Tim O'Flaherty for Transportation. The department of safety supports this bill which would prohibit the use of facial recognition technology by the DOS. This technology would endanger the privacy of New Hampshire citizens and its use by state agencies should be curtailed. **Vote 11-0.**

HB 1356, relative to fire department plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael B O'Brien for Transportation. The committee supports the work of our municipal fire departments but felt the start-up costs to manufacture fire department municipal plates to be too costly at this time. Currently, fire departments use the "G" plates which are adequate and accepted by many municipal fire departments, without the need and cost of an additional plate. **Vote 11-0.**

HB 1359-FN, establishing Bronze Star and Silver Star number plates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael B O'Brien for Transportation. This bill, as amended replaces the original bill, and will establish a committee to study the feasibility of placing decals on special number plates for veterans. Current and past transportation committees have received requests for medals, service medals and service emblems earned by our veterans. This bill will allow the study of one universal veteran plate with the requested approved decal to be available to the veterans. **Vote 16-0.**

HB 1483-FN, relative to transfers of motor vehicle registration. **INEXPEDIENT TO LEGISLATE.**

Rep. George E Sykes for Transportation. This bill would have allowed a person to receive a refund if the registration and permit fees for the new motor vehicle were less than the registration fee for the previous vehicle. Testimony from the department of safety indicated this would require programming changes estimated to be \$315,000. Also, the cities and towns would lose some amount of revenue. **Vote 11-0.**

WAYS AND MEANS

HB 292-FN-A, (New Title) relative to registration fees for commercial, private, and pleasure vessels. **OUGHT TO PASS.**

Rep. Harry L Young for Ways and Means. The department of environmental services and safety has requested a \$2.00 increase in boat registration fee. The increase will generate \$156,040 in FY 2015 and \$188,000 in each year thereafter. The additional \$2.00 will be used to help somewhat in controlling the infestation of aquatic milfoil. Milfoil has become an economic and recreational nuisance in our state. Seventy water bodies in New Hampshire are currently identified as being infested with milfoil; 21 are currently not managed or controlled. This species is not native to New Hampshire and becomes very difficult to control once established. Milfoil spreads rapidly and replaces beneficial native plant life. It reduces oxygen in the water, negatively affecting fish. It makes boating, swimming and fishing difficult and may reduce the value of waterfront property. Boat propellers chop up milfoil and the pieces are spread to other bodies of water by boats. Boaters are already involved in attempting to reduce the spread of milfoil by hand cleaning boats and trailers and attempting to avoid infestations. A survey of over 1000 boat owners showed that 75% favored increasing boat registration fees by \$10 and 88% favored an increase of \$5 or more for the purpose of controlling milfoil. Passage of this bill is supported by the majority of boat owners and will benefit waterfront property owners and our tourists as well. **Vote 18-0.**

HB 456-FN, (New Title) relative to liquor manufacturers and relative to samples of alcoholic beverages. **OUGHT TO PASS.**

Rep. John D Kelley for Ways and Means. The bill requires all liquor manufacturers licensees ferment and distill liquor from raw materials, allows liquor manufacturer licensees to distribute samples to off-premise and agency licensees for tasting on licensed premises, and establishes annual restrictions on alcoholic beverage samples. The impact of the bill may result in a loss of liquor revenue, but the Commission states the loss would be immaterial given total liquor sales. **Vote 19-0.**

HB 495-FN, relative to titles for motor vehicles. **OUGHT TO PASS.**

Rep. Joe Osgood for Ways and Means. We found merit in having vehicles from model year 2000 forward to maintain title status. All states surrounding NH have this provision now and selling vehicles into these states can be very difficult if not impossible. Theft prevention is much stronger on titled vehicles. NH dealers agree with this arrangement. This bill provides for vehicles that have currently lost title status because of the present 15yr provision by starting with the 2000 model year. So this bill makes ownership documentation for the owner simple, it makes doing business with surrounding states much easier for the public and dealers, and simplifies paperwork policies for dealers while tightening anti theft policies. Because cities and towns along with the state process titles on fees that cover the costs it was found that revenues would run slightly higher than costs and have no substantial impact on either agency. **Vote 19-0.**

HB 658-FN, relative to registration for medical technicians. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F Abrami for Ways and Means. This bill was amended to be consistent, when it comes to fees, as the 17 other smaller medical boards under whose control this medical technician board will fall. Consistent with similar boards the fee was set at \$55 per year. Since renewals will be every two years, the initial application fee is set at \$110 and the bi-annual renewal fee will also be \$110. **Vote 17-1.**

HB 1157, relative to establishment of fees by certain regulatory boards. **OUGHT TO PASS.**

Rep. Patricia T Lovejoy for Ways and Means. This bill is intended to ensure that the biennial budgets and fees charged by those boards whose revenues are vulnerable to recession, will be based on the budgeted amount for the biennium in which they apply as opposed to the previous fiscal year. The boards would be required to set fees at a level sufficient to produce estimated revenues equal to 125% of their direct operating expenses for the biennium in which they apply, bringing the fee structure in line with that of other licensing boards under the "125% rule." Boards affected are: mechanical licensing, modular building standard, manufactured housing installation, professional engineers, architects, land surveyors, natural scientists, licensed foresters professional geologist, landscape architects, home inspectors, real estate appraisers and electricians. **Vote 17-0.**

HB 1160-FN, relative to the sale of Lucky 7 tickets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B Karrick for Ways and Means. This bill gives bingo halls the ability to use dispenser devices to sell Lucky 7 tickets - the same ability as fraternal and veteran organizations currently have. The bill sets hours that sales may be conducted as 11AM - 11PM on weekdays and Saturdays and noon - 11PM on Sundays. These are the same hours that bingo is allowed to be played. The amendment corrects a flaw in statute that ignored Saturdays. **Vote 18-0.**

HB 1229-FN, relative to the oil discharge and gasoline ether cleanup fund. **OUGHT TO PASS.**

Rep. Frank W Davis for Ways and Means. This bill would extend the repeal dates of the oil discharge and gasoline ether funds from July 1, 2015 to July 1, 2025 and would allow eligible owners to apply for an additional \$500,000 for onsite and offsite cleanups. The current cap on expenditures per spill of \$1.5 million would be raised to \$2 million. The collection of import fees on gasoline and diesel fuel would continue at the same rate through July 1, 2025. The average annual revenue collected from these import fees is about \$13.1 million and the average annual expenditure is about \$12.9 million. The additional \$500,000 made available would be limited to eight or fewer projects and the total amount would not be spent in a single year. The program only approves cleanup projects when new annual revenues are sufficient to cover the cost. **Vote 16-1.**

HB 1232-FN, relative to insurance filing fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan W Almy for Ways and Means. A small part of the fees that the insurance department collects is for companies that file new rates and forms, which they do frequently. Most companies around the country work through three agents ("advisory organizations") which help them adhere to the 50 states' laws and regulations. Two of these agents pass on the filing fees on behalf of their client companies, and one has declined to do so on the grounds of its own domicile. But the companies it services are still liable for the fees, and as their agent, it should be passing them on. The substitute fee directly on the agents in this bill is the best compromise to level the playing field. A committee amendment reduces the fee from the highest level that is charged nationally to middle of the pack. **Vote 17-1.**

HB 1415-FN, establishing a robotics education fund in the department of education. **OUGHT TO PASS.**

Rep. Norman L Major for Ways and Means. This bill establishes a continually appropriated dedicated fund, known as the robotics education fund, for the purpose of providing funding to make robotics programs available to more local school districts for robotics related activities. The funds are to be raised through gifts, grants, donations or any other source. The education department states there are many sources, both federal and private, that could be accessed for this purpose. Innovation and creativity is challenging; it involves solving problems, figuring out how things are made and how they work, and making them better. Students need experiences that demystify engineering and serve their natural inclination to learn, discover, tinker and build. Robotics programs provide a platform for students to do just this. **Vote 18-0.**

HB 1487-FN, relative to the uniform fine schedule for the division of forests and lands. **OUGHT TO PASS.** Rep. Harry L Young for Ways and Means. The new uniform fine schedule for forestry violation replaces the current schedule. Although some fines will increase and others will decrease, most fine amounts will remain unchanged under this bill, so that there will be minimal impact on the branch's budget. In FY 2013 the branch collected \$12,296 in forestry violation fines. No impact is anticipated on county and local revenue, or state, county and local expenditures. **Vote 18-0.**

HB 1531, relative to tax expenditure reports for the business profits tax by the department of revenue administration and establishing a joint committee on tax expenditure review. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan W Almy for Ways and Means. The bill modernizes the four decade old statute creating a tax expenditure report. Tax expenditures are meant to be special provisions for tax reduction for socially approved goals – such as our research & development tax credit and the community development finance authority tax credit- but the current report includes the huge credits of insurance premium tax and business enterprise tax against the business profits tax, both meant simply to avoid double taxation. The bill adds a review every five years by a joint House-Senate committee to evaluate whether the tax credit or exemption is achieving legislative intent and if not, propose corrective legislation. The amendment replaces the bill, including a preliminary list of tax expenditures and better structuring of the report. Tax expenditures cut into the amount that the legislature can appropriate, and it is important we know we are using them well. Separating real expenditures from credits about the basic way the tax is supposed to work also helps in interstate comparisons. **Vote 19-1.**

HB 1595-FN, establishing a condominium dispute resolution board. **REFER FOR INTERIM STUDY.**

Rep. Patricia T Lovejoy for Ways and Means. Although the committee sees the need for a condominium dispute resolution board there are too many unanswered questions regarding the costs associated with the board and adequacy of fees to be charged. It is hoped that further work on this bill over the summer will clarify these issues. **Vote 18-0.**

SB 116-FN, relative to the licensure of liquefied propane installation and service technicians. **OUGHT TO PASS.**

Rep. Thomas C Schamberg for Ways and Means. This bill was to only correct mistakes in statute and the committee realized the first committee amendment had removed any fiscal effect. **Vote 18-0.**

REGULAR CALENDAR PART I

FINANCE

HB 1372-FN-A, making an appropriation for the ongoing training and education of pediatric sexual assault nurse examiners. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Bernard L Benn for the **Majority** of Finance. This bill passed the Children and Family Law Committee on a 14-0 vote and the House on a voice vote. As stated in the report, "New Hampshire is in dire circumstances with regard to examination and protection of children who have been sexually abused. We are now down to one physician in the entire state certified to do these critical evaluations". Finance held a full committee hearing and Division I held two long work sessions to understand the nature of the proposed expenditures needed to create a pediatric sexual assault nurse examiners training program. Testimony indicated the urgency to establish this program to train additional qualified examiners; "when there are concerns about possible sexual abuse, a prompt, accurate and comprehensive evaluation is imperative" in order to prosecute the guilty and protect the innocent. The department of safety joined the law enforcement community in support of this bill and program. The majority of the committee recommends amendment #0881h which simplifies the original bill by combining separate expenditures for software and training into one appropriation for the training program. The single, one time \$20k appropriation can be made, without changing any line item in the current budget, from an unanticipated \$27k surplus from the Massachusetts flood control settlement payments. **Vote 15-10.**

Rep. Lynne M Ober for the **Minority** of Finance. While the Minority found this bill well intentioned, it had a number of issues. The bill, as amended, proposes to provide \$20,000 in 2014 for one year's worth of expenses for the pediatric sexual assault nurse examiner [SANE] training program, which would require reopening this biennium's budget to add budget lines and an appropriation. The money would be given by DOJ to a third party as part of their grant program. Because this is a grant program with money given to a third party, there will be no state oversight of expenditures or purchases. Nor will the required state bidding process for large purchases be followed. A budget was provided during Finance Division I committee deliberations showing how the \$20,000 is expected to be spent. Basically that amount would be divided into two equal parts of \$10,000 each. Expectations for \$10,000 is that one part would be used to lease software needed to support the one week training class and the other part would pay a stipend to Dartmouth Hitchcock Technical Staff. The second \$10,000 would be paid to the only pediatric sexual assault doctor in New Hampshire to provide clinical oversight of records for those who complete the one week training program. The issues that the minority could not resolve during the time we had to work on the bill were: 1. There is only one pediatric sexual assault doctor currently practicing in NH and this program will not train other doctors. 2. No one explained why Dartmouth-Hitchcock technical staff was being provided a stipend of several thousand dollars. 3. No one explained why technical staff at Dartmouth-Hitchcock were chosen especially as we have software and network experts in our own department of information technology. 4. No estimate for number of nurses to be trained if money for was provided. 5. No estimate of the number of existing and practicing SANE nurses in NH if money was provided, but we did learn there is only one doctor. 6. This is not a new need as sexual assault, unfortunately, has been around for generations. Additionally there has long been a well-documented need for qualified medical and health professionals to deal with sexual assault victims. Therefore, we felt this should have been part of last year's extensive budget review, including a review and oversight by the governor before she presented her budget to the legislature. 7. We already have a number of programs that have been approved but are not receiving monetary support or full monetary support. Examples are school construction aid, a variety of HHS programs, catastrophic aid for children and we were concerned about starting a new program when we cannot support our existing base of approved programs. 8. No one would respond to questions about funding for this program in 2015 or following years except to say they hoped they would get a federal grant. What if they don't? 9. We have not been paying for training for other professionals who are required to take continuing education courses in order to continue working. Examples of this are teachers and school nurses. Faced with these unresolved issues and concerned about the questionable fairness to existing, but unfunded programs, the minority believed this bill should not be passed.

HB 1581-FN-A, relative to the bonding of project costs for certain department of transportation bridge capital projects. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert J Elliott for the **Majority** of Finance. The intent of HB 1581 has 3 parts. First, it allows the New Hampshire department of transportation to issue bonds on the credit of the State of New Hampshire to repair or replace state owned red list bridges. Second, the borrowing authority is restricted so that at no time shall total highway fund bonded obligations exceed \$50,000 under this section of RSA 228 and total debt service does not exceed 10% of the unrestricted highway fund revenues for the previous fiscal years. Thirdly, this is a tool for DOT to make emergency repairs to red list bridges and any debt service incurred against the highway fund will reduce funding for routine maintenance and repairs of the highway system. **Vote 20-3.**

Rep. Dan McGuire for the **Minority** of Finance. The purpose of this bill is to allow the department of transportation to quickly borrow money should an emergency cause a bridge to be unusable. However, the language of the bill is too broad. It allows borrowing for red list OR closed bridges. Since repair of red list bridges is a normal DOT function, the bill would allow bonding of operating expenses. The minority's amendment closes this loop hole.

SB 413-FN-A, relative to access to health insurance coverage. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sharon Nordgren for the **Majority** of Finance. SB 413 provides affordable health coverage for about 50,000 people in New Hampshire, most of them working and paying taxes, but with low incomes – lower than about \$16,000 for an individual. The bill uses 100% federal funding to help people afford private insurance. For people who have access to insurance through an employer but can't afford it right now, federal funds will be used to pay their premiums and deductibles – about 13,000 people are expected to get coverage this way. The majority of the qualifying population will temporarily attain coverage through private managed care companies, and will then transition to the marketplace in 2016 where they can select a private insurance plan and we will use the federal funds to cover their premiums and deductibles.

Enrollment begins May 1, 2014 or as soon thereafter as is practicable with coverage beginning July 1, 2014 or as soon thereafter as is practicable. There are hard sunsets if necessary waivers are not attained as prescribed and the program is immediately terminated if the federal funding for benefits falls below 100%. **Vote 15-10.**

Rep. Neal M Kurk for the **Minority** of Finance. The minority believes it important that low-income New Hampshire adults have health insurance but in a way that is affordable to New Hampshire taxpayers over the long term. The majority would provide this coverage by expanding Medicaid under the Affordable Care Act (aka ObamaCare) but without thoughtful and reasonable financial safeguards. The minority proposed two such safeguards in amendments which the majority rejected. One required federal waivers be obtained before the program begins; the other put participation and dollar "caps" on the program to protect taxpayers against runaway costs.

The majority's plan terminates if certain federal waivers are not approved and, in any event on December 31, 2016, when the 100% federal funding ends. Common sense tells us that, as a practical matter, the program is very likely to be extended and permanently expand welfare in New Hampshire. It would be naïve to believe otherwise. The cost of insuring the 50,000 able-bodied but low-income adults who, it is estimated, will qualify for the program is significant – about \$340 million a year once the program is up and running. This cost will be fully paid by our federal tax dollars until 2017, when the federal share declines until it covers 90% of that cost in 2021 and beyond. Some administrative costs will be picked up by the state. In the current biennium, the net administrative cost will be \$3.9 million. But by the 2022/23 biennium, the estimated cost of the state's 10% share of the health care part of the program will be \$40-45 million. This is more than our existing revenue structure can support.

Expanding Medicaid as proposed by the majority creates other problems:

1. Waiting times for medical and surgical appointments, already lengthy, will increase for those of us who are already insured. Despite some claims to the contrary, our health care system on the whole has little slack.
2. Disincentives for low-income individuals to accept additional hours, wage increases or promotions in order to better themselves are built into expanded Medicaid, as those who accept them and see their incomes rise may see their free health care eliminated.
3. The national debt will increase by some \$340 million for each year New Hampshire participates in expanded Medicaid.
4. Those individuals buying and paying for part of their health insurance through the exchanges will have a narrow provider network – fewer choices of hospitals and doctors – while, under the bill, those on Medicaid managed care who pay nothing for their care will have a wider provider network. This is inherently unfair.
5. Eligibility for expanded Medicaid is based on income only and not on assets, so that a 50-year old with 250 acres of land and a very low income qualifies for free health insurance – and gets to bequeath the land to his or her children at taxpayer expense. This, too, is inherently unfair.

Expanding Medicaid is not the New Hampshire way to meet the health care needs of low-income adults.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1615, relative to emergency prescriptions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan J Ticehurst for the **Majority** of Health, Human Services and Elderly Affairs. A pharmacist may dispense an emergency 72 hour supply of medication while awaiting insurance authorization when medication is essential to the maintenance of life or to the continuation of therapy in a chronic condition, or the interruption of therapy may result in physical or mental discomfort. If authorization is denied, reimbursement shall be pro-rated, based on the terms of the provider contract. This bill assures that patients receive essential medication in a timely manner and also that pharmacists are reimbursed for what they dispense. **Vote 17-1.**

Rep. Richard E Meaney for the **Minority** of Health, Human Services and Elderly Affairs. This bill forces insurers to pay for non-covered, non-contractual prescriptions without opportunity to evaluate the requested non-formulary prescription. The only rationale apparent for such a directive is that insurers have more money than do pharmacists and patients. The minority believes that patients who seek non-covered medications should pay for the medication, rather than forcing a third party to pay for the transaction between a pharmacist and a patient. Consumers should pay for the products they consume, barring an agreement to the contrary.

JUDICIARY

HB 1504, providing that life begins at conception. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charlene F. Takesian for the **Majority** of Judiciary. The majority of the committee felt that the determination of when life begins is up to biologists and theologians and not to be determined by the legislature through an RSA. The majority of the committee felt that giving legal status to a fertilized egg would create numerous issues with regard to biologic research and infringe on reproductive freedom of women. **Vote 14-3.**

Rep. Lenette M. Peterson for the **Minority** of Judiciary. The minority of the committee believes that there is significant scientific evidence which supports the premise that a human life begins at conception. According to basic embryology and fetology, a biological human life exists from the moment of fertilization as the creation of a completed and unique strand of genetic material (DNA) is present. In vitro misdiagnoses leading to termination of life, pre-selection of gender as we have seen in other countries, elimination of babies with down syndrome instead of allowing those with disabilities the ability to live, are just a few of the decisions that would be handled differently if the unborn baby were actually considered a human being not a fetus.

HB 1591-FN, establishing the right-to-know grievance commission. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick H. Watrous for the **Majority** of Judiciary. Although the committee heard much testimony about the weaknesses of New Hampshire's right-to-know law (RSA 91-A) and the need for such a citizen commission, this bill as amended by the committee no longer establishes a right-to-know grievance commission. However, it does strengthen the public's right-to-know by making two changes to the notice requirement of public meetings under RSA 91-A:2. First, it requires a 72 hour (3 day) notice of public meetings, instead of the existing 24 hour notice. Second, it requires that the agenda of a meeting be posted, so that citizens know what the meeting is about. The majority believes that these simple changes would result in a more informed and involved public, and more responsible governing bodies. Existing exemptions for emergency meetings and legislative committees would still apply. Many governing bodies already post agendas and provide 72 hour (or more) notice of meetings. But some governing bodies don't bother to inform the public what a meeting is about, and only post notice the night before the meeting. This leaves the public in the dark. Article 8 of the New Hampshire Constitution states that government must be open, accessible and accountable. Requiring that notices and agendas of public meetings be posted 72 hours in advance would serve our citizens and result in more governmental accountability and transparency. **Vote 9-8.**

Rep. Charlene F. Takesian for the **Minority** of Judiciary. The original bill had two sections. The first established a right-to-know grievance commission. The second section changes the timeframe for notification of a meeting from 24 hours to 72 hours and requires that an agenda be posted. The committee considered several amendments to the bill. All the votes were very close but did not pass. The amendment that passed dealt only with the issue of notice. The committee had already passed HB1156 as amended that will make some changes to the right-to-know law and create a right-to-know oversight commission to consider a number of issues including how best to address grievances. The minority felt that if the 24 hours was not being adhered to, changing it to 72 wouldn't solve any problems and the oversight commission in HB 1156, with a strong public membership, was the more effective way to address all these issues.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1228, establishing a commission to investigate the procedure for public employee collective bargaining. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Linda L Tanner for the **Majority** of Labor, Industrial and Rehabilitative Services. Although the committee felt there are problems in the current collective bargaining process, it was felt that a large commission would prove counter productive to solving specific problems. HB 178 which was passed by this committee last session works to address some of these issues and those data gathering efforts should be given time to work. **Vote 15-2.**

Rep. Charles F Weed for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority knows that there are substantial problems associated with RSA 273a, Public Employee Collective Bargaining. This study committee was to look into whether "one size fits all" is the most appropriate process for very different employer management structures and public employee unions. It is especially apparent in the conflict resolution stages of bargaining. When impasse is declared, mediation is attempted; if that fails, then factfinding occurs.

Each side of the impasse can accept or reject the factfinder's report. At this point, current law states that the factfinder's recommendations will be submitted to the legislative body of the public employer, which shall vote to accept or reject the report. In cases where management (the board of trustees-USNH v faculty, city councilman v municipal employees, or aldermen v municipal workers) appoints and closely supervises representatives to negotiate for them, management is inextricably related to the legislative body. For all intents and purposes, management is the same as the legislative body. The intent of factfinding was to be the usual end of impasse, but it often leads to an endless cycle of renegotiation, which may explain the inordinate number of contracts in NH that remain unresolved for years beyond expiration dates. In other states, some form of binding arbitration has been adopted to resolve this kind of conflict. The problems of public employee collective bargaining cannot be resolved until an unbiased systematic study identifies current weaknesses.

HB 1499-FN, making changes in the maximum weekly benefit amount of unemployment compensation. OUGHT TO PASS WITH AMENDMENT.

Rep. Andrew A White for Labor, Industrial and Rehabilitative Services. This bill provides a modest increase in weekly unemployment insurance allowances for many unemployed workers by increasing the benefit from between \$3.00 and \$25.00 per week. The last increase in unemployment insurance across all tiers took place in 2002 – making it nearly 12 years since most unemployed workers have seen any increase.

During the time of significant economic depression the business community stepped up and supported gradual increases in the taxable base unemployment tax as well as two 0.5% emergency surcharges, employees also shared in the sacrifice, giving up the first week of payable benefits.

Today the unemployment trust fund is at a very healthy \$234 million dollars. Both emergency surcharges have been removed and soon, two additional tax reduction triggers will be hit, saving the business community a total of \$106 million dollars annually. That is compared with the annual cost of the benefits increases for laid off workers in this bill of only \$4.8 million

The proposed benefit increases will not take effect until January 1, 2015. The current projections for the unemployment compensation trust fund forecast the fund reaching and maintaining a balance of over \$275 million thus causing a full 1% tax rate reduction for all employers effective for the 4th quarter of 2014. Therefore, the proposed benefit increases will not impact whether the trust fund performs as currently projected and employers realize the discussed tax savings. This is a very important and desperately needed boost for New Hampshire's 11,621 unemployed, and also our local economy. **Vote 17-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1167, relative to exemptions from boiler inspection requirements. OUGHT TO PASS.

Rep. Charles L Townsend for Science, Technology and Energy. Under current law heating system boilers in residences and apartment houses with less than three family units can be subject in some situations to state inspections. HB 1167 will correct the language so that inspections will not be required if the buildings are used exclusively as private residences. **Vote 11-3.**

HB 1181, relative to the provision of services to electricity suppliers by an electric utility. MAJORITY: IN-EXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Robert A Backus for the **Majority** of Science, Technology and Energy. The majority concluded there was no need for this bill which would allow an electric utility to provide billing services for other suppliers and to recover costs for doing so. At this time electric utilities are providing this service at a minimal cost, since they have to send out bills for their transmission and distribution charges in any event. Any electric utility can, in a rate proceeding, seek to recover all its prudently incurred costs plus a return, so cost recovery for this service is already available. **Vote 11-3.**

Rep. Jacqueline A Cali-Pitts for the **Minority** of Science, Technology and Energy. This bill was a legitimate attempt to once again assist in leveling the playing field among electric utility suppliers and providers. Currently there are no open negotiations as concerns billing. The PUC sets the rate that utilities charge for billing services and mandates that these services be provided for their competitors. We at one time were concerned about not enough people choosing competition; we are now concerned that too many customers are leaving PSNH. When customers migrate to a competitive source those who do not are subsidizing those who do through the billing process. We ought to at least allow companies to do business the way every other entity does through open negotiations and not mandates.

HB 1265, relative to coordinating and funding broadband infrastructure information by the enhanced 911 system. REFER FOR INTERIM STUDY.

Rep. Marjorie J Shepardson for Science, Technology and Energy. The committee believes it's important that information be shared between the department of safety and the department of resources and economic development for the NH broadband mapping and planning program. We're encouraged by the fact that the two agencies are now collaborating and we expect to hear about further progress by the end of the term, so we recommend interim study. **Vote 13-2.**

HB 1314, relative to approval of a telecommunication utility merger, consolidation, reorganization, or sale by the public utilities commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert A Backus for Science, Technology and Energy. This bill establishes a study committee to examine whether the PUC should increase its scope of review for sales, mergers or acquisitions of telephone utilities beyond the specific areas now provided in RSA 378:30 and establishes a time limit of November 1, 2014 for a report and recommendations for legislation. **Vote 10-1.**

HB 1385, relative to changes and additions to energy facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles L Townsend for Science, Technology and Energy. The amended bill makes two revisions to the site evaluation committee process. It defines the dollar cost of a "sizable addition" to an energy facility, instead of leaving the term entirely undefined. It additionally sets a limit to cost-overruns on additions and improvements that can be charged back to ratepayers. **Vote 11-4.**

HB 1600, relative to reporting of energy production for net metering. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie J Shepardson for Science, Technology and Energy. This bill would make it more financially viable for a homeowner who is producing a small amount of energy with solar panels to apply for renewable energy credits (REC's). As it stands now, an independent monitor has to visit the home and read a special meter at a cost to the homeowner. The money they would get from REC's wouldn't be much more than what they pay out in fees. This bill makes it possible for the owner to report his production electronically and save the fee to have someone come out and read his meter. **Vote 14-2.**

HB 1602, relative to the divestiture of PSNH assets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A Borden for Science, Technology and Energy. This bill authorizes the Public Utilities Commission (PUC) to determine whether it is in the economic interest of retail customers for the generation assets of Public Service of New Hampshire (PSNH) to be divested or retired. There is general consensus that the PUC is the proper venue to make this determination in the best interests of those customers. **Vote 11-1.**

REGULAR CALENDAR PART II

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 366-FN, relative to showing a ballot. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Latha Mangipudi for the **Majority** of Criminal Justice and Public Safety. The Committee amended the penalty part from misdemeanor to violation and made no change in any other part of this bill. **Vote 9-6.**

Rep. Steve Vaillancourt for the **Minority** of Criminal Justice and Public Safety. Although the Minority agrees that the committee acted wisely in reducing the penalty from a misdemeanor to a violation, we believe this remains a very bad bill. First, it is not needed because we already have laws which prohibit people from selling their votes for financial gain, and that was the only reason supporters gave for passing the bill. Secondly, it is a bill which could never be enforced since no election official will be able to get into the voting booth with a voter. Heaven forbid that we ever get to the point of intrusion into our private lives as this bill in fact contemplates us doing. Thirdly, the Minority believes it is probably not even a good idea to prevent exuberant voters from posting pictures of their ballots. Such a posting could lead to more interest in our elections and to more people voting which, presumably, we all agree is a good thing. Thus, if this bill is to pass at all, the Minority suggests a further amendment which would clearly note that posting a photo of a ballot is only illegal if one does it for financial gain. That, according the Secretary of State, was the original intent of this bill. Fine, if that was the intent, we should clarify the wording before passing this bill which sadly would still be a solution looking for a problem that does not exist. As the NHACLU noted told the committee, this bill as drafted is overly broad. As such, it represents an intrusion on free speech. It fights a bogey man, which does not exist, at the expense of yielding even more of our freedoms, in this case free speech, as guaranteed by the Federal and State constitutions. At a time when more states, such as Maine, are moving toward freedom in the voting process, passing this bill in any form would represent an unfortunate step in precisely the wrong direction. At least, the committee managed to remove the misdemeanor which could have carried the penalty of a year in prison or at \$2000 fine. For the simple act of posting one's ballot on the Internet, now that would have been a travesty.

HB 1122-FN, (New Title) relative to the filing with a registry of deeds of a fraudulent document purporting to create a lien or claim against real property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew S O'Hearne for Criminal Justice and Public Safety. The committee heard testimony on HB 1122-FN and felt the penalty should be a higher one than was presented in the original bill. It was also felt this was a problem at the registry of deeds and this would help solve the problem. **Vote 15-0.**

HB 1135-FN, relative to penalties for driving without a license. **OUGHT TO PASS.**

Rep. Robert R Cushing for Criminal Justice and Public Safety. This bill makes the penalty for driving without a license the same as driving after license has been revoked or suspended – a misdemeanor. The inconsistency

in penalties for driving without a license come to light after a tragic crash in Hampton last September involving an unlicensed driver that claimed the lives of 2 people. The committee felt driving without a license is a serious threat to public safety and should be a misdemeanor instead of a violation. **Vote 16-0.**

EDUCATION

HB 1239-FN-L, relative to the implementation of new educational standards. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rick M Ladd for the **Majority** of Education. For the past seven years the New Hampshire department of education (DOE) has been creating and implementing upgraded educational standards. School districts have been actively transforming their curriculum to these new standards for the past four years. The cost for this transformation has been incorporated into the budgets of school districts as a normal cost of doing business. The majority of the committee was not convinced that there was a need for the cost study as demanded in the legislation. Further, this proposal would bring a halt to the progress being made in transforming schools to meet the 21st century skills needed by our students. **Vote 13-6.**

Rep. Glenn Cordelli for the **Minority** of Education. The minority believes that this bill is about open and transparent government. It addresses the ongoing conversations about the cost of the implementation of common core by requiring the BOE, DOE and local district to do an analysis of the costs for implementation. It also requires that for any NEW standards the BOE and DOE to do a fiscal analysis of costs and an evaluation of proposed standards. In addition, public hearings will be required in each executive council district. We believe that it is better to have these discussions prior to standard adoption rather than later. There was also a misconception in the committee that this would block common core implementation, but it does not.

HB 1262, relative to student assessment data privacy. **REFER FOR INTERIM STUDY.**

Rep. Barbara E Shaw for Education. Both HB 1262 and HB 1496 bring out excellent points with regards to student assessment data privacy. The committee would like to further study all aspects of this bill and develop a good privacy policy based on expert testimony and evaluation, clarification and review of existing law. **Vote 14-5.**

HB 1397, establishing a committee to study whether the department of education is operating within its statutory authority. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mel Myler for the **Majority** of Education. The majority of the committee was not persuaded for the need of such a study. For the past several years the education department has been transforming academic standards and measures of student achievement by working with local school stakeholders to ready students for college and career readiness. Also, the division of instruction is an operational title of the legally defined division of educational improvement. The functions of the division are the same as defined in state law. Lastly, the majority feels that the department is acting in accordance with its statutory authority. **Vote 14-5.**

Rep. Glenn Cordelli for the **Minority** of Education. The minority believes that this bill raises several issues that should be examined. One such issue is that of departments entering into agreements with third parties that obligate or restrict the state.

HB 1432, delaying implementation of certain statewide assessments and studying the effects of delaying implementation of certain curriculum changes in the public schools. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T Spang for the **Majority** of Education. The committee considered this bill, and two amendments, at length and decided that while it offered opportunities to study questions around student assessments, it is not ready for prime time. The Interim Study in this case represents a genuine commitment on the part of committee to provide for a comprehensive evaluation of statewide student assessments in general, and as applied to smarter balance in New Hampshire, in particular. **Vote 8-7.**

Rep. Rick M Ladd for the **Minority** of Education. Placing HB 1432, as amended, in Interim Study only serves to further delay NHDOE in providing findings and recommendations to the legislative oversight committee regarding smarter balanced assessment and the statewide assessment program.

HB 1496, relative to the objectivity and validity of student assessment materials. **REFER FOR INTERIM STUDY.**

Rep. Barbara E Shaw for Education. The committee agrees that both HB 1496 and HB 1262 bring out excellent points with regards to student privacy and testing assessment validity. In this bill, there needs to be clarification of portions that refer to family educational rights and privacy act (FERPA). Due to the technical and specific nature of questions relating to local and federal law, the committee agrees to study this bill and report it out in the fall. **Vote 15-3.**

HB 1508-FN, terminating state participation in the common core educational standards. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rick M Ladd for the **Majority** of Education. In 2010, the NH state board of education adopted the common core standards in math and language arts. These standards delineate what children should know and be

able to do at each grade level and describe the skills that they must acquire to stay on course toward college or career readiness in support of RSA 193-C:3.I.(a) and III.(a). Common core is not a curriculum; it's up to school districts to choose curriculum materials and to provide instruction that leads toward success in attaining the standards. The state board of Education has adopted the K-12 standards, and local school boards can accept, reject or strengthen the standards. The standards are supported by the NH Business and Industry Association, US Chamber of Commerce and the NH Business Roundtable. Companies such as Exxon Mobil, Intel Corporation and State Farm Insurance recognize that we need to improve educational outcomes in every subject. The Fordham Foundation rated NH's old standards against the Common Core standards; NH's old standards received a "C" in English/Language Arts and a "D" in mathematics. Common Core standards received a "B+" and "A" respectively. To remain competitive and to meet future workforce needs, the Granite State needs to raise the standards bar for our graduating students in order that they will be career and college ready. **Vote 13-6.**

Rep. Glenn Cordelli for the **Minority** of Education. The minority believes that New Hampshire should strive for the highest standards and do better than common core. Common core is the result of the merging of big business and big technology. It has been adopted in states, including New Hampshire, based upon the carrot of funds from the federal government. We have heard that this continues local control of education, but we disagree. The standards are copyrighted and can only be changed by 15%. These standards are directly linked to the mandated state-wide assessments. The committee heard testimony from many parents – all in support of HB 1508. New Hampshire can do better.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1189, relative to temporary worker rights. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles F Weed for the **Majority** of Labor, Industrial and Rehabilitative Services. The bill proposes to provide protections to temporary workers; the majority believes that this is a good bill, and that this growing category of workers needs regulatory protection through the state. However, a technical oversight in drafting an amendment requires a delay, and will enable a closer look at some of the few remaining issues that were inadequately addressed in the final amendment presented to the committee before it receives prime time deliberation by the house. **Vote 13-4.**

Rep. Douglas A Ley for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority believes this to be a strong and viable bill, however due to technical errors and omissions in the drafting of an amendment, the bill fell short of full committee support. The minority preferred to have an additional opportunity to correct the identified and agreed upon errors so as to pass this measure to aid a growing number of temporary workers in New Hampshire.

PUBLIC WORKS AND HIGHWAYS

HB 2014, relative to the state 10-year transportation improvement program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B Campbell for Public Works and Highways. HB 2014 is the Ten-Year Transportation Improvement Plan for the State of New Hampshire, covering the period from 2015 - 2024. It allocates over the next ten years the federal transportation projects, turnpike maintenance and improvements, and the state programs of betterment and highway & bridge aid to municipalities.

The approximate allocated totals are: \$1,820 million in Federal Highway Aid, \$448 million for Aeronautics, Rail and Transit, \$415 million for Turnpikes, \$245 million in Betterment and \$127 million in State Highway and Bridge Aid.

Every two years, GACIT (Governor's Advisory Commission on Intermodal Transportation) via the Governor submits recommendations to the Legislature, this year as HB 2014. The recommendations are specific to transportation improvements and are listed alphabetically by municipality. Projects and transportation priorities are initially set forth with the input of the regional planning offices and numerous statewide public hearings. Because of the declining statewide infrastructure and the dire need to maintain and repair our roads and bridges, this year's bill as introduced was heavier on preservation of existing infrastructure and lighter on new projects. Significantly, the project to improve and widen I-93 between Exit 3 in Windham and the split in Manchester was still underfunded by \$250 million. The Public Works & Highways Committee held a series of public hearings and work sessions on HB 2014.

This Plan makes three major assumptions: 1) because of lack of state funds this Plan assumes (as all Ten Year Plan's have since 2008) that all state matches for federal projects utilize turnpike toll credits for the state's fund share, instead of a cash contribution (which results in \$30 million a year less in actual road and bridge projects and maintenance); 2) that the level of federal transportation funding remains unchanged; and 3) that the inflation rate of construction is 3% annually over the 10 year period.

In its work, the committee recognized both the tremendous financial costs necessary to maintain and repair present state and municipal roads and bridges and the lack of adequate revenue to meet these competing and worthy needs. Therefore, the committee scrutinized the Plan to further reprioritize projects and maximize funding options, in order to fix as many roads and bridges as possible, while continuing to remain committed to the funding of the state's number one transportation project, the widening of I-93, and the state's number one red list bridge, the Sarah Mildred Long Bridge in Portsmouth.

HB 2014 as amended does the following:

- reallocates the Betterment program's guard rail replacement (\$1.2m each year) in favor of secondary road rehabilitation among the six DOT districts and also transfers the federal monies for renumbering the exits on the interstates to pave rural collector roads (\$1.1 million - one-time money).
- addresses the 100 worst (out of 140) state red list bridges (the problem is that more bridges come on the list each year than go off).
- includes bridge preservation work on an average of 25 state bridges per year (to keep even more bridges from going on the red list).
- replaces or repairs the current 24 red list weight restricted (E-2) bridges.
- incorporates some of each regional planning commissions' highest priority projects.
- reprioritizes or eliminates certain Turnpike improvements which are funded solely from toll plaza revenue.
- finances NH's one-half share for the replacement of the Sarah Mildred Long Bridge of approximately \$78 million through the use of bonds issued in anticipation of future federal funds (GARVEE bonds), within the total amount of GARVEE bonds currently authorized.
- provides \$40 million in federal funds and \$11 million in federal highway anticipation bonds to fund an additional \$51 million towards the I-93 project, which allows for another major segment of the project to be completed without demobilizing construction crews.
- allocates \$8 million in federal funds to complete the widening of about 2 miles of Route 101 in Bedford, which is the most congested and dangerous section of Route 101 west of Route 114 (27,000 vehicles/day and of the 1,324 accidents over the past ten years on this 20 miles of highway, 508 have occurred within this 2 mile corridor).

The increased bonding will result in approximate 9% of future federal highway funds paying the debt service for I-93 and about 5% for debt service related to the Sarah Long Bridge. The Treasurer, who consulted with the state's investment advisor, advised the committee that this level of GARVEE bonding for the stated purposes is still fiscally sound.

This bill is financially constrained and contains only projects which can be funded with existing revenue (with the exception regarding SB 367 explained below). As recommended to the House, it contains, as in past Plans, unfunded priorities for projects using Highway/Federal Funds (I-93) and Turnpike Funds. Significantly, for the first time, the Plan includes removal of the Merrimack toll ramps at Exits 11 and 12 as an unfunded Turnpike priority. Their removal is contingent upon that at such time that the Bedford mainline toll on the F.E. Everett is upgraded, it be located to the south of its present location (to eliminate the expensive present toll diversion at Exit 13 from the south), and the transfer of the currently Turnpike-maintained Continental Boulevard to the Town of Merrimack.

Should SB 367 be enacted in its present form, it would raise the road toll by 4.2 cents and increase transportation funding by approximately \$32 million for FY 2015 for which the biennial budget is already in place. The committee felt that the House should have input on where this unanticipated revenue should be spent for FY 2015; namely to exclusively fund roads and bridges statewide. The committee adopted the six district DOT engineers' specific recommendations for paving priorities, and unanimously voted that the money be spent as follows: \$13 million to increase the annual repaving schedule for fair and poor roads (approximately 190 additional miles at about \$68,000/mile) and \$12 million to rehabilitate/reconstruct 36 critical miles of very poor roads around the state at a staggering \$333,000/mile. This number clearly illustrates the fiscal irresponsibility of allowing our roads to slip further into poor condition, which then become exponentially more expensive to reconstruct than repave. (In 2000, about 600 miles of our 4,500 state roads were in poor condition. In 2012, that number had swelled to 1660 miles in poor condition or 37%). The other \$7 million dollars are recommended to increase the State Aid Bridge Program to municipalities, which has the effect of allowing about 10 more municipal bridges to receive state aid from a program that is currently full until 2024, and has not seen any additional funding since the mid-1990's. This will increase paving in FY 2015 by about 230 miles to a total of approximately 580 miles, which is above the annual target of 500/miles per year. The Ten Year Transportation Improvement Plan is a planning document; not a budget bill. Beyond the possible extra money in FY 2015, it is up to the next legislature and its finance committees to address the extremely tough budget considerations of how to allocate Highway Fund revenues (with or without an increase in the Road Toll). While the Committee recognizes that this Plan is hardly perfect, it worked diligently to spread very thin financial resources statewide. HB 2014 as amended partially addresses the state's top transportation priorities, while emphasizing the repair and maintenance of some (but by no means all) of the state's worst roads and bridges. **Vote 18-0.**

WAYS AND MEANS

HB 492-FN-L, relative to the legalization and regulation of marijuana. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary R Cooney for the **Majority** of Ways and Means. This bill is about the legalization of marijuana, not about decriminalization. Under HB 492 all aspects of the marijuana process – cultivation, manufacture, distribution, and sale – would be legal and would result in the development of a full fledged commercial marijuana enterprise in our state with cultivation, manufacturing facilities, and retail stores selling high potency marijuana and marijuana products such as edible products, tinctures, and ointments. Over the last several years it has been the position of the House to move toward the decriminalization of marijuana under which the penalty for the possession of small amounts of marijuana by people aged 21 and older is reduced to a violation level offense. Earlier this year, the House passed HB 492 which was then referred to Ways & Means. The majority of the committee, having looked at the revenue and regulation aspects of the bill, takes the position that there are still too many unknowns to go forward with the passage of this bill. Although proponents of HB 492 point to significant potential tax revenue from marijuana legalization, the majority believes that the revenue estimates are speculative at best, given the lack of comprehensive analysis of the impact of tax rates, the liberal “grow your own” provisions in the bill, and the lack of information about the cost of regulation and enforcement. There is no provision in the bill for regulation start up costs other than the nominal license fees. The majority believes that the regulatory structure proposed in the bill as introduced and even as amended still presents considerable problems. As passed by the House the bill placed all regulatory and enforcement authority in the DRA, not just for taxation but for all aspects of licensing, product safety, and enforcement. The minority amendment sets up a division within the Liquor Commission to deal with marijuana but assigns other regulatory aspects to the departments of agriculture, health and human services, safety, and revenue administration with no provision for effective coordination. In addition, the department of safety does not want responsibility for implementation because of the conflict between NH and federal law. While the bill does allow for a local control ordinance to ban marijuana stores in cities and towns, it does not provide any benefit to towns from tax revenues which may be needed if additional resources are needed by police departments for enforcement. The majority feels that the fact that marijuana remains illegal under federal law remains a major stumbling block to regulation and taxation of this product at the state level. In addition, the Banking Association is not satisfied with the recent guidance from the US Attorney General and the Treasury Department about the circumstances under which banks will be protected from prosecution. This guidance is at odds with that from the Food and Drug Administration and the Drug Enforcement Administration. What will occur if the next administration feels differently? The majority feels Congress needs to change the law before New Hampshire approves legalization. Further, the subcommittee researched the Colorado statutes and current activities and identified a number of problems that have arisen since that state adopted legalization by referendum. A major problem is the regulation of secondary products. It is reported that as much as 50% of Colorado sales are for edible products such as marijuana infused candy, soda, mints, lotions and other products that are not smoked. Many of these products are attractive to children, and ensuring that these products remain out the hands of children and youth is a major concern. This bill contains no regulation of these secondary products, except with labeling, yet the levels of THC cannabinoids in these products can be highly toxic to children. Although there is recognition of possible addiction to marijuana, there is no provision for any required distribution of revenue to address the public health and safety costs that will follow. Only 1 in 10 people seeking treatment for addiction receive it now. An additional concern is the ability of any adult to grow his or her own marijuana. This part of the bill would go into effect July 1st of this year which would allow an adult over 21 to grow up to 6 plants. They could be grown anywhere as long as the plants are out of sight of the public. The quantity of plants would be impossible to regulate since there could be multiple adults in one household. The excess product could be given but not sold to others. The subcommittee which worked on the bill made some major improvements to the bill but in the opinion of the majority taking this giant leap to the full legalization of marijuana is very premature. It should be done after the data are in from the NH medical marijuana program and from the experiment of legalization in the states of Colorado and Washington. **Vote 14-5.**

Rep. Frank V Sapareto for the **Minority** of Ways and Means. The Minority of the committee believes much has been learned since the 1st House vote to approve this bill by a 170-162 margin in January. After hearing from the Department of Revenue Administration and other agencies and departments that would be affected by this legislation, an amendment was developed by the subcommittee that dramatically improves both the system of taxation and the regulatory structure of this bill. The amendment was adopted unanimously by a 5-member subcommittee and was then adopted 14-5 by the full committee prior to the bill being voted ITL. The amendment greatly simplifies the system of taxation proposed in the original HB 492 bill, eliminating the 15% retail sales tax and instead applies a single \$60/oz wholesale tax on marijuana produced by licensed cultivation facilities. This one-time tax was deemed to be much easier for the Department of Revenue Administration to collect and administer than a percentage tax at the retail level. Furthermore, rather than

relying on the Department of Revenue Administration to license and regulate all marijuana establishments, the amended bill distributes licensing and regulatory responsibilities between the Department of Agriculture (cultivation facilities), the Department of Health and Human Services (testing facilities and product manufacturing facilities), and the Liquor Commission (Retail stores). Additionally, the amended bill provides much more detail with regard to legislative oversight, and procedures for licensing and regulation. It prohibits vertical integration of marijuana establishments, requires background checks for all employees and principals, and requires that all marijuana and marijuana products be sold with safety issues and/or warning labels. As amended, this bill would allow for the creation of a well-regulated marijuana industry in New Hampshire. The minority of the Committee believes this bill would not only create jobs and produce significant and substantial revenue for the state, but also bring much-needed regulation to an industry that is currently subject to no regulation whatsoever, even though approximately ½ million ounces are currently consumed in our state. This bill would protect consumers by allowing them to buy marijuana products that have been tested for purity and potency without having to interact with illicit drug dealers (who may introduce them to more dangerous substances such as heroin) and it would protect those under 21 by requiring a valid form of identification for all purchases. The amended bill specifically states that it does not change, in any way, the impaired driving statutes. In short, this bill would replace a failed, expensive, prohibition with a system of sensible regulation.

HB 1142-FN-A, relative to the road toll for alternative fuels. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Joe Osgood for the **Majority** of Ways and Means. The committee found that propane gas distribution and taxation could be quite difficult under the provisions of this bill. How do you differentiate between propane for stationary machines and for vehicles? It can end up being very cumbersome for dealers and users. We did agree that taxation of alternative fueled vehicles should be done but using a more fair and accurate method. A quick discussion of other methods and safeguards, such as including registration surcharge or mileage impact fees that could be matched to mileage reports from inspection documents, led to the interim study recommendation. **Vote 16-2.**

Rep. Mary R Cooney for the **Minority** of Ways and Means. The concept behind this bill is that all users of the state's road and bridges should contribute to the cost of construction and upkeep of those roads and bridges. The road toll, a user fee, is the primary vehicle for revenue used for this purpose. Over the last decade more vehicles are being powered by compressed natural gas, liquefied natural gas and propane. These vehicles are not paying any road toll currently. Fairness dictates that these vehicles should also contribute toward the construction and upkeep of our road and bridges. This bill provides that a road toll will be charged on these alternative fuels based on a conversion rate for these fuels to their equivalent in gallons of gasoline or diesel, based on uniform nationally recognized standards for weights and measures. The tax will be collected at the retail level. The committee probed various alternatives and decided this bill is the best solution. The alternative fuel road toll is subject to current statutory exemptions and refund provisions applicable to the road toll today, namely government entities and non-profit bus companies licensed by NHDOT. The minority feels that this bill could be implemented as written.

HB 1161-FN, relative to the definition of slot machines and the duties of game operators and game operator employers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Frank W Davis for the **Majority** of Ways and Means. This bill would exempt certain electronic table aids from the definition of slot machines. The only speaker in favor of this legislation was the lobbyist for one particular company. This company has questionable financial stability, losing money every year since its inception, and has settled out of court in a Las Vegas lawsuit over improper distribution of its machines. The Committee was concerned about what might happen if these machines were accepted and the company went out of business. **Vote 14-3.**

Rep. Jordan G Ulery for the **Minority** of Ways and Means. Despite a through discussion of the failing financial model of a company manufacturing a type of electronic card game, little discussion was offered on the concept itself. All the bill will do is allow people to play already legal games by themselves, sans dealer, electronically. Allowing another form of legal, regulated card play seems only fair, equitable and good for revenue generation.

REMOVED FROM CONSENT 3/19

FINANCE

HB 650-FN-A, making an appropriation to start a bus service between Claremont and Lebanon. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas L Buco for Finance. The original intent of HB 650 was to demonstrate state support for a plan by the Community Alliance Transportation Service of Newport, NH to expand bus service between Claremont and Lebanon, NH. The bill as it came to the committee requested a nominal appropriation of \$1.00 to establish a line in the department of transportation budget with authority to request additional funding through the fiscal committee.

The bill before the committee now, amended by amendment #2014-0874h supports the Transportation committee policy and requires the Community Alliance Transportation Service, with the support of NHDOT, to actively solicit federal funds for the capital costs and operating expenses and to actively solicit private or local funds to provide matching funds for receipt of federal grants. Therefore by this amendment there is no longer any state appropriation or any authority to seek additional state funds. **Vote 25-0.**

HB 1114-FN, relative to limits on state expenditures for school building aid. **INEXPEDIENT TO LEGISLATE.** Rep. Thomas L Buco for Finance. The intent of HB 1114 was to remove the \$50 million cap on school building aid and instead to replace the cap with a floor that shall not be less than \$50 million. The State of New Hampshire is currently under a moratorium on school building aid until June 30, 2015. The debt service for projects previously approved, a.k.a. the 'tail', totals \$450 million. Estimated needs for FY '14/15 total \$381 million with potential state obligation of \$139 million. There is a great need for state aid for school building projects, however with no funds to supplement the program the committee voted ITL. **Vote 24-0.**

JUDICIARY

HB 1315, relative to confidentiality of police personnel files. **INEXPEDIENT TO LEGISLATE.** Rep. Charlene F Takesian for Judiciary. The committee received numerous bills requesting changes to right to know issues. We consolidated those requests into an amendment to HB 1156. This bill was included in that amendment. **Vote 13-0.**

HB 1379, excluding firearms records from public records subject to disclosure under the right-to-know law. **INEXPEDIENT TO LEGISLATE.** Rep. Michael J Sylvia for Judiciary. Current law protects personal information contained in firearms records. Therefore, this bill is unnecessary **Vote 13-1.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1139, repealing authority for granting of property tax abatements for watering troughs and shade trees. **OUGHT TO PASS.** Rep. Dorothea D Hooper for Municipal and County Government. This bill will remove an outdated piece of legislation from law. **Vote 16-1.**

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 HB261 addresses the same issue. It increases the recovery fee for the cost of sending a letter by certified mail from \$5 to \$10. HB1492 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.**

HB 1610-FN, relative to the excavation tax. **INEXPEDIENT TO LEGISLATE.** Rep. David J Danielson for Municipal and County Government. This bill defines the term "natural repose" to determine the liability for the excavation tax. The majority of the committee feels that the issue can best be addressed through the state land use board. The sponsor who researched the definition of "natural repose" from civil engineering definitions acknowledged that while he considered that option he felt a legislated solution would be preferred. The majority of the committee disagreed with that approach. **Vote 16-1.**

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 525-FN, raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age. (Pending question: Ought to Pass)

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 1264, relative to carrying of firearms by nonresidents. (Pending question: adoption of committee amendment 0659h)

HB 1399-FN, relative to the application for a vested deferred retirement allowance in the retirement system. (Pending question: Ought to Pass)

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)

HB 1565-FN, establishing the crime of filing a false lien or encumbrance against a public servant. (Pending question: adoption of committee amendment 0241h)

HCR 10, applying to the Congress of the United States to call for a convention under Article V of the United States Constitution. (Pending question: Inexpedient To Legislate)

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 21

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

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

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

10:00 a.m. Regular business.

10:30 a.m. Audits: 1) State Of New Hampshire Lottery Commission Management Letter For the Fiscal Year Ended June 30, 2013, 2) State of New Hampshire Liquor Commission Management Letter For the Fiscal Year Ended June 30, 2013, 3) State of New Hampshire Turnpike System Management Letter For the Fiscal Year Ended June 30, 2013 and 4) State of New Hampshire State Treasury Financial Audit Report For the Fiscal Year Ended June 30, 2013.

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

10:30 a.m. Non-public session of the Complaint Review Committee.

12:00 p.m. Regular meeting.

MONDAY, MARCH 24

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB

9:00 a.m. Regular meeting.

FRIDAY, MARCH 28

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

9:00 a.m. Equalization Subcommittee meeting.

9:30 a.m. Regular meeting.

NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 203, LOB

10:00 a.m. Regular meeting.

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

1:30 p.m. Regular meeting.

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

1:00 p.m. Regular meeting.

SUNDAY, MARCH 30

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

1:00 p.m. Regular meeting.

MONDAY, MARCH 31

JOINT LEGSILATIVE HISTORICAL COMMITTEE (RSA 17-I), Room 100, State House

9:30 a.m. Regular meeting.

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 212, LOB

9:30 a.m. Regular meeting.

TUESDAY, APRIL 1**ELECTION LAW, Room 308, LOB**

- 10:00 a.m. **SB 271**, relative to retention of voter affidavits and identity verification.
- 10:30 a.m. **SB 272**, relative to notice of voter registration.
- 11:00 a.m. **SB 273**, relative to information in the statewide centralized voter registration database.
- 11:30 a.m. **SB 274**, relative to the form of a candidate's name on a ballot.
- 1:00 p.m. **SB 275**, relative to refusal to certify an absentee ballot application.
- 1:30 p.m. **SB 279**, relative to challenges of voters.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. **SB 392**, establishing a commission on rural affairs.
- 11:00 a.m. **SB 141-FN**, establishing the Granite State farm to plate program.

FISH AND GAME AND MARINE RESOURCES, Room 307, LOB

- 10:15 a.m. **SB 400-FN**, relative to the penalty for violations of the taking of American eels and **SB 311**, authorizing the executive director of the fish and game department to execute an agreement allowing reciprocal snowmobile riding privileges with the states of Vermont and Maine.

JUDICIARY, Room 208, LOB

- 10:00 a.m. **SB 260-FN**, permitting electronic signatures on criminal complaints for certain offenses.
- 10:30 a.m. **SB 373-FN**, relative to procedure and jurisdiction of the superior courts.
- 11:00 a.m. **SB 263**, allowing state court judges to solemnize marriages.
- 11:30 a.m. **SB 201**, relative to marriage registration forms.
- 1:00 p.m. **SB 151-FN**, (New Title) relative to the payment of witness fees and other fees for services in criminal cases.
- 1:30 p.m. **SB 289**, relative to validated wills and revising the uniform trust act.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **SB 233**, relative to property tax exemption for district fire mutual aid systems.
- 11:00 a.m. **SB 216**, relative to designating an alternate trustee of the trust fund.
- 11:30 a.m. **SB 236**, relative to delivery of the final budget and recommendation of the municipal budget committee to the governing body.
- 1:30 p.m. **SB 219**, relative to funds received from the sale of cemetery lots.

Rooms 301-303, LOB

- 2:00 p.m. **SB 333**, relative to property taxation of manufactured housing.

WEDNESDAY, APRIL 2**EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY COMMITTEE (RSA 186-C:3-b), Department of Education, Londergan Hall Room 15, 101 Pleasant St., Concord**

4:30 p.m. Regular meeting.

ELECTION LAW, Room 308, LOB

- 10:00 a.m. **SB 120-FN**, relative to political contributions and expenditures and relative to reporting by political committees.
- 11:00 a.m. **SB 183-FN**, (New Title) relative to identification of voters, processing absentee ballots, and voluntary political expenditure limitations.
- 1:00 p.m. **SB 294**, relative to the deadline for requesting a recount of an election.
- 1:30 p.m. **SB 349**, relative to the election of delegates to state party conventions.

JUDICIARY, Room 208, LOB

- 10:00 a.m. **SB 262-FN**, revising the form for "summons instead of arrest" and prohibiting attachments in small claims actions.
- 10:30 a.m. **SB 303-FN**, relative to bad faith assertions of patent infringement.
- 11:00 a.m. **SB 209**, expanding the good samaritan law to engineers and architects.
- 1:00 p.m. **CACR 17**, relating to natural rights. Providing that discrimination based on sexual orientation is prohibited.

THURSDAY, APRIL 3**FINANCE, Rooms 210-211, LOB**

10:30 a.m. **SB 283-FN**, relative to disposition of funds obtained by the attorney general.

11:15 a.m. **SB 339-FN**, relative to instituting a credit card affinity program in which fees received are directed to offset the retirement system's unfunded liability.

FINANCE – (DIVISION I), Room 212, LOB

1:00 p.m. Work session on **SB 283-FN**, relative to disposition of funds obtained by the attorney general.

1:30 p.m. Work session on **SB 339-FN**, relative to instituting a credit card affinity program in which fees received are directed to offset the retirement system's unfunded liability.

FRIDAY, APRIL 4**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB**

9:00 a.m. Continued regular meeting.

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

1:00 p.m. Regular meeting.

MONDAY, APRIL 7**TASK FORCE ON WORK AND FAMILY (RSA 276-B:2, I), Room 207, LOB**

1:15 p.m. Regular meeting.

TUESDAY, APRIL 8**EDUCATION, Room 207, LOB**

10:00 a.m. **SB 221**, relative to private postsecondary career schools and relative to the authority of the board of barbering, cosmetology, and esthetics.

THURSDAY, APRIL 10**EDUCATION, Room 207, LOB**

10:00 a.m. **SB 343**, relative to the duties of the statewide education improvement and assessment program legislative oversight committee and repealing the school administrative unit legislative oversight committee.

11:00 a.m. **SB 350**, relative to the transfer of adequacy aid calculation data from the department of education to the department of revenue administration.

1:15 p.m. **SB 348**, establishing a commission to study sexual abuse prevention education in elementary and secondary schools.

FRIDAY, APRIL 11**NEW HAMPSHIRE STATE ENERGY ADVISORY COUNCIL (RSA 4-E:2), Rooms 302-304, LOB**

1:30 p.m. Regular meeting.

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

9:30 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

MONDAY, APRIL 14**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), NHEP Workplace Success Career Center, 2 Industrial Park Dr. Bldg. #2, Concord**

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

TUESDAY, APRIL 15**CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB**

2:30 p.m. Regular meeting.

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

2:00 p.m. Regular meeting.

THURSDAY, APRIL 17**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.

MONDAY, APRIL 21**COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND SPECIES (RSA 487:30), Room 307, LOB**

10:00 a.m. Regular meeting.

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

1:30 p.m. Regular meeting.

TUESDAY, APRIL 22**FISH AND GAME AND MARINE RESOURCES, Room 307, LOB**10:15 a.m. **SB 336-FN**, prohibiting the taking of deer from baited areas on state-owned lands.1:00 p.m. **SB 230**, relative to the definition of utility terrain vehicles.1:45 p.m. **SB 232**, relative to speed limits for off highway recreational vehicles and snowmobiles.**FRIDAY, APRIL 25****ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB**

9:00 a.m. Regular meeting.

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

9:30 a.m. Regular meeting.

MONDAY, APRIL 28**OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB**

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

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

Rep. Richard D. LeVasseur, 6 Glasgow Circle, Hudson, NH 03051-3759

Rep. Ronald R. Boisvert, 278 Greeley St., Manchester, NH 03102-2316

Rep. Laura Pantelakos, 528 Dennett St., Portsmouth, NH 03802-3621

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

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

Karen O. Wadsworth, Clerk of the House

COUNTY DELEGATION NOTICE

The **Carroll** County Delegation will meet in Executive Committee on Monday March 24th, 12:00 p.m., to review of the 2014 County Budget. The meeting will take place in the Carroll County Administration Building, Delegation Room, at 95 Water Village Road, Route 171, Ossipee, New Hampshire. The Delegation also will consider and act upon any other business that may properly be brought before it.

If there is any bad weather which may cause a delay or cancellation, the Delegation will be contacted by 8:00 a.m. on March 24.

Ed Butler, Clerk

Carroll 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

Pursuant to RSA 24:23, there will be a public hearing for **Merrimack** County before the County Delegation at **6:00 p.m.** on **Monday, March 24th** at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord, New Hampshire. The purpose of the meeting is: 1. To consider 2014 Budget Appropriations for Merrimack County. 2. To consider any other business that may appropriately come before them. At this time, any member of the public may present oral or written testimony regarding the 2014 budget as proposed by the Merrimack County Delegation Executive Committee.

Rep. Candace Bouchard, Chairman
Merrimack County Delegation

Pursuant to RSA 24:9-c and RSA 24:14 II, immediately following the Public Hearing to be held on **Monday, March 24th** at **6:00 p.m.**, there will be a meeting of the **Merrimack** County Delegation at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord, New Hampshire. The purpose of the meeting is: 1. Approval of the 2014 Merrimack County Proposed Budget. 2. Withdrawal of funds from the Capital Reserve Account. 3. To consider any other business that may appropriately come before them.

Rep. Candace Bouchard, Chairman
Merrimack County Delegation

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 495, HB 496, 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 1104, HB 1127, HB 1132, HB 1142, HB 1148, HB 1150, HB 1160, HB 1161, HB 1163, HB 1216, HB 1229, HB 1251, HB 1308, HB 1335, HB 1368, HB 1372, HB 1381, HB 1406, HB 1411, HB 1457, HB 1489, HB 1494, HB 1498, H 1548, HB 1557, HB 1572, HB 1576, HB 1579, HB 1581, HB 1595, HB 1609, HB 1617, HB 1618, HB 1620, HB 1622, HB 1624, HB 1626, HB 1627, HB 1628, HB 1630, HB 1631, HB 1635, SB 91, SB 116, SB 141, SB 180, SB 193, SB 196, SB 205, SB 206, SB 215, SB 231, SB 259, SB 264, SB 283, SB 317, SB 318, SB 335, SB 339, SB 405, SB 414.

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 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 next gathering for Capital Grange will be **Wednesday, March 26th** at lunch break in the cafeteria. Discussion on upcoming Legislative bills supported by the Grange and potential dates for Grange Day at the Legislature will be held. Please call Reps. Dick Patten or Bob Haefner for information.

Reps. Dick Patten and Bob Haefner

On **Tuesday, April 1st**, the New Hampshire Motor Speedway is hosting a legislative breakfast from **8:00 a.m.** to 9:30 a.m. the Holiday Inn Concord Downtown. Speedway EVP and General Manager Jerry Gappens will be on hand to offer an update on the Speedway, insight into the NASCAR industry and what's new for 2014. All legislators and staff are cordially invited to join us for a full breakfast buffet. This event is free of charge and sponsored by one of the state's most powerful economic engines, the NH Motor Speedway.

Reps. Steve Shurtleff and Gene Chandler

All legislators are invited to a showing of the acclaimed documentary "Inequality for All" which features Robert Reich, economics professor, best-selling author, and former U.S. Secretary of Labor, as he demonstrates how the widening income gap is having a devastating impact on the American economy. The film is described as "a passionate argument on behalf of the middle class." The showing is open to all. This event is part of the film's "50 State Capitals Tour" this winter and spring, designed especially for Legislators and policy-makers. The showing will be held **April 8th** in rooms 305-307 of the LOB at **12:30 p.m.**

Reps. Andrew White and Ed Butler

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

University of New Hampshire President Mark W. Huddleston invites all lawmakers and staff to attend the University's annual legislative luncheon on **Wednesday, April 9th, 2:00 p.m.** at St. Paul's Church in Concord. President Huddleston will talk about how UNH is driving research and innovation in New Hampshire and forging job-creating partnerships. A brown bag lunch will be available.

Terie Norelli, Speaker

Reps. Hoell and Burt invite all legislators to a firearms shoot at the Sig Sauer and the Sig Sauer Training Academy to witness/participate in a firearms suppressor shoot to better understand what suppressors do to the acoustic signature of a firearm. The demonstration will start at 4pm and will take place from 4-6pm on April 11th. The invitation is open to the first 25 reps that sign up and requires preregistration. Please send an email to kate.lavigne@sigsauer.com on or before April 4th to register for this event. Questions can be directed to either Sig Sauer or Rep. Hoell regarding this event. There is no cost for attending this demonstration.

Reps. JR Hoell and John Burt

The Sixth Annual Local Energy Solutions Conference (LES) will be held **Saturday, April 12th from 8:30 a.m. to 4:00 p.m.** at Winnisquam Regional High School in Tilton, organized by the NH Local Energy Work Group. This day-long event is New Hampshire's premier conference dedicated to achieving local and municipal energy successes. The conference will be hosting more than a dozen workshops, vendor exhibits and tours of the wood chip burning biomass plant on the school campus. Legislators can attend this conference for free. Please register at nhenergy.org

Rep. Ian Raymond

Wednesday, April 16th, 12:30 p.m. Big Money and Politics – New Hampshire is the highest per-capita recipient of outside special-interest money. Learn about the efforts to address this issue at the state level, understand the federal landscape and what you can do about it. This presentation, including panel discussion, is part of New England College's education series to take place at the college's new Concord facility, 62 North Main Street. Walk south on North Main St. to the clock tower side, near the Norway Bank, three-minutes from the steps of the State House. Brown bags welcome. Cookies will be served.

Reps. Bob Perry and Dave Kidder

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 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
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 2	11:15	Portsmouth Christian Academy – Dover	32/4
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 4	9:30	Woodman Park School – Dover	50/4
April 4	10:00/11:00/12:00 SH/HM	Milford Elementary School	200/4
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	9:00	Beaver Meadow School – Concord	48/4
April 8	10:00	Maple Wood School – Somersworth	44/4
April 8	11:30	Pittsfield Elementary School	37/4
April 9	9:00	Alvirne High School French Exchange Students – Hudson	32
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 10	12:45	Christa McAuliffe School – Concord	40/4
April 11	9:15/10:30 SH/SC	Pembroke Hill School	70/4
April 11	9:30/11:00 SH/HM	Jaffrey Grade School	60/4
April 11	1:00	Teen Pact Family Day	30
April 11	1:30	Franco-American/ Mass. Lafayette Society/ French American Intercultural Relations & Exchanges	40

DATE	TIME	GROUP	Group#/Grade
April 14	9:00	Beaver Meadow School – Concord	24/4
April 14	10:00/11:30 SH/HM	Rollinsford Grade School	52/4
April 14	10:45	Epsom Central School	45/4
April 15	9:30/11:00 SH/F&G	Symonds School – Keene	63/4
April 15	10:00/12:00 SH/HM	Idlehurst School – Somersworth	85/4
April 16	10:00	Goshen-Lempster Cooperative School	25/4
April 16	10:30	South Tamworth Community School	22/6-12
April 16	11:00	NH Association of Volunteer Administrators	20
April 16	2:30	Leadership Seacoast	40
April 17	9:30/11:00 SH/HM	Hillsboro Deering School	90/4
April 17	10:30	Marlborough Elementary School	18/4
April 17	2:00	Stevens High School – German students – Claremont	20/HS
April 18	9:30	Danville Elementary School	26/3
April 18	10:00/11:00	DAR – Good Citizens	90/HS
April 18	10:45	Amherst St. School – Nashua	39/4
April 21	9:00/10:30 SH/SC	Riddle Brook School – Bedford	60/4
April 22	9:00	Manchester School of Technology HS	40/HS
April 22	9:30	Plymouth Elementary School	40/4
April 23	9:00	Manchester School of Technology HS	40/HS
April 23	10:00	Holy Family Academy – Manchester	21/4
April 23	12:45	Holderness Central School	24/4
April 24	9:30/11:30 SH/HM	Little Harbor School – Portsmouth	90/4
April 25	10:15/11:30 SH/SC	Auburn Elementary School	80/4

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 366-FN

(2014-1051h)

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

Amend RSA 659:35, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Any person willfully violating any of the provisions of this section shall be guilty of a **[misdemeanor] violation.**

2014-1051h

AMENDED ANALYSIS

This bill adds the acts of a voter allowing his or her marked ballot to be seen and a voter distributing or sharing a photograph or digital image of his or her marked ballot to the prohibitions on showing or specially marking ballots. This bill changes the penalty for willful violations of the prohibitions from a misdemeanor to a violation. This bill also requires posters at each polling place highlighting the prohibitions on showing or specially marking ballots.

Floor Amendment to HB 366-FN

(2014-1067h)

Proposed by Rep. Vaillancourt

Amend RSA 659:35, I as inserted by section 1 of the bill by replacing it with the following:

I. No voter shall allow his **or her** ballot to be seen by any person with the intention of letting it be known how he **or she** is about to vote **or how he or she has voted** except as provided in RSA 659:20. ***This prohibition shall include taking a digital image or photograph of his or her marked ballot and distributing or sharing the image via social media or by any other means only if the distribution or sharing is for the purpose of receiving pecuniary benefit, as defined in RSA 640:2, II(c), or avoiding harm, as defined in RSA 640:3.***

Amend RSA 659:35, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Any person willfully violating any of the provisions of this section shall be guilty of a **[misdemeanor] violation.**

2014-1067h

AMENDED ANALYSIS

This bill adds the acts of a voter allowing his or her marked ballot to be seen to the prohibitions on showing or specially marking ballots. This bill provides that a voter distributing or sharing a photograph or digital

image of his or her marked ballot is prohibited only when it is for the purpose of receiving pecuniary benefit or avoiding harm. This bill changes the penalty for willful violations of the prohibitions from a misdemeanor to a violation. This bill also requires posters at each polling place highlighting the prohibitions on showing or specially marking ballots.

**Amendment to HB 492-FN-LOCAL
(2014-1035h)**

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

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

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

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

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

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

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

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

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

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

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

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

**CHAPTER 318-F
REGULATION OF MARIJUANA**

318-F:1 Definitions. In this chapter:

I. "Alternative treatment center" means a not-for-profit entity registered under RSA 126-X:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients and alternative treatment centers.

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

III. "Department" means the department of revenue administration.

IV. "Disqualifying offense" means:

(a) A violent crime as defined in RSA 651:5, XIII that was classified as a felony in the jurisdiction in which the person was convicted; or

(b) A violation of a state or federal controlled substances law that was classified as a felony in the jurisdiction in which the person was convicted, but not including:

(1) An offense for which the sentence, including any term of probation, incarceration, or supervised release was completed 10 or more years earlier; or

(2) An offense that consisted of cultivation or possession of marijuana.

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

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

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

VIII. "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

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

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

XI. "Marijuana testing facility" means an entity licensed to conduct research and analyze marijuana for contaminants and potency.

XII. "Regulatory agency" means:

(a) The liquor commission, in the context of a retail marijuana store or a prospective retail marijuana store; or

(b) The department of agriculture, markets, and food, in the context of a marijuana cultivation facility or a prospective marijuana cultivation facility; or

(c) The department of health and human services, in the context of a marijuana testing facility, a prospective marijuana testing facility, a marijuana product manufacturing facility, or a prospective marijuana product manufacturing facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VI. Obtaining or purchasing marijuana from a marijuana cultivation facility, or obtaining or purchasing marijuana or marijuana products from a marijuana product manufacturing facility if the person conducting the activities described in this paragraph possesses a valid registration to operate an alternative treatment center or is acting in his or her capacity as an owner, employee, or agent of a registered alternative treatment center.

318-F:6 Marijuana Establishments; Background Checks Required.

I. A marijuana establishment shall conduct a state and federal background check prior to making a final offer of employment to a prospective employee, agent, manager, or operator.

II. No marijuana establishment shall employ any person who has been convicted of a disqualifying offense. No person convicted of a disqualifying offense shall serve in any capacity, or be affiliated in any manner, with a marijuana establishment.

318-F:7 Marijuana Accessories Authorized.

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

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

318-F:8 Common Carriers.

I. No common carrier or other person acting in a capacity as an employee or agent of a common carrier shall be subject to state prosecution, including civil penalty or disciplinary action by a court, business licensing board, or entity, or be denied a right or privilege, for transporting or possessing marijuana or marijuana products from one marijuana establishment to another or from a retail marijuana store to consumers.

II. No common carrier or other person, acting in a capacity as an employee or agent of a common carrier, shall be subject to state prosecution, including civil penalty or disciplinary action by a court, business licensing board, or entity, or be denied a right or privilege, for transporting or possessing marijuana seeds.

318-F:9 Vertical Integration Prohibited.

I. No marijuana testing facility or owner of a marijuana testing facility shall have a direct or indirect financial interest in a marijuana retail store, a marijuana cultivation facility, or a marijuana product manufacturing facility.

II. No marijuana retail store or owner of a marijuana retail store shall have a direct or indirect financial interest in a marijuana testing facility, a marijuana cultivation facility, or a marijuana product manufacturing facility.

III. No marijuana cultivation facility or owner of a marijuana cultivation facility shall have a direct or indirect financial interest in a marijuana testing facility, a marijuana retail store, or a marijuana product manufacturing facility.

IV. No marijuana product manufacturing facility or owner of a marijuana product manufacturing facility shall have a direct or indirect financial interest in a marijuana testing facility, a marijuana retail store, or a marijuana cultivation facility.

318-F:10 Restrictions on Location. No marijuana establishment shall operate, nor shall a prospective marijuana establishment apply for a license, if it:

I. Would be located within 1,000 feet of the property line of a pre-existing public or private school; or

II. Sells alcohol for consumption.

318-F:11 Safety Inserts and Warning Labels.

I. A retail marijuana store shall include a safety insert with all marijuana and marijuana products sold to consumers.

II. All marijuana and marijuana products sold by a retail marijuana store shall include warning labels that provide the following information:

(a) "Warning: This product has intoxicating effects."

(b) "For use by adults 21 and older. Keep out of reach of children."

III. All marijuana products sold by a retail marijuana store shall include a warning label that provides, "Caution: When eaten or swallowed, the intoxicating effects of this product may be delayed by 2 or more hours."

318-F:12 Enactment of Municipal Ordinances.

I. A municipality may enact an ordinance prohibiting or limiting the number and type of marijuana establishments that may be permitted within the municipality, and regulating the time, place, and manner of operation of a marijuana establishment which is permitted within the municipality.

II. A municipality may enact an ordinance specifying the entity within the municipality that shall be responsible for reviewing applications submitted for a license to operate a marijuana establishment within the municipality. The entity designated by the municipality shall be responsible for indicating whether the application is in compliance with local ordinances.

318-F:13 Regulation of Marijuana.

I. Not later than June 1, 2016, the department of revenue administration shall adopt rules pursuant to RSA 541-A for the licensing, regulation, and taxation of marijuana cultivation facilities. Such rules shall include:

(a) Procedures for the issuance, denial, renewal, suspension, and revocation of a marijuana tax operator license for a cultivation facility;

(b) A \$250 application fee for a marijuana tax operator license, which shall be renewable every 2 years, and a \$250 renewal fee;

(c) Qualifications for licensure or renewal that are directly related to the applicant being able to collect and pay taxes in a timely fashion, including demonstrating that the applicant is in good standing for any professional or business licenses, setting standards for the applicant's criminal history and providing for a criminal background check, provided applicants may only apply if they have already been previously issued a cultivation license by the department of agriculture, markets, and food;

(d) Procedures to collect taxes from marijuana cultivation facilities;

(e) Recordkeeping requirements for marijuana cultivation facilities;

(f) Requirements for the transportation of marijuana by marijuana cultivation facilities, including documentation that shall accompany any marijuana being transported by marijuana cultivation facilities;

(g) A schedule of civil fines for violations of this chapter and department of revenue administration rules; and

(h) Procedures for hearings on civil fines and suspensions and revocations of a marijuana tax operator license.

II. Not later than June 1, 2016, the department of agriculture, markets, and food shall adopt rules pursuant to RSA 541-A for the licensing and regulation of marijuana cultivation facilities. Such rules shall include:

(a) Procedures for the issuance, denial, renewal, suspension, and revocation of a cultivation license to operate a marijuana cultivation facility;

(b) A schedule of civil fines for violations of department rules by a marijuana cultivation facility;

(c) Procedures for hearings on civil fines, and suspensions and revocations of a cultivation license;

(d) A schedule of application, licensing, and renewal fees, provided that the non-refundable portion of application fees shall not exceed \$1,000, adjusted annually for inflation;

(e) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana cultivation facility;

(f) Security requirements for marijuana cultivation facilities, including:

(1) Video surveillance requirements; and

(2) Requirements that marijuana be cultivated in secure locations that are registered with the department;

(g) Establishing the number of marijuana cultivation facility licenses that will be issued, provided that unless the number of qualified marijuana cultivation facility applicants is fewer than 10, the number of marijuana cultivation facility licenses shall not be fewer than 10. If the number of qualified applicants is fewer than 10, each qualified applicant shall be granted a license;

(h) Health and safety rules for the cultivation of marijuana, including the packaging and preparing of marijuana, seeding, and restricting the use of pesticides that may be dangerous to marijuana consumers;

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

(j) Restrictions on where a marijuana cultivation facility may be located, consistent with the provisions of this chapter.

III. Not later than June 1, 2016, the liquor commission shall adopt rules pursuant to RSA 541-A for the licensing and regulation of retail marijuana stores. Such rules shall include:

(a) Procedures for the issuance, denial, renewal, suspension, and revocation of a license to operate a retail marijuana store;

(b) A schedule of application, licensing, and renewal fees, provided that the non-refundable portion of any application fees shall not exceed \$1,000, adjusted annually for inflation;

(c) Qualifications for licensure that are directly and demonstrably related to the operation of a retail marijuana store;

(d) Security requirements for retail marijuana stores;

(e) Establishing the number of retail marijuana store licenses that will be issued, provided that:

(1) The number of retail marijuana stores shall be no fewer than one retail marijuana store for every 10 retail liquor stores, except that the number may be reduced by an amount that is proportionate to the population of any municipality that does not allow retail marijuana stores within its borders. The number may also be reduced if there are not a sufficient number of qualified applicants for retail marijuana store license; and

(2) The liquor commission may establish the number of retail marijuana stores allowed in each county or municipality that has not prohibited retail marijuana stores or established a lower numerical limit on retail marijuana stores pursuant to this chapter;

(f) A schedule of civil fines for violations of the liquor commission rules by a retail marijuana store;

(g) Procedures for hearings on civil fines, and on suspensions and revocations of a retail marijuana store license;

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

(i) Restrictions on where retail marijuana stores may be located, consistent with the provisions of this chapter;

(j) Restrictions on the hours of sale when a retail marijuana store may sell marijuana and marijuana products, provided the regulations shall not allow retailers to begin sales before 6:00 a.m. or to sell marijuana or marijuana products after 11:45 p.m.; and

(k) Requirements for the transportation of marijuana by a retail marijuana store, including documentation that shall accompany any marijuana being transported by a retail marijuana store.

IV. Not later than June 1, 2016, the department of health and human services shall adopt rules pursuant to RSA 541-A for the licensing and regulation of marijuana product manufacturing facilities. Such rules shall include:

(a) Procedures for the issuance, denial, renewal, suspension, and revocation of a license to operate a marijuana product manufacturing facility;

(b) A schedule of application, licensing, and renewal fees, provided that the non-refundable portion of any application fees shall not exceed \$1,000 adjusted annually for inflation;

(c) A schedule of civil fines for violations of department rules by a marijuana product manufacturing facility;

(d) Procedures for hearings on civil fines and suspensions and revocations of a license;

(e) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana product manufacturing facility;

(f) Security requirements to operate a marijuana product manufacturing facility;

(g) The number of marijuana product manufacturing facility licenses to be issued consistent with the provisions of this chapter;

(h) Labeling requirements for marijuana products sold or distributed by a marijuana product manufacturing facility, including:

(1) Disclosing the THC content of each product;

(2) Restrictions on packaging to ensure it is not designed to appeal to minors; and

(3) Establishing the amount of THC that may be included in each marijuana product.

(i) Health and safety rules and standards for the manufacture of marijuana products; and

(j) Requirements for the transportation of marijuana by marijuana product manufacturing facilities, including documentation that shall accompany any marijuana being transported by a marijuana product manufacturing facility.

V. Not later than June 1, 2016, the department of health and human services shall develop a safety insert, which shall include:

(a) Methods for administering marijuana, and how long marijuana may impair a person after it is ingested in each manner; and

(b) How to recognize problematic usage of marijuana and how to obtain appropriate services or treatment for problematic usage.

VI. Not later than June 1, 2016, the department of health and human services shall adopt rules pursuant to RSA 541-A for the licensing and regulation of marijuana testing facilities. Such rules shall include:

(a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana testing facility;

(b) A schedule of application, licensing, and renewal fees, provided that the non-refundable portion of any application fees shall not exceed \$1,000 adjusted annually for inflation;

(c) A schedule of civil fines for violations of department rules by a marijuana testing facility;

(d) Procedures for hearings on civil fines and suspensions and revocations of a marijuana testing facility license;

(e) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana testing facility;

(f) Security requirements for a marijuana testing facility;

(g) The number of marijuana testing facility licenses to be issued, which may not be fewer than 4 unless the number of qualified applicants is fewer than 4 in which case every qualified applicant shall be granted a license;

(i) Restrictions on where marijuana testing facilities may be located, consistent with the provisions of this chapter, and requiring that all testing shall be conducted on the licensed marijuana testing facility premises;

(j) Requirements for the transportation of marijuana by a marijuana testing facility including documentation that shall accompany any marijuana being transported by a marijuana testing facility; and

(k) Requirements for the testing of marijuana, including:

(1) Requirements to ensure at a minimum that products sold for human consumption do not contain contaminants that are injurious to health and to ensure correct labeling;

(2) That testing shall include, but not be limited to, analysis for residual solvents, poisons, or toxins; harmful chemicals; dangerous molds or mildew; filth; and harmful microbials such as E. Coli or salmonella and pesticides;

(3) Providing that in the event that test results indicate the presence of quantities of any substance determined to be injurious to health, such products shall be immediately quarantined and immediate notification to the department shall be made. The adulterated product shall be documented and properly destroyed;

(4) That testing shall also verify THC potency representations for correct labeling;

(5) That the department shall determine an acceptable variance for potency representations and procedures to address potency misrepresentations; and

(6) That the department shall determine the protocols and frequency of marijuana testing by licensees; and

(l) Standards for licensing laboratories for marijuana and marijuana products.

318-F:14 License Procedures for Marijuana Establishments.

I. Each application for a license to operate a marijuana establishment shall be submitted to the regulatory agency. Each application shall include both the fee established by the regulatory agency and a \$500 fee for the municipality to review the application. The regulatory agency shall:

(a) Accept and process applications beginning on June 1, 2016;

(b) Immediately forward a copy of each application and the \$500 municipality fee to the municipality in which the applicant desires to operate the marijuana establishment; and

(c) Issue a license to the applicant between 45 and 90 days after receipt of an application unless one of the following is true:

(1) The regulatory agency finds the applicant is not in compliance with the requirements of this chapter or rules adopted thereunder; or

(2) The regulatory agency is notified by the relevant municipality that the applicant is not in compliance with an ordinance adopted pursuant to this chapter and in effect at the time of application.

II. When considering an applicant for each type of marijuana establishment license, the regulatory agency shall consider:

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

(b) Input provided by the government of the municipality in which the prospective marijuana establishment would operate, including information regarding compliance with any local zoning laws;

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

(d) Whether the principal officers, board members, and managers have business experience in the state of New Hampshire;

(e) The plan for recordkeeping, security, inventory control, and diversion prevention of the applicant;

(f) Criminal, civil, or regulatory issues encountered by other entities that the applicant and managing officers of the applicant have controlled or managed;

(g) The financial history of the applicant and managing officers of the applicant, including any bankruptcy filings and any delinquent taxes; and

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

318-F:15 Sales to Persons Under 21 Years of Age. The establishment of all the following facts by a retail marijuana store or an agent or employee of a retail marijuana store making a sale of marijuana or marijuana accessories to a person under the age of 21 shall constitute an affirmative defense to any prosecution for such sale:

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

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

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

318-F:16 Proof of Purchaser's Identity.

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

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

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

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

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

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

318-F:17 Employers, Driving, Minors, and Control of Property.

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

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

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

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

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

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

CHAPTER 77-H TAXATION OF MARIJUANA

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

77-H:2 Tax Imposed.

I. A tax shall be levied upon marijuana sold or otherwise transferred by a marijuana cultivation facility to a marijuana product manufacturing facility or to a retail marijuana store at a rate of \$60 per ounce of marijuana or proportionate part thereof. The department shall collect such tax and adjust the rate annually to account for inflation or deflation based on the United States Department of Labor, Bureau of Labor Standards, Consumer Price Index.

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

77-H:3 Returns and Payment

I. Every marijuana cultivation facility shall, on or before the fifteenth day of the calendar month following the collection of taxes imposed by this chapter, file a return reporting the results of the preceding month to the commissioner of revenue administration. The commissioner of the department of revenue administra-

tion shall adopt rules, pursuant to RSA 541-A, relative to the form of such return, and the data that it shall contain. All returns shall be signed by the taxpayer or by its authorized representative, subject to the pains and penalties of perjury.

II. The marijuana cultivation facility shall pay to the department of revenue administration the amount of tax imposed by this chapter at the time it makes a return.

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

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

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

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

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

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

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

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter **or as otherwise authorized by law**, shall be sentenced as follows, except as otherwise provided in this section:

8 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(d) to read as follows:

(d) In the case of **more than one ounce of** marijuana, [~~including any adulterants or dilutants, or 5 grams or less of hashish~~] **not including the weight of any ingredients combined with the marijuana**, the person shall be guilty of a class A misdemeanor.

9 New Subparagraphs; Controlled Drug Act; Penalties. Amend RSA 318-B:26, II by inserting after subparagraph (d) the following new subparagraphs:

(e) In the case of a person over the age of 18 and under the age of 21 who possesses not more than one ounce of marijuana, or 5 grams of hashish, the person shall be guilty of a violation and may be fined up to \$100.

(f) In the case of a person under the age of 18 who possesses not more than one ounce of marijuana, or 5 grams of hashish, the person shall be guilty of a violation and fined not more than \$100. The fine shall be suspended pending completion of a drug awareness course within 6 months of the violation. If the person fails to complete the course within the time allotted, the court shall impose the fine.

10 Model Drug Dealer Liability Act; Definitions. Amend RSA 318-C:1, I to read as follows:

I. "Illegal drug" means any drug which is a schedule I-IV drug under RSA 318-B, **the possession, use, manufacture, sale, or transportation of which is not otherwise authorized by law**.

11 Repeal. The following are repealed:

I. RSA 318-B:1, X-a (g), relative to separation gins and sifters used or intended for use with marijuana.

II. RSA 318-B:26, I(d)(1), relative to the penalty for possession of up to one ounce of marijuana.

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

2014-1035h
AMENDED ANALYSIS

This bill:

I. Legalizes the personal use of up to one ounce of marijuana by persons 21 years of age or older.

II. Authorizes the licensing of marijuana wholesale, retail, cultivation, and testing facilities.

III. Imposes a tax on the sale of marijuana.

Amendment to HB 650-FN-A

(2014-0874h)

Proposed by the Committee on Finance-r

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

AN ACT relative to instituting a bus service between Claremont, New Hampshire and Lebanon, New Hampshire.

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

1 Department of Transportation; Bus Service Between Claremont and Lebanon; Authority to Expend State Funds.

I. The Community Alliance Transportation Services in Newport, with the support of the department of transportation, shall actively solicit federal funds for the purpose of covering start-up costs, including the purchase of 2 buses and 3 years of operating expenses, relative to instituting a bus service between Claremont, New Hampshire and Lebanon, New Hampshire.

II. The Community Alliance Transportation Services shall actively solicit private or local funds, or both, for the purpose of providing any required match for the receipt of federal funds described in paragraph I. If sufficient funding is not raised by June 30, 2017, any private or local matching funds received under this paragraph, plus interest, shall be returned to the contributing entities.

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

2014-0874h

AMENDED ANALYSIS

This bill requires the Community Alliance Transportation Services in Newport to actively solicit federal and private funds to start a bus service between Claremont and Lebanon.

Amendment to HB 658-FN

(2014-0977h)

Proposed by the Committee on Ways and Means-c

Amend RSA 328-I:4, X as inserted by section 1 of the bill by replacing it with the following:

X. Establish late fees and fees for transcribing and transferring records and other services.

Amend RSA 328-I:5, III as inserted by section 1 of the bill by replacing it with the following:

III. The establishment of fees required under RSA 328-I:4, X.

Amend RSA 328-I:7, I and II as inserted by section 1 of the bill by replacing it with the following:

I. The board may register any person who submits a completed application. The fee for registration under this chapter shall be \$110.

II. Completed applications shall include:

(a) Payment of the non-refundable registration fee;

(b) Reports of any pending criminal charges, criminal convictions, plea agreements in lieu of convictions, or complaints made to or dispositions made by licensing, certification or registration boards.

(c) A complete set of fingerprints and a notarized criminal history record release form pursuant to RSA 328-I:8.

(d) The applicant's work history over the last 10 years.

Amend RSA 328-I:9 as inserted by section 1 of the bill by replacing it with the following:

328-I:9 Renewal of Registration. Certificates of registration issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the board. The fee for renewal of certificates of registration shall be \$110. Certificates of registration for medical technician shall be renewed upon the payment of the renewal fee.

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.

**Amendment to HB 1122-FN
(2014-1052h)**

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

Amend RSA 478:42, IV and V as inserted by section 1 of the bill by replacing them with the following:

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

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

(b) The county attorney or attorney general receiving a copy of a document under subparagraph (a) shall send a notice of the action taken under this paragraph to the person presenting or causing such filing by regular mail at his or her last known address no later than the next business day after such action.

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

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

V. Any person who shall knowingly or intentionally file a document or instrument to fraudulently create a lien on real or personal property shall be guilty of a class B felony and shall be subject to the costs and reasonable attorneys' fees incurred by the aggrieved party in the proceedings.

Amend the bill by replacing section 2 with the following:

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

**Amendment to HB 1129
(2014-0797h)**

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

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

AN ACT requiring the development of an energy efficiency implementation plan.

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

1 Findings. The general court finds that:

I. The acquisition of energy efficiency that can be obtained at a lower cost than conventional energy supply benefits the citizens and businesses of New Hampshire.

II. Several studies and reports have concluded that there is significant potential for additional energy efficiency in New Hampshire that will benefit the citizens and businesses of New Hampshire, and make recommendations to the state for capturing that efficiency potential. These studies include:

(a) Additional Opportunities for Energy Efficiency in New Hampshire, prepared for the New Hampshire public utilities commission by GDS Associates, January 2009.

(b) The New Hampshire Greenhouse Gas Emission Reduction Fund, Year 3 (July 2011 – June 2012) Evaluation, prepared for the public utilities commission by Carbon Solutions New England, 2012.

(c) Independent Study of Energy Policy Issues, prepared for the Energy Efficiency and Sustainable Energy Board by Vermont Energy Investment Corporation, September 30, 2011, prepared in response to SB 323 (2010).

(d) Increasing Energy Efficiency in New Hampshire: Realizing Our Potential, prepared for the office of energy and planning by Vermont Energy Investment Corporation, November 15, 2013.

III. The state building code review board is specifically authorized by RSA 155-A:10 to amend their rules to adopt updated International Energy Conservation Codes in advance of legislative approval.

2 Development of Energy Efficiency Implementation Plan.

I. The office of energy and planning, in consultation with the public utilities commission, the department of environmental services, and the department of administrative services, shall convene stakeholder meetings to identify means to maximize cost-effective energy efficiency across all energy use sectors, including electric consumption, heating homes and buildings, and powering our transportation modes. Stakeholders shall include, but not be limited to, residential, commercial, and industrial energy users, utilities, energy suppliers, state agencies, financing entities, residential and commercial building professionals, transportation experts, business leaders, and non-governmental organization policy advocates.

II. The goals of the stakeholder process shall be:

(a) To develop recommendations for short and long-term state energy efficiency goals. These goals shall take into account and complement any goals that are developed by the public utilities commission in its development of an electric and gas utility energy efficiency resource standard, and the findings of the state energy advisory council in the development of the state energy strategy.

(b) To develop a plan for the state with the goal of achieving all cost-effective energy efficiency opportunities that are less expensive than energy supply. The stakeholder process shall use the reports referenced in section 1 of this act as input for the plan, and shall specifically consider:

(1) The potential to reduce energy waste in new construction and existing buildings through such measures as ratification of appropriate energy codes, educating municipalities and the public about energy codes, and leveraging support from private and non-government organizations.

(2) The appropriateness of and need for a rate recovery mechanism that reconciles utilities' investments in energy efficiency programs with resulting potential lost revenue.

(3) How to better engage the private financing market by developing investment opportunities in the energy efficiency industry.

(4) Whether the current funding sources and levels for low-income weatherization are adequate.

(5) Whether cost-effectiveness tests used in New Hampshire are appropriate.

(c) To make recommendations for the implementation of the plan in subparagraph (b) including any legislation deemed necessary.

3 State Compliance With Executive Order.

I. The office of energy and planning, in consultation with the department of administrative services and members of the state agency energy efficiency committee, shall examine whether the state is currently fulfilling the directives of executive order 2011-1 to lead-by-example in energy efficiency, whether additional goals may be appropriate for state-owned and leased buildings and fleet vehicles, and what tools are available or needed to help meet those goals.

II. The process shall consider, at a minimum:

(a) Whether and how the provisions of RSA 21-I:19-a through RSA 21-I:19-i should be updated to provide agencies with the necessary incentives to undertake performance contracts.

(b) Whether the establishment of a revolving loan fund administered by the department of administrative services would increase the ability of the state to undertake efficiency upgrades in state buildings.

(c) Whether and how to allow the department of administrative services to utilize a portion of funds available to implement energy efficiency measures to offset the cost of administration and oversight of energy efficiency projects.

(d) The level of capital investment necessary to implement all cost-effective energy efficiency measures in state-owned buildings.

(e) Whether and how to allow energy savings to be used for additional projects or maintenance of existing equipment to ensure its continued efficient operation.

4 Report Required. The office of energy and planning shall submit a report of its findings and recommendations to the speaker of the house of representatives, the president of the senate, the senate energy and natural resources committee, the house science and technology committee, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

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

2014-0797h

AMENDED ANALYSIS

This bill directs the office of energy and planning, in consultation with the department of environmental services and the public utilities commission, to coordinate development of an implementation plan for capturing cost effective energy efficiency in the state.

Amendment to HB 1160-FN

(2014-0986h)

Proposed by the Committee on Ways and Means-c

Amend section 2 of the bill by replacing it with the following:

2 Sale of Lucky 7 Tickets. Amend RSA 287-E:7, IV to read as follows:

IV. No bingo games shall be conducted prior to 11:00 a.m. on a **Saturday or a** weekday, prior to noon on a Sunday, or after 11:00 p.m. on any day. ***Lucky 7 tickets sold in conjunction with the operation of bingo games shall not be sold after 11:00 p.m. on any day.***

Amendment to HB 1189

(2014-0895h)

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

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

1 New Subdivision; Temporary Workers. Amend RSA 275 by inserting after section 70 the following new subdivision:

Temporary Workers

275:71 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of labor.

II. "Work site employer" means any individual, business, or nonprofit entity, including a sole proprietorship, company, limited liability company, joint venture society, association, corporation, manager, contractor, subcontractor, partnership, bureau, service, agency, or office, or the agent or employee of any of the foregoing, for whom a temporary staffing company procures or undertakes to procure a temporary worker or workers.

III. "Temporary staffing company" means any person, business, company, or agency conducting a business which consists of recruiting, procuring, or employing individuals directly for the purpose of furnishing part time or temporary help to other individuals, businesses, companies, organizations, or agencies.

IV. "Temporary worker" means any worker employed or procured by a temporary staffing company for placement or assignment to a temporary job position with a client or work site employer.

275:72 Notices and Disclosures.

I. A temporary staffing company shall provide each temporary worker with the following notices and disclosures on the date of hire and each time a worker is placed in a new work assignment, including renewed, extended, or repeated work assignments for the same work site employer or entity:

(a) The name and telephone number of the temporary staffing company and the agent facilitating the placement, and the address and operating hours of the staffing company's principle location. Any temporary staffing company that does not maintain a geographic business address, walk-in office, dispatch location, or day-labor hall shall provide a working phone number and the hours when a live representative of the company may be contacted;

(b) The name of the work site employer and exact work site address for a temporary worker's job assignment, directions to the work site, and a telephone number at the work site for use in emergencies;

(c) The duration and hours of the work to be performed by the temporary worker, including the start date, daily starting and end times, days on which the assigned work will be performed, the anticipated end date, and whether there is any possibility of overtime work or extension of the assignment past the anticipated end date;

(d) The rate of wages and compensation including any benefits to be paid for the work, the overtime rate of pay, and the designated pay day;

(e) A detailed description of the work to be performed by the temporary worker and whether the worker must have or receive special training or licensing, as required by law, to perform the assigned work and any requirement for special attire, accessories, tools, and safety equipment;

(f) A complete and accurate description of work site hazards to which the temporary worker may become exposed, or the name of a contact person at the work site who can provide a complete and accurate description of such work site hazards;

(g) A list of protective equipment, including personal protective equipment that will be provided at no charge by the staffing company or work site employer;

(h) A statement of the temporary worker's right to workers' compensation benefits and the employer's workers' compensation carrier name and phone number;

(i) The cost of the transportation to the assigned work site, if any, when such transportation is provided by either the temporary staffing company or the work site employer, and whether the work site is accessible by public or personal transportation; and

(j) Whether any meals are provided, either by the temporary staffing company or the work site employer, and the cost of such meals, as allowed under RSA 275:76.

II. The notices and disclosures required in this section shall be written in English and any other language or languages that are generally used in the locale or locales of the temporary staffing company or the work site employers it serves. Copies of all the notices required by this section shall be kept on file for a period of one year by the temporary services companies and shall be made available for inspection by any affected temporary workers, without charge, within 10 days of an initial request.

III. Nothing in this section shall be construed to prohibit a temporary staffing company from hiring a temporary worker by telephone, but such telephone message shall comply with the disclosure requirements in this section and shall be confirmed in writing by the staffing company and provided with the temporary workers first paycheck or first payment of wages or prior to the date of first payment when requested by the worker.

275:73 Required Health and Safety and Employer Discrimination Posters.

I. A temporary staffing company shall provide each temporary worker employed by the company, on the date of hire, the posting location of the following required employer posters:

(a) The New Hampshire commission for human rights required employer poster on employment discrimination; and,

(b) The United States Department of Labor required poster on employee rights under the Occupational Safety and Health Act of 1970, 29 U.S.C. section 651 et seq.

II. The temporary staffing company shall also provide a clear written summary of the company's employer policy on addressing employment discrimination and workplace safety complaints, with specific instructions about reporting procedures for temporary workers who believe they have been exposed to health and safety violations or discriminatory actions by the temporary staffing company or at an assigned work site.

III. In the event that a temporary staffing company that does not maintain a geographic business address, walk-in office, dispatch location, or day-labor hall, or when a temporary worker is placed in a work assignment without reporting to the temporary staffing company's principle location, legible copies of the required posters may be provided to a temporary worker with the worker's first payment of wages or prior to the date of first payment when requested by the worker.

275:74 Temporary Worker Protections.

I. A temporary services company that operates an office where temporary workers are required to appear for assignment to work or for payment or compensation shall provide facilities for a worker waiting at the labor hall for a job assignment that include restroom facilities, drinking water, and sufficient seating.

II. A temporary staffing company shall insure any motor vehicle owned or operated by the company and used for the transportation of workers.

III. No temporary staffing company shall make or give, or cause to be made or given, any false, misleading, or deceptive advertisements, information, or representations concerning the services, compensation or benefits, or work opportunities that the company will provide to temporary workers.

IV. All advertisements of a temporary staffing company shall contain the correct name of the temporary services company and at least one of the following: the street address of the company's place of business or the correct telephone number of the company at its place of business.

275:75 Pay and Compensation. A temporary staffing company shall:

I. Compensate temporary workers for work performed in accordance with RSA 275:43.

II. Compensate temporary workers at or above the federal or state minimum wage. In no event shall any deductions, other than those permitted by federal or state law, bring the worker's pay below minimum wage for the hours worked.

III. Pay the temporary worker the prevailing wage or the wage established by the temporary staffing company, whichever is higher, when a temporary worker is assigned to a work site employer or contractor on a project covered by local, state, or federal prevailing wage laws or a Project Labor Agreement.

IV. Compensate each temporary worker who, at the request of the temporary staffing company or a worksite employer, uses the worker's own motor vehicle for transporting other workers, equipment, or supplies to a worksite or other designated destination, at the state mileage rate.

V. At the time of each payment of wages, provide each temporary worker a written itemized statement showing in detail the dates worked, hours worked on each date, rate of pay, total amount of wages paid, and each deduction made from such wages, and printed with the name, address, and phone number of the temporary staffing company on each page of the statement.

VI. Provide each worker with an annual earnings summary within a reasonable period of time after the end of the preceding calendar year, but no later than February 1.

275:76 Prohibited Charges and Deductions.

I. No temporary staffing company or work site employer shall charge a temporary worker for any of the following items or services:

(a) A fee for the cost of registration with the staffing agency or the cost of procuring employment.

(b) Safety equipment, clothing, tools, accessories, training, or any other items required by the nature of the work either by law, custom, or as a requirement of the work site employer.

(c) Directly or indirectly cashing a worker's check.

(d) More than the actual cost of providing a meal or transportation, if a meal or transportation is provided at the work site by the temporary staffing company, but in no case shall the purchase of transportation or a meal be a condition of employment.

(e) For duplicate copies of a temporary worker's payroll record, employment record, or itemized documentation of hours worked for any job assignments occurring within the 12-month period immediately prior to the date on which a temporary employee, or a representative of a social services agency with which a temporary employee is seeking assistance or program enrollment, makes a verbal or written request for payroll, employment, or working time documentation.

II. For items other than those in paragraph I, which the temporary services company makes available for purchase, the day laborer shall be charged no more than the actual cost of the item to the labor pool, or market value, whichever is less.

III. Nothing in this section shall preclude the temporary services company from charging the temporary worker the market value of items temporarily provided to the worker by the temporary services company, in the event that the worker willfully fails to return such items to the company, but no charge may be made for items damaged through ordinary use or lost through no fault of the temporary worker.

275:77 Employment of Temporary Workers on Public Works Projects. Any temporary staffing company which procures temporary workers for a business, construction company, contractor, or subcontractor for employment on a public works project covered under federal, state, or local labor regulations or a Project

Labor Agreement, shall be classified as a subcontractor for the purposes of certification, compliance, and employee payroll reporting, and shall abide by all regulations and requirements regarding prevailing wages, occupational safety rules, and workers compensation insurance.

275:78 Prohibited Practices. A temporary staffing company or a work site employer shall not discharge, reduce the compensation of, or otherwise discriminate against any employee for making a complaint of a violation of the provisions of this subdivision, for using any civil remedies to enforce his or her rights, or for otherwise asserting his or her rights under the provisions of this subdivision.

275:79 Penalties and Enforcement.

I. Any person, temporary staffing company, or work site employer who violates the provisions of this subdivision may be fined by the commissioner up to \$500 per employee for each day the violation continues. A temporary staffing company aggrieved by the commissioner's assessment may appeal in accordance with RSA 273:11-c.

II. Any such fines or penalties for violations of the labor law of New Hampshire shall be assessed either against the temporary staffing company or the work site employer based upon the commensurate level of control of the work site and each party's responsibility for compliance with the applicable violation.

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

Amendment to HB 1220

(2014-0697h)

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

Amend the bill by replacing all after section 1 with the following:

2 Contingency. If any 2 New England states adopt similar legislation limiting the amount of corn based ethanol in gasoline to 10 percent, section 1 of this act shall take effect upon the certification of the commissioner of the department of environmental services to the secretary of state and the office of legislative services that such states have enacted such legislation.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

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

2014-0697h

AMENDED ANALYSIS

This bill restricts the addition of corn-based ethanol gasoline additives to no more than 10 percent of the mixture of gasoline. This restriction shall not take effect until passage of similar legislation occurs in 2 other New England states.

Amendment to HB 1224-FN

(2014-0655h)

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

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

AN ACT relative to pipeline operation safety.

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

1 Purpose Statement. Given the importance of pipelines for the transport of natural gas and other energy products to the state's economy and wellbeing, and given the potential safety and environmental hazards of such pipelines, it is deemed in the best interest of the state for the state to assume oversight for interstate natural gas and hazardous liquids pipelines.

2 New Section; Pipeline Safety. Amend RSA 363 by inserting after section 22 the following new section:
363:22-a Pipeline Operation Safety.

I. The commission shall apply annually to the Pipeline and Hazardous Material Safety Administration of the United States Department of Transportation for authorization to take such actions on its behalf to oversee pipeline operation safety, security, monitoring, and compliance through an inspection process.

II. The commission shall report annually to the house science, technology, and energy committee prior to October 1 on the status of pipeline safety, new and proposed projects, any deficiency in state law that limits the commission's ability to oversee interstate pipelines, or state regulations for pipelines that do not meet the minimum federal standard.

3 Supervisory Power of Department of Transportation; Violation. Amend RSA 374:7-a, I-II to read as follows:

I. Any person who knowingly or willfully violates any provision of RSA 370:2 or any standards or rules adopted under it by the public utilities commission, relative to gas pipelines and liquefied petroleum gas systems pursuant to the Natural Gas Pipeline Safety Act, shall be subject to a civil penalty ~~of not exceeding \$100,000 for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed \$1,000,000 for any related series of violations~~ **not to exceed the maximum civil penalty under 49 U.S.C. section 60122(a), as amended.**

II. Any person who otherwise violates any provision of RSA 370:2 or any standards or rules adopted under it by the public utilities commission, relative to gas pipelines and liquefied petroleum gas systems pursuant to the Natural Gas Pipeline Safety Act, shall be subject to a civil penalty ~~[of not exceeding \$10,000 for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed \$500,000 for any related series of violations]~~ **not to exceed the maximum civil penalty under 49 U.S.C. section 60122(a), as amended.**

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

2014-0655h

AMENDED ANALYSIS

This bill requires the public utilities commission to apply annually to the federal Pipeline and Hazardous Material Safety Administration for authorization to conduct pipeline inspections on its behalf.

This bill also modifies the penalties for violation of standards for service equipment.

Amendment to HB 1232-FN

(2014-1030h)

Proposed by the Committee on Ways and Means-c

Amend the bill by replacing section 1 with the following:

1 New Subparagraphs; Insurance; Filing Fees. Amend RSA 400-A:29 by inserting after subparagraph VI.(c) the following new subparagraphs:

- | | |
|-----------------------------------|----------------------------------|
| (d) Form filing - per form | \$100 up to a maximum of \$2,500 |
| (e) Rate filing - per rate filing | \$100 |

Amendment to HB 1258

(2014-0704h)

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

Amend the bill by replacing section 1 with the following:

1 Excavating and Dredging Permit; Certain Exemptions. RSA 482-A:3, I is repealed and reenacted to read as follows:

I.(a) No person shall excavate, remove, fill, dredge, or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. Unless otherwise specified in rules adopted by the commissioner pursuant to RSA 482-A:11, any person seeking to obtain a permit shall submit to the department:

(1) A complete application form that has been signed by the town or city clerk of the municipality in which the property is located or, if the property is located in more than one municipality, by the city or town clerk of each such municipality, certifying that the municipality has received 4 copies of the form and attachments as provided in subparagraph (a)(2). The town or city clerk shall send a copy of the form and attachments to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and shall retain one copy to be made reasonably accessible to the public. Applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan, and map filed at the same time with the town or city clerk.

(2) Such other information as required by rules adopted by the commissioner pursuant to RSA 482-A:11, which may include maps and plans.

(3) A nonrefundable application fee as specified in subparagraphs (b) or (c), as applicable.

(b) The application fee for shoreline structure projects shall be \$200 plus an amount based on the area of dredge, fill, or dock surface area proposed, or a combination thereof, which shall be \$2 per square foot for permanent dock surface area; \$1 per square foot for seasonal dock surface area; and \$.20 per square foot for dredge or fill surface area or both. For projects involving only the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be \$200.

(c) The application fee shall be \$200 for minimum impact dredge and fill projects under this chapter. The application fee for all projects under this chapter which are not covered by subparagraph (b) or (c) or paragraphs IV-a, V, X through XII, XV, XVI, or XVII through XIX shall be \$.20 per square foot of proposed impact, with a minimum fee of \$200 for all such projects that impact fewer than 1,000 square feet.

(d) At the time the applicant files the application with the department, the applicant shall provide written notice of the proposed project to:

(1) All abutters, as defined in the rules of the department, unless exempted in such rules, which shall be provided by certified mail or other delivery method that provides proof of receipt. The applicant shall retain such receipts and provide copies to the department upon request. The department shall have no obligation to verify the identity of abutters or their receipt of notice. Any abutter who has actual notice of the filing of an application shall have no cause to challenge the application based on failure to receive written notice. Nothing in this subparagraph shall prevent the department from taking appropriate action in the event an applicant fails to provide the required notice or provides false information.

(2) The local river management advisory committee if the project is within a river corridor as defined in RSA 483:4, XVIII, or a river segment designated in RSA 483:15. Such notice shall be sent by certified mail or other delivery method that provides proof of receipt. The applicant shall retain such receipts and provide copies to the department upon request. The local river management advisory committee shall, under RSA 483:8-a, III(a)-(b), advise the commissioner and consider and comment on the permit application.

(e) Beginning October 1, 2007, the department shall submit an annual report to the house and senate finance committees, the house resources, recreation and development committee, and the senate energy and natural resources committee relative to administration of the wetlands fees permit process established by this section.

Floor Amendment to HB 1313

(2014-0944h)

Proposed by Rep. Kurk

Amend RSA 236:130, III as inserted by section 1 of the bill by replacing it with the following:

III. The prohibition set forth in paragraph II shall not apply where surveillance:

- (a) Is specifically authorized by statute;
 - (b) Is undertaken *by a law enforcement officer* on a case-by-case basis in the investigation of a particular violation, misdemeanor, or felony;
 - (c) Is undertaken to produce images or data that:
 - (1) Are viewed only at the transportation management center of the department of transportation in connection with a particular incident occurring on a public way; and
 - (2) Are not recorded;
 - (d) Is incidental to the monitoring of a building or other structure ~~[under the control of the state or a political subdivision of the state];~~
 - (e) Is undertaken for purposes of operation of the toll collection system; or
 - (f) Is undertaken for the security of the following bridges and approach structures: I-95 Piscataqua River Bridge, Sarah Mildred Long Bridge, and the Memorial Bridge, all in Portsmouth.
- (g) Is undertaken with the consent of the owner of a motor vehicle.*

Amendment to HB 1314

(2014-0893h)

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 implementation of a public interest standard for a telecommunication utility merger, consolidation, reorganization, or sale by the public utilities commission.

Amend the bill by replacing all after section 1 with the following:

2 Committee Established. There is established a committee to study the implementation of a public interest standard for approval of mergers, consolidations, reorganizations, or sales involving certain telecommunication utilities.

3 Membership and Compensation.

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

- (a) Four members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.

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

4 Duties. The committee shall study the appropriateness of establishing a public interest standard for mergers, consolidations, reorganizations, or sales involving a telecommunication utility under RSA 362:2. The committee shall study the content, application, and implementation of such a standard, and shall make recommendations for proposed legislation.

5 Chairperson; Quorum. The members of the 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.

2014-0893h
AMENDED ANALYSIS

This bill establishes a committee to study the implementation of a public interest standard for mergers, consolidations, reorganizations, or sales involving telecommunication utilities and to make recommendations for proposed legislation.

Amendment to HB 1359-FN

(2014-0706h)

Proposed by the Committee on Transportation-c

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

AN ACT establishing a committee to study the feasibility of placing medal decals on special number plates for veterans.

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

1 Committee Established. There is established a committee to study the feasibility of placing medal decals on special number plates for veterans.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the feasibility of placing medal decals on special number plates for veterans.

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

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

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

2014-0706h
AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of placing medal decals on special number plates for veterans.

Amendment to HB 1372-FN-A

(2014-0881h)

Proposed by the Majority of the Committee on Finance-r

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

AN ACT making an appropriation for the pediatric sexual assault nurse examiner training program.

Amend the bill by replacing section 1 with the following:

1 Department of Justice; Appropriation for Pediatric Sexual Assault Nurse Examiner Training Program. The sum of \$20,000 for the fiscal year ending June 30, 2014 is hereby appropriated to the department of justice, grants management unit for the pediatric sexual assault nurse examiner training program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2014-0881h
AMENDED ANALYSIS

This bill makes an appropriation to the department of justice, grants management unit, for the pediatric sexual assault nurse examiner training program.

Floor Amendment to HB 1379

(2014-1108h)

Proposed by Rep. Hoell

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

AN ACT relative to confidentiality of firearms records.

Amend the bill by replacing section 1 with the following:

1 Firearms; Confidentiality of Licenses. Amend RSA 159:6-a to read as follows:

159:6-a Confidentiality of Licenses. Notwithstanding the provisions of RSA 91-A:4 or any other provision of law to the contrary, all papers and records, including applications, pertaining to the issuance of licenses pursuant to RSA 159:6 and all licenses issued pursuant to said section are subject to inspection only by law enforcement officials of the state or any political subdivision thereof or of the federal government while in the performance of official duties ~~[or upon written consent, for good cause shown, of the superior court in the county where said license was issued]~~. ***There shall be no disclosure of personally identifiable information unless a court order based on probable cause has been issued by the superior court in the county in which the license was issued or the application was submitted, or the applicant has requested access to his or her own records.***

2014-1108h
AMENDED ANALYSIS

This bill prohibits disclosure of firearms records unless a court order for probable cause has been issued in the county in which the license was issued or the application was submitted.

**Amendment to HB 1383
(2014-0358h)**

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

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Definitions; Water Balance. Amend RSA 485-C:2 by inserting after paragraph XVI the following new paragraph:

XVI-a. "Water balance" means the difference between the system input volume and authorized metered consumption. System input volume means the volume of water input to the water supply system corrected for known errors, which is equal to the volume of water derived from the water system's own sources, minus water consumed by treatment processes, plus water imported or purchased, plus or minus the net change in water storage where applicable. Authorized metered consumption means billed metered water plus unbilled metered water. Billed metered water means authorized consumption by all customer types that is both metered and billed. Unbilled metered water means any authorized consumption that is metered but for which the water supplier does not bill.

Amend RSA 485-C:21-a as inserted by section 3 of the bill by replacing it with the following:

485-C:21-a Conservation Management Plan Not Required. The department may grant a renewable exemption from the rules for water conservation practices under RSA 485:61 to any municipality with a water balance of less than 15 percent. The municipality shall calculate the water balance each calendar year after the well is permitted, and such balance and all components defined in the balance shall be submitted to the department no later than the first day of March following the year to which the water balance pertains. The department shall not grant an exemption to any municipality that fails to submit a water balance of less than 15 percent by such date.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Backflow Device Requirements and Tests; Installations, Repairs, and Replacements. RSA 485:11 is repealed and reenacted to read as follows:

485:11 Backflow Device Requirements and Tests, Installations, Repairs and Replacements. There shall be a backflow prevention device installed at every connection to a public water system if the facility connected may pose a hazard to the quality of water supplied by the public water system as determined by the department. The facility receiving water from a public water supply shall be responsible for having such drinking water distribution system protective backflow prevention devices inspected and tested by individuals certified by a third party who has been approved by the department to conduct backflow device inspection and testing certification. The facility shall also have backflow devices installed, maintained, repaired, and replaced by individuals qualified by either a plumbers license or by certification by the department under RSA 332-E:3, III proving competency in distribution system operation. The activities to be conducted by qualified individuals may include the inspection and testing, maintenance, repair or replacement, and installation of the water meters, meter horns, backflow preventers, and assembly devices directly adjacent to and required as part of the protection for the drinking water distribution system. Testing of drinking water distribution system protective backflow prevention devices shall occur after installation or repair to ensure that new and repaired devices are working properly. Testing shall also occur twice annually for existing devices unless the public water supplier determines that the facility poses a low hazard, in which case testing shall occur on an annual basis. The facility receiving water from a public water supplier is responsible for ensuring that the backflow prevention device is working properly to prevent backflow into the public water system.

2014-0358h
AMENDED ANALYSIS

This bill:

I. Limits the time the department of environmental services may require a municipality to collect data relative to seasonal river overflow streams.

- II. Exempts certain municipalities from filing conservation management plan reports after a well is permitted.
- III. Modifies the requirements for the installation, repair, and replacement of backflow devices.

Amendment to HB 1385

(2014-0864h)

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

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

1 New Paragraph; Definition; Sizeable Changes or Additions. Amend RSA 162-H:2 by inserting after paragraph XII the following new paragraph:

XIII. "Sizeable changes or additions" includes, but is not limited to, changes or additions to an energy facility involving construction expenses greater than 20 percent of the assessed value of the current facility.

2 Additions and Improvements. Amend RSA 374:5 to read as follows:

374:5 Additions and Improvements. For the purpose of enabling the commission to perform its duty to keep informed as provided in RSA 374:4, every public utility, before making any addition, extension, or capital improvement to its fixed property in this state, except under emergency conditions, shall report to the commission the probable cost of such addition, extension, or capital improvement whenever the probable cost thereof exceeds a reasonable amount to be prescribed by general or special order of the commission. For this purpose, the commission may classify public utilities according to the amount of their respective fixed capital accounts, and prescribe a reasonable limitation for each such classification. In no case shall the minimum amount prescribed be less than 1/4 of one percent of such fixed capital account as of December 31 of the preceding year, or [\$10,000] **\$100,000**, whichever is the smaller amount. Reports shall be filed in writing with the commission within such reasonable time as may be prescribed by the commission before starting actual construction on any addition, extension, or improvement. The commission shall have discretion to exclude the cost of any such addition, extension, or capital improvement from the rate base of said utility where such written report thereof shall not have been filed in advance as herein provided. ***If the actual cost exceeds a reported probable cost of more than \$1,000,000, the commission shall not include in the base rate of such utility excess costs of 120 percent or more without substantial evidence of unforeseeable factors.***

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

2014-0864h

AMENDED ANALYSIS

This bill defines "sizeable changes or additions" as they pertain to energy facilities.

This bill also prohibits the public utilities commission from including the costs of certain sizeable changes or additions in the base rate of a public utility.

Amendment to HB 1432

(2014-0892h)

Proposed by the Minority of the Committee on Education-r

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

AN ACT relative to the implementation and administration of certain statewide assessments in the public schools and requiring the department of education to study the statewide assessment process.

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

1 Implementation and Administration of Smarter Balanced Assessment. The Smarter Balanced Assessment planned for the spring of the 2014-2015 school year for grades 3 through 8 and grade 11, as referenced in the New Hampshire common core state standards implementation framework shall not be implemented or administered as a mandatory statewide assessment after June 30, 2016 or upon approval of the report of the study required in section 2 of this act by the legislative oversight committee established in RSA 193-C:7, whichever occurs first. The department of education, in coordination with the United States Department of Education, shall make any necessary adjustments to the implementation framework in compliance with RSA 193-C and shall provide one or more alternative summative annual assessments for use by a school district in compliance with RSA 193-C.

2 New Hampshire Department of Education; Study of Smarter Balanced Assessments.

I. The department of education shall conduct a study of the Smarter Balanced Assessment for grades 3 through 8 and grade 11, and shall review and make recommendations regarding the statewide summative assessment program for public schools. The study shall:

(a) Determine whether the Smarter Balanced Assessment fulfills the aims, assessment tasks, criteria, and generates data for the established goals of the statewide educational improvement and assessment program pursuant to RSA 193-C:3.

(b) Review the statewide education improvement and assessment program required under RSA 193-C to determine how and by what indicator all academic areas identified in RSA 193-C:5, including, but not limited to reading and language arts, mathematics, science, history, geography, civics, and economics are assessed.

(c) Determine if the annual statewide summative assessment process is pedagogically appropriate, cost effective, and if the statewide summative assessment process and increased classroom instructional time can be realized through another grade level assessment system and testing configuration for use in levels such as grades 4, 6, 8, and 11.

(d) Determine if the Smarter Balanced Assessment is designed and aligned with New Hampshire's content-specific concepts, skills, and knowledge standards, and ensure that no portion of the Smarter Balanced Assessment includes questions designed to determine or measure student dispositions.

(e) Determine how a statewide education improvement and assessment system such as the Smarter Balanced Assessment will produce data (including student achievement data and student growth data) used to inform determinations related to school effectiveness, individual principal and teacher effectiveness for purposes of evaluation, principal and teacher professional development and support needs, and teaching, learning, and program improvement.

(f) Review privacy concerns relative to assessments, including the Smarter Balanced Assessment tests, high school graduation equivalency assessments including the GED, and college readiness assessments including the SAT and ACT, ensuring student and family privacy are preserved consistent with state law and the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. section 1232g, in light of available technologies. If such assessments are found to be non-compliant with state or federal privacy laws and regulations, the department shall recommend legislation requiring that alternative assessments complying with privacy requirements be provided, adjustments be made to statewide testing policies requiring parental notification, and an "opt-in" procedure for non-compliant tests be implemented.

(g) Identify funding requirements and fiscal impacts associated with initial implementation and subsequent annual costs associated with statewide education assessments. The department shall make recommendations as to whether or not such costs constitute a "mandated program" under Part I, Article 28-a of the New Hampshire constitution, for the purposes of the state obligation to municipalities supporting local school districts.

II. The department shall issue a report of its findings and 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, and to each member of the legislative oversight committee established in RSA 193-C:7 on or before September 1, 2015. The legislative oversight committee shall review the report and shall, upon approving the report, notify the commissioner of the department of education of its approval.

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

2014-0892h

AMENDED ANALYSIS

This bill allows for the implementation and administration of the Smarter Balanced Assessment, subject to certain circumstances. The bill also requires the department of education to study the statewide assessment process and requires the legislative oversight committee to review the study report.

Amendment to HB 1499-FN

(2014-0607h)

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

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

AN ACT increasing the maximum weekly benefit amount of unemployment benefits; amending the definitions of "full-time" and "part-time" work; and establishing a commission study the effect on the unemployment compensation trust fund of the contribution rate reduction trigger levels in RSA 282-A:82 and RSA 282-A:82-a and the elimination of some or all of the waiting periods required to be served pursuant to RSA 282-A:31, I(h).

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

1 Maximum Weekly Benefit Amounts. Amend RSA 282-A:25, I to read as follows:

I. The maximum weekly benefit amount and maximum benefits payable to an eligible individual, the first day of whose individual benefit year is on or after the effective date of this paragraph, shall be determined by the individual's annual earnings, of which in each of 2 calendar quarters the individual must have earned not less than \$1,400, as follows:

<u>Annual Earnings of</u> <u>Not Less Than</u>	<u>Maximum Weekly</u> <u>Benefit Amount</u>	<u>Maximum</u> <u>Benefits</u>
\$ 2,800	\$[32] 35	\$[832] 910
3,100	[35] 39	[910] 1,014
3,400	[39] 43	[1,014] 1,118
3,900	[45] 49	[1,170] 1,274
4,200	[48] 53	[1,248] 1,378
4,500	[52] 56	[1,352] 1,456

<u>Annual Earnings of</u> <u>Not Less Than</u>	<u>Maximum Weekly</u> <u>Benefit Amount</u>	<u>Maximum</u> <u>Benefits</u>
4,800	[55] 60	[1,430] 1,570
5,100	[59] 64	[1,534] 1,664
5,600	[64] 70	[1,664] 1,820
6,100	[69] 76	[1,794] 1,976
6,600	[75] 82	[1,950] 2,132
7,000	[80] 86	[2,080] 2,236
7,400	[83] 91	[2,158] 2,366
7,800	[88] 96	[2,288] 2,496
8,200	[92] 101	[2,392] 2,626
8,600	[96] 105	[2,496] 2,730
9,000	[101] 110	[2,626] 2,860
9,500	[105] 116	[2,730] 3,016
10,000	[110] 122	[2,860] 3,172
10,500	[115] 127	[2,990] 3,302
11,000	[120] 133	[3,120] 3,458
11,500	[126] 139	[3,276] 3,614
12,500	[137] 150	[3,562] 3,900
13,500	[148] 161	[3,848] 4,186
14,500	[159] 173	[4,134] 4,498
15,500	[167] 184	[4,342] 4,784
16,500	[178] 194	[4,628] 5,044
17,500	[188] 205	[4,888] 5,330
18,500	[199] 216	[5,174] 5,616
19,500	[206] 226	[5,356] 5,876
20,500	[217] 237	[5,642] 6,162
21,500	[227] 247	[5,902] 6,422
22,500	[238] 257	[6,188] 6,682
23,500	[249] 267	[6,474] 6,942
24,500	[254] 277	[6,604] 7,202
25,500	[265] 287	[6,890] 7,462
26,500	[275] 296	[7,150] 7,696
27,500	[286] 306	[7,436] 7,956
28,500	[290] 315	[7,540] 8,190
29,500	[301] 325	[7,826] 8,450
30,500	[311] 334	[8,086] 8,684
31,500	[321] 343	[8,346] 8,918
32,500	[331] 352	[8,606] 9,152
33,500	[342] 361	[8,892] 9,386
34,500	[352] 369	[9,152] 9,594
35,500	[362] 378	[9,412] 9,828
36,500	[372] 386	[9,672] 10,036
37,500	[383] 395	[9,958] 10,270
38,500	[394] 403	[10,244] 10,478
39,500	[405] 411	[10,530] 10,686
40,500	[416] 419	[10,816] 10,894
41,500	427	11,102

2 Definitions; Employment. Amend RSA 282-A:9, VIII-IX to read as follows:

VIII. "Full-time work" is ~~[work in employment of at least 37.5 hours a week]~~ **services for the number of hours that is considered full-time by the industry in which the individual is seeking work, or by the person or entity for which services are or will be performed, but not less than 35 hours per week.**

IX. "Part-time work" is ~~[work in employment of at least 20 hours a week but less than 37.5 hours a week]~~ **services of at least 20 hours per week but for fewer hours in a week than full-time work as defined by paragraph VIII. Such services shall include self-employment.**

3 New Section; Contribution Rate Study Commission. Amend RSA 282-A by inserting after section 82-a the following new section:

282-A:82-b Contribution Rate Study Commission.

I. There is established a commission to study the effect on the unemployment compensation trust fund of the contribution rate reduction trigger levels in RSA 282-A:82 and RSA 282-A:82-a and the elimination of some or all of the waiting periods required to be served pursuant to RSA 282-A:31, I(h).

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

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

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

(c) The commissioner of the department of employment security, or designee, who shall serve as a nonvoting member.

(d) The chairman of the advisory council on unemployment compensation created pursuant to RSA 282-A:128, who shall serve as a nonvoting member.

(e) Three public members appointed by the governor with the consent and advice of the executive council one of whom shall be an individual who, because of vocation, employment, or affiliation, shall be classed as representing the point of view of labor; one of whom shall be an individual who, because of vocation, employment, or affiliation, shall be classed as representing the point of view of employers; and one of whom, who shall be designated as chairperson, shall be an individual whose training and experience qualify the individual to deal with unemployment compensation.

III. Members of the commission shall serve without compensation. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The commission shall study the effect on the unemployment compensation trust fund of the contribution rate reduction trigger levels in RSA 282-A:82 and RSA 282-A:82-a. The commission shall also study the elimination of some or all of the waiting periods required to be served pursuant to RSA 282-A:31, I(h).

V. The first meeting of the commission shall be called by the chairperson. The first meeting of the commission shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

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

4 Repeal RSA 282-A:82-b, relative to the contribution rate study commission is repealed.

5 Effective Date.

I. Section 4 of this act shall take effect November 1, 2014.

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

2014-0607h
AMENDED ANALYSIS

This bill:

I. Increases the maximum weekly benefit amount of unemployment benefits.

II. Amends the definitions of "full-time" and "part-time" work.

III. Establishes a commission study the effect on the unemployment compensation trust fund of the contribution rate reduction trigger levels in RSA 282-A:82 and RSA 282-A:82-a. The commission shall also study the elimination of some or all of the waiting periods required to be served pursuant to RSA 282-A:31, I(h).

This bill is a request of the department of employment security.

Amendment to HB 1531

(2014-0731h)

Proposed by the Committee on Ways and Means-c

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

AN ACT relative to establishing a joint committee on tax expenditure review and requiring tax expenditure and potential liability reports by the department of revenue administration.

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

1 New Chapter; Tax Expenditure and Potential Liability Reports; Joint Committee Established. Amend RSA by inserting after chapter 71-B the following new chapter:

CHAPTER 71-C

TAX EXPENDITURE AND POTENTIAL LIABILITY REPORTS

71-C:1 Definition. In this chapter, "tax expenditure" means a credit or exemption that is intended by the legislature to allow individuals or businesses to reduce the amount owed for state taxes in return for a change in behavior. A tax expenditure does not include a credit or exemption meant only to avoid double taxation of the same income or assets within the same taxing jurisdiction. A tax rate reduced for the express purpose of achieving a change in behavior may also be identified by the committee in RSA 71-C:3 as a tax expenditure for the purpose of regular review.

71-C:2 Tax Expenditures Specified. Tax expenditures include, but may not be limited to, the community development finance authority investment tax credit as computed in RSA 162-L:10; the economic revitalization zone tax credit as computed in RSA 162-N:6; the research and development tax credit under RSA 77-A:5, XIII; the Coos county job creation tax credit under RSA 77-E:3-c; the education tax credit as computed in RSA 77-G:4; and the weighted apportionment factors under RSA 77-A:3, II(a).

71-C:3 Joint Committee on Tax Expenditure Review.

I. A joint committee on tax expenditure review is hereby established to review all qualifying tax expenditures on a rotating basis every 5 years and recommend continuance, amendment, or repeal of relevant provisions. The joint committee shall be composed of 3 members of the house of representatives appointed by the speaker of the house of representatives and 2 members of the senate appointed by the senate president, provided that such appointments shall include the chair or vice-chair of the ways and means committee of the respective bodies. The first meeting shall be within 60 days after the effective date of this paragraph and called by the first-named house member.

II. The joint committee shall determine which credits, exemptions, and reduced rates meet the definition of a tax expenditure, recommend legislation to add any additional tax expenditures to RSA 71-C:2, establish a rotating schedule for review over 5-year periods, determine the goals of each tax expenditure, and establish general criteria for the future evaluation of each such tax expenditure.

III. The joint committee shall file an initial report containing its determinations on or before November 1, 2014 with the speaker of the house, the senate president, the governor, and the commissioner of revenue administration. Every November 1 thereafter, the joint committee shall file a report with recommendations for proposed legislation, including identification and a review plan for any tax expenditures that are subsequently enacted or amended. Reports required by this section shall be made available to the general public on the general court's website.

71-C:4 Tax Expenditure and Potential Liability Report.

I. On or before December 15 of every fiscal year the commissioner of the department of revenue administration shall certify in a report to the general court and the governor an analysis of each of the past fiscal year's tax expenditures as identified in RSA 71-C:2, and other credits allowed under RSA 77, RSA 77-A, RSA 77-E, RSA 77-G, RSA 78, RSA 78-A, 78-B, RSA 82-A, RSA 83-E, RSA 84-A, RSA 84-C, and RSA 400-A.

II. The report shall be divided into the following parts:

- (a) Tax expenditures as determined by the joint committee on tax expenditure review under RSA 71-C:3;
- (b) Potential liabilities against the state's revenues, specifically:

(1) Other credits allowed under RSA 77, RSA 77-A, RSA 77-E, RSA 77-G, RSA 78, RSA 78-A, RSA 78-B, RSA 82, RSA 82-A, RSA 83-E, RSA 84-A, RSA 84-C, and RSA 400-A against the business profits tax imposed by RSA 77-A; and

(2) Credit carryovers from overpaid taxes.

III. The report shall include the total dollar amount allowed under each credit or factor during the previous fiscal year, the number of receiving entities, and the amount of the credit still available at the beginning of the current fiscal year. In the event that data is not available to calculate the remaining credit, the report shall provide an estimate and the method used to reach it.

IV. The report shall be made available to the general public on the department of revenue administration's website.

2 Repeal. RSA 77-A:5-a, relative to the tax expenditure report, is repealed.

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

2014-0731h

AMENDED ANALYSIS

This bill establishes a joint committee on tax expenditure review to review all qualifying tax expenditures on a rotating basis and recommend continuance, amendment, or repeal of relevant provisions. The bill also requires an annual tax expenditure and potential liability report by the department of revenue administration.

Amendment to HB 1540

(2014-0837h)

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

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

1 Least Cost Energy Planning; Energy Policy. Amend RSA 378:37 through RSA 378:40 to read as follows:

378:37 New Hampshire Energy Policy. The general court declares that it shall be the energy policy of this state to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for the reliability and diversity of energy sources; ~~[the protection of]~~ **to maximize the use of cost effective energy efficiency and other demand side resources; and to protect** the safety and health of the citizens, the physical environment of the state, and the future supplies of ~~[nonrenewable]~~ resources; ~~and~~, **with** consideration of the financial stability of the state's utilities.

378:38 Submission of Plans to the Commission. Pursuant to the policy established under RSA 378:37, each electric **and natural gas** utility, **under RSA 362:2**, shall file a least cost integrated resource plan with the commission ~~[at least biennially]~~ **within 2 years of the commission's final order regarding the utility's prior plan, and in all cases within 5 years of the filing date of the prior plan**. Each such plan shall include, but not be limited to, the following, **as applicable**:

- I. A forecast of future ~~[electrical]~~ demand for the utility's service area.
- II. An assessment of demand-side energy management programs, including conservation, efficiency ~~[improvement]~~, and load management programs.
- III. An assessment of supply options **including owned capacity, market procurements, renewable energy, and distributed energy resources.**
- IV. An assessment of **distribution and** transmission requirements, **including an assessment of the benefits and costs of "smart grid" technologies.**
- ~~V. Provision for diversity of supply sources.~~
- ~~VI. Integration of demand-side and supply-side options.~~
- ~~VII.] V. An assessment of plan integration and impact on state compliance with the Clean Air Act [Amendments] of 1990, as amended, and other environmental laws that may impact a utility's assets or customers.~~
- ~~VIII. An assessment of plan integration and impact on state compliance with the National Energy Policy Act of 1992.~~
- ~~IX.] VI. An assessment of the plan's long- and short-term environmental, economic, and energy price and supply impact on the state.~~
- VII. An assessment of plan integration and consistency with the state energy strategy under RSA 4-E:1.**

378:38-a Waiver by Commission. The commission, **by order**, may waive **for good cause** any requirement ~~[to file least cost integrated resource plans by an electric utility under RSA 378:38, except for plans relating to transmission and distribution]~~ **under RSA 378:38, upon written request by a utility.**

378:39 Commission Evaluation of Plans. The commission shall review ~~[proposals for]~~ integrated least-cost resource plans in order to evaluate the ~~[adequacy]~~ **consistency** of each utility's ~~[planning process]~~ **plan with this subdivision, in an adjudicative proceeding.** In deciding whether or not **to approve** the utility's ~~[planning process is adequate]~~ **plan**, the commission shall consider potential environmental, economic, and health-related impacts of each proposed option. The commission is encouraged to consult with appropriate state and federal agencies, alternative and renewable fuel industries, and other organizations in evaluating such impacts. **The commission's approval of a utility's plan shall not be deemed a pre-approval of any actions taken or proposed by the utility in implementing the plan.** Where the commission determines the options have equivalent financial costs, equivalent reliability, and equivalent environmental, economic, and health-related impacts, the following order of **energy policy** priorities shall guide the commission's evaluation:

- I. **Energy efficiency and other demand-side management resources;**
- II. Renewable energy sources;
- III. All other energy sources.

378:40 Plans Required. No rate change shall be approved or ordered with respect to any utility that does not have on file with the commission a plan that has been filed and ~~[reviewed]~~ **approved** in accordance with the provisions of RSA 378:38 and RSA 378:39. However, nothing contained in this subdivision shall prevent the commission from approving a change, otherwise permitted by statute or agreement, where the utility has made the required plan filing in compliance with RSA 378:38 and the process of review is proceeding in the ordinary course but has not been completed.

2 Repeal. The following are repealed:

- I. RSA 378:41, relative to conformity of plans.
- II. RSA 378:42, relative to existing rate plans.

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

Amendment to HB 1555-FN (2014-1054h)

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

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-5 to read as 2-6, respectively:

1 Statement of Purpose. The purpose of this act is to provide clear guidance relative to actions that constitute the crime of financial exploitation of elderly, disabled, or impaired adults and to encourage the cooperation of law enforcement officials, courts of competent jurisdiction and all appropriate state agencies providing human services in identifying these crimes. It is the intent of the general court to send a clear message to the public that financial exploitation of elderly, disabled, or impaired adults shall not be tolerated and that the provisions of this act shall be liberally construed to ensure that persons engaging in these unlawful acts be held criminally liable to the full extent of the law.

Amend RSA 631:8, I(e) as inserted by section 2 of the bill by replacing it with the following:

(e) "Impaired adult" means any adult who suffers from an impairment by reason of mental illness, developmental disability, organic brain disorder, physical illness or disability, chronic use of drugs, chronic intoxication, memory loss, or other cause, that causes an adult to lack sufficient understanding or capacity to

make or communicate reasonable decisions concerning the adult's person or property or ~~[to be substantially impaired in the adult's ability to provide adequately for his or her own care and custody]~~ ***exhibits the functional limitations as defined in RSA 464-A:2, VII. Impaired adult includes a person determined to be incapacitated under RSA 161-F or RSA 464-A.***

Amend RSA 631:8-a as inserted by section 4 of the bill by replacing it with the following:

631:8-a Financial Exploitation of an Elderly, Disabled, or Impaired Adult.

I. Whoever commits any of the following acts against an elderly, disabled, or impaired adult, as defined in RSA 631:8, shall be guilty of financial exploitation and penalized pursuant to RSA 631:8-b if:

(a) In breach of a fiduciary obligation recognized in law, including pertinent regulations, contractual obligations, documented consent by a competent person, including, but not limited to, an agent under a durable power of attorney, guardian, conservator, or trustee, a person, knowingly or recklessly, for his or her own profit or advantage:

(1) Fails to use the real or personal property or other financial resources of the elderly, disabled, or impaired adult to provide food, clothing, shelter, health care, therapeutic conduct, or supervision for the elderly, disabled, or impaired adult when under a duty to do so; or

(2) Unless authorized by the instrument establishing fiduciary obligation, deprives, uses, manages, or takes either temporarily or permanently the real or personal property or other financial resources of the elderly, disabled, or impaired adult for the benefit of someone other than the elderly, disabled, or impaired adult; or

(b) In the absence of legal authority a person knowingly or recklessly through the use of undue influence, harassment, duress, force, compulsion, or coercion:

(1) Acquires possession or control of an interest in real or personal property or other financial resources of an elderly, disabled, or impaired adult;

(2) Induces an elderly, disabled, or impaired adult against the elderly, disabled, or impaired adult's will to perform services for the profit or advantage of another; or

(3) Establishes a relationship with a fiduciary obligation to an elderly, disabled, or impaired adult that gives the person control of an interest in real or personal property or other financial resources of an elderly, disabled, or impaired adult.

II. State and local law enforcement agencies shall have concurrent jurisdiction to investigate reports of abuse, neglect, or exploitation of incapacitated adults as defined in RSA 161-F or RSA 464-A and all other crimes against elderly, disabled, or impaired adult victims including, but not limited to, the crimes set forth in RSA 631:8 and this section. Nothing in this paragraph shall be construed to alter the duties and responsibilities of the commissioner of the department of health and human services, or his or her designees, relative to investigating reports of abuse, neglect, self-neglect or exploitation of incapacitated adults pursuant to RSA 161-F.

III. Nothing in this section requires a health or residential care facility, licensed under RSA 151, or any person to provide financial management or supervise financial management for an elderly, disabled, or impaired adult except as otherwise required by law.

IV. If the person knew or had reason to know that the elderly, disabled, or impaired adult lacked capacity to consent, consent is not a defense to a violation of this section.

V. Nothing in this section shall be construed to impose criminal liability on a person who makes a good faith effort to assist an elderly, disabled, or impaired adult in the management of funds, assets, or property which effort fails through no fault of the person.

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

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

Amendment to HB 1581-FN-A

(2014-0869h)

Proposed by the Majority of the Committee on Finance-r

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

1 New Section; Red List Bridge Capital Projects; Bonds Authorized. Amend RSA 228 by inserting after section 12-a the following new section:

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

2 New Section; Affordable Debt Limit; Highway Fund. Amend RSA 6-C by inserting after section 2 the following new section:

6-C:3 Affordable Debt Limit; Highway Fund.

I. Notwithstanding any other provision of law, the state treasurer shall not issue any additional highway funded general obligation debt of the state if the projected annual debt service on such additional highway funded general obligation debt, when added to the prior actual annual debt service on any previously issued highway funded general obligation debt exceeds 10 percent of the unrestricted highway fund revenues for the previous fiscal year.

II. The general court may only exceed the ceiling in paragraph I by a 3/5 vote of each house present and voting. Such 3/5 vote shall only apply to votes on final passage and adoption of committee of conference reports.

Amendment to HB 1581-FN-A

(2014-1093h)

Proposed by the Minority of the Committee on Finance-r

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

1 New Section; Bridge Capital Projects; Bonds Authorized. Amend RSA 228 by inserting after section 12-a the following new section:

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

2 New Section; Affordable Debt Limit; Highway Fund. Amend RSA 6-C by inserting after section 2 the following new section:

6-C:3 Affordable Debt Limit; Highway Fund.

I. Notwithstanding any other provision of law, the state treasurer shall not issue any additional highway funded general obligation debt of the state if the projected annual debt service on such additional highway funded general obligation debt, when added to the prior actual annual debt service on any previously issued highway funded general obligation debt exceeds 10 percent of the unrestricted highway fund revenues for the previous fiscal year.

II. The general court may only exceed the ceiling in paragraph I by a 3/5 vote of each house present and voting. Such 3/5 vote shall only apply to votes on final passage and adoption of committee of conference reports.

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

2014-1093h

AMENDED ANALYSIS

This bill allows the commissioner of the department of transportation to fund bridge capital projects for bridges closed to motorists by department order, by bonded appropriations, provided the total debt service does not exceed 10 percent of the unrestricted highway fund revenues for the previous fiscal year.

Amendment to HB 1591-FN

(2014-0658h)

Proposed by the Majority of the Committee on Judiciary-r

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

AN ACT relative to notice of meetings under the right-to-know law.

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

1 Right-to-Know; Meetings Open to the Public. Amend RSA 91-A:2, II to read as follows:

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] **72** 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.

2 This act shall take effect January 1, 2015.

2014-0658h

AMENDED ANALYSIS

This bill requires 72 hours notice of the meeting and the agenda before a public meeting held pursuant to the right-to-know law.

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 1600

(2014-0785h)

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

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

1 Renewable Electric Portfolio Standard; Renewable Energy Certificates; Procedures. Amend RSA 362-F:6, II to read as follows:

II. The commission shall establish procedures by which electricity and useful thermal energy production not tracked by ISO-New England from customer-sited sources, including behind the meter production, may be included within the certificate program, provided such sources are located in New Hampshire. The procedures may include the aggregation of sources and shall be compatible with procedures of the certificate program administrator, where possible. The production shall be monitored and verified by an independent entity designated by the commission, which may include electric distribution companies, or by such other means as the commission finds adequate in verifying that such production is occurring. ***For customer-sited sources under 15 kilowatts in capacity, the commission shall not require the independent monitors to perform an annual site visit, and shall allow the owner of the customer-sited source to electronically report production monthly to the commission or an independent monitor.***

2 Renewable Energy Certificates. Amend RSA 362-A:1-a, II-b to read as follows:

II-b. "Eligible customer-generator" or "customer-generator" means an electric utility customer who owns [or], operates, ***or purchases power from*** an electrical generating facility either powered by renewable energy or which employs a heat led combined heat and power system, with a total peak generating capacity of up to and including one megawatt, that is located behind a retail meter on the customer's premises, is interconnected and operates in parallel with the electric grid, and is used to offset the customer's own electricity requirements. Incremental generation added to an existing generation facility, that does not itself qualify for net metering, shall qualify if such incremental generation meets the qualifications of this paragraph and is metered separately from the nonqualifying facility.

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

2014-0785h

AMENDED ANALYSIS

This bill requires the public utilities commission to permit owners of certain sources of renewable energy generation to report production electronically to an independent monitor.

This bill also modifies the definition of "eligible customer-generator."

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.

Amendment to HB 1615

(2014-0823h)

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

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

1 New Section; Emergency Prescription. Amend RSA 318 by inserting after section 47-h the following new section:

318:47-i Emergency Prescription. In the event a prescription requires prior authorization by an insurance carrier and the prior authorization has neither been approved nor denied, a pharmacist may dispense a one-time emergency prescription of a maximum 72-hour supply of the prescribed medication, and the insurance carrier is required to reimburse the pharmacist according to the payment rates of the provider contract,

providing that the medication is essential to the maintenance of life or to the continuation of therapy in a chronic condition, or in the pharmacist's professional judgment, the interruption of therapy might reasonably produce undesirable health consequences or may cause physical or mental discomfort. A pharmacist may also dispense a product that is packaged in a dosage form that is fixed and unbreakable, as a maximum 72-hour emergency supply. Upon receipt of authorization, the pharmacist shall dispense the balance of the prescription. If authorization is denied, the carrier shall reimburse the pharmacist for the prescription as given based on the pro-rated amount they would have otherwise received under the terms of the provider contract.

2 New Paragraph; Emergency Prescription. Amend RSA 420-J:7-b by inserting after paragraph VIII the following new paragraph:

IX. Every health benefit plan that provides prescription drug benefits shall allow its covered persons to obtain an emergency prescription for up to a 72-hour supply of covered prescription drugs on the covered person's health benefit plan formulary. In the event a pharmacist receives a request for a prescription and the pharmacist is unable to obtain authorization from the insurance carrier the pharmacist may dispense a one-time emergency prescription of a maximum 72-hour supply of the prescribed medication, and the carrier shall reimburse the pharmacist according to the payment rates of the provider contract, providing that the medication is essential to the maintenance of life or to the continuation of therapy in a chronic condition, or in the pharmacist's professional judgment, the interruption of therapy might reasonably produce undesirable health consequences or may cause physical or mental discomfort. If authorization is denied, the carrier shall reimburse the pharmacist for the prescription as given based on the pro-rated amount they would have otherwise received under the terms of the provider contract.

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

Amendment to HB 2014

(2014-1062h)

Proposed by the Committee on Public Works and Highways-r

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

1 State 10-Year Transportation Improvement Plan. The legislature hereby adopts the plan known as the "State of New Hampshire Ten Year Transportation Improvement Plan 2015-2024 Submitted to the Legislature by the Governor Pursuant to RSA 228:99 and RSA 240 of the Laws of New Hampshire", as amended and dated March 20, 2014, and encourages expeditious implementation of the projects shown therein.

2 Federal Highway Grant Anticipation Bonds; Issuance of Revenue Bonds. Amend RSA 228-A:2 to read as follows:

228-A:2 Issuance of Revenue Bonds. The state may issue bonds under this chapter to be known as "federal highway grant anticipation bonds." The bonds may be issued from time to time for the purpose of financing project costs related to the widening of Interstate 93 from Manchester to the Massachusetts border, the replacement ~~[or repair]~~ of the ~~[Memorial Bridge and the]~~ Sarah Mildred Long Bridge in Portsmouth, New Hampshire, and any other federally aided highway project hereafter authorized by the general court to be financed under this chapter. Bonds issued hereunder shall be special obligations of the state and the principal of, premium, if any, and interest on all bonds shall be payable solely from the particular funds provided therefor under this chapter. The issuing of bonds shall be contingent upon the availability of sufficient anticipated federal aid over the term of the bonds. The bonds shall be issued by the treasurer in such amounts as the fiscal committee of the general court and the governor and council shall determine, **and shall** not ~~[exceeding]~~ **exceed** ~~[\$445,000,000 for federally aided highway projects and \$45,000,000 for the replacement or repair of the Memorial Bridge and the Sarah Mildred Long Bridge]~~ **\$490,000,000**. Debt service for federal highway grant anticipation bonds (Garvee bonds) for the ~~[bridges]~~ **projects** shall be paid from a portion of future federal ~~[bridge]~~ funds. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate, or other method as may be determined by the treasurer, and shall mature at such time or times as may be determined by the treasurer, except that no bond shall mature more than 15 years from the date of its issue. Bonds may be made redeemable before maturity either at the option of the state or at the option of the holder, or on the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the treasurer prior to the issue of bonds. The treasurer shall determine the form and details of bonds. Subject to RSA 93-A, the bonds shall be signed by the treasurer and countersigned by the governor. The bonds may be sold in such manner, either at public or private sale, for such price, including above or below par value, at such rate or rates of interest, or at such discount in lieu of interest, as the treasurer may determine.

3 Turnpike System; Authority Granted. Amend RSA 237:2, II-d to read as follows:

II-d. Construct a second barrel on the Spaulding turnpike from exits 12 to 16 with related interchange improvements from exits 11 to 16, as needed, **and a maintenance facility at exit 16 in Rochester.**

4 New Subparagraphs; Turnpike System; Authority Granted. Amend RSA 237:2, IV by inserting after subparagraph (g) the following new subparagraphs:

(h) Making improvements to the central New Hampshire turnpike, including, but not limited to, the addition of a traffic lane in each direction to the following 3 segments: the segment between exit 8 in the city of Nashua to exit 10 in the town of Merrimack; the segment between exit 11 in the town of Merrimack to the southern limits of the Manchester Airport Access Road project in the town of Bedford; and the segment between the northern limits of the Manchester Airport Access Road project and the interstate 293 interchange in the town of Bedford.

(i) Installation of intelligent transportation systems infrastructure on the F.E. Everett Turnpike from Nashua to Bedford.

5 Turnpike System; Authority Granted. Amend RSA 237:2, VII to read as follows:

VII.(a) Acquire land as required and make improvements to the central New Hampshire turnpike including, but not limited to, completing the connection to the Merrimack industrial interchange, relocation of Camp Sargent Road, improvements to interchanges 3 through 7 as required, the extension of the system to include an easterly circumferential beltway around Nashua extending from exit 2 and running easterly through the city of Nashua and the towns of Hudson, Litchfield, and Merrimack to an intersection with the existing turnpike, improvements and widening between interchanges 2 and 7, widening between the Route 101 intersection and the Amoskeag interchange in Manchester, and coordinating a study of widening between the I-89 and I-93 interchanges.

(b) Plan and engineer improvements to the central New Hampshire turnpike, including, but not limited to the addition of a traffic lane or lanes in each direction from the junction of interstate 89 in the city of Concord to the northerly expansion joint of the Interstate 93 bridge over Loudon Road and N.H. Route 9 (bridge no. 163/106).

(c) Plan and engineer improvements to the central New Hampshire turnpike, including, but not limited to the addition of a traffic lane or lanes in each direction from exit 6 to exit 7 in the city of Manchester, as well as the reconstruction of the exit 6 and exit 7 interchanges.

6 Turnpike System; Funds Provided. Amend RSA 237:7 I(h) to read as follows:

(h) Improvements to central New Hampshire turnpike.

RSA 237:2, IV(h), VII, VII(b), VII(c), IX. [485,200,000] **\$574,300,000**

7 Turnpike System; Funds Provided. Amend RSA 237:7, I(k) to read as follows:

(k) Toll collection equipment. RSA 237:2, VIII, IX,

RSA 237:5, II. [116,000,000] **\$131,000,000**

8 Department of Transportation; Hooksett Ramp Toll Reconstruction. The project named Hooksett, project number 9015, which consists of reconstruction of exit 11 ramp tolls to implement all electronic tolling (AET) shall be deleted from the turnpikes portion of the 10-year transportation improvement plan 2015-2024, and added to the turnpikes portion of the unfunded priorities of said 10-year transportation improvement plan as the statewide AET pilot project, location to be determined by the legislature.

9 Department of Transportation; Projects Added to Unfunded Priorities.

I. The following projects shall be added to the turnpikes portion of the unfunded priorities of the 10-year transportation improvement plan 2015-2024:

(a) Merrimack, removal of toll on exit 11 at \$1,600,000.

(b) Merrimack, removal of toll on exit 12 at \$1,600,000.

II. Both projects under paragraph I shall be contingent upon the relocation of the Bedford main line toll south of its present location on the F.E. Everett turnpike, and the town of Merrimack's acceptance of Continental Boulevard as a municipal highway.

10 Department of Transportation; Transfer of Funds. The funds designated for the project named statewide districts BGRR, project number 2365, which consists of guardrail replacement for the betterment program shall be deleted from the 10-year transportation improvement plan 2015-2024, and the department shall designate or reallocate in said 10-year transportation improvement plan betterment funds in the amount of \$1,200,000 to the statewide HWY rehabilitation BRSR, project number 6730, to be distributed to the 6 state highway districts using the betterment allocation formula contained in RSA 235:23-a, III.

11 Department of Transportation; Transfer of Funds. The funds designated for the project named statewide traffic, project number 9010, which consists of plan preparation, public outreach, and signage to transition to mile point referenced exit numbers, shall be deleted from the 10-year transportation improvement plan 2015-2024, and the department shall designate in such 10-year transportation improvement plan federal funds in the amount of \$1,100,000 to statewide PRRCs, project number 4521, for federal pavement resurfacing and rehabilitation on rural collector or arterial roads.

12 Department of Transportation; Transfer of Funds. The department of transportation shall issue federal highway grant anticipation bonds pursuant to RSA 228-A:2 for project named Portsmouth, NH – Kittery, ME, project number 15731, in the 10-year transportation improvement plan 2015-2024, for the state of New Hampshire's share of the replacement of the Sarah Mildred Long bridge between Portsmouth, NH to Kittery, ME, and shall designate in said 10-year transportation improvement plan funds in the amount of \$51,000,000

for the widening of Interstate 93 North from Salem to Manchester, which shall consist of \$40,000,000 in federal funds and \$11,000,000 in federal highway anticipation bonds. The department of transportation shall also include an additional \$8,090,000 in federal funds for the widening of Route 101 for approximately 2 miles from N.H. 114 to Wallace Road in Bedford, NH, project number 13953, in said 10-year transportation improvement plan.

13 Department of Transportation; Salem to Manchester. The funding for the project named Salem to Manchester, project number 10418C, contained in the unfunded priorities of the 10-year transportation improvement plan 2015-2024, shall be reduced from \$250,000,000 to \$200,000,000.

14 Department of Transportation; Bow to Concord. The funding for the project named Bow-Concord, project number 13742, contained in the turnpikes portion of the unfunded priorities of the 10-year transportation improvement plan 2015-2024, shall be reduced from \$192,000,000 to \$190,000,000.

15 Department of Transportation; Contingency. If SB 367-FN-A of the 2014 legislative session becomes law, and the road toll rate pursuant to RSA 260:32 is adjusted, proceeds from said adjustment shall be expended by the department of transportation in fiscal year 2015 only, as follows:

I. \$12,000,000 shall be expended for the district rehabilitation program, statewide HWY Rehabilitation BRSR, project number 6730, with said funds to be distributed equally among the 6 state highway districts;

II. \$13,000,000 shall be expended for the district resurfacing program, statewide districts BRES, project number 581, with said funds to be distributed equally among the 6 state highway districts; and

III. \$7,000,000 shall be expended for the state bridge aid program for municipal bridges.

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

2014-1062h

AMENDED ANALYSIS

This bill:

I. Adopts the state 10-year transportation improvement plan for 2015-2024.

II. Raises the amount of bonds the treasurer may issue for federally-aided highway and bridge projects.

III. Authorizes the commissioner of the department of transportation to make certain improvements to the turnpike system.

IV. Authorizes the transfer of certain designated funds to certain projects in the 10-year transportation improvement plan for 2015-2024.

Floor Amendment to SB 116-FN

(2014-0949h)

Proposed by Reps. Umberger and Buco

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

1 Mechanical Licensing; Exceptions; Plumbing. Amend RSA 153:36, VIII to read as follows:

VIII. The license requirements of this subdivision shall not apply to the following persons while performing plumbing work under the circumstances specifically described ***but shall apply to fuel gas fitting in the same circumstances unless otherwise exempted under this subdivision***; provided, however, that plumbing installed or maintained by such persons under such circumstances shall conform to the state plumbing code:

(a) ~~[To regular employees of public utilities, as defined in RSA 362:2, when working as such]~~ ***To certified public water system operators when performing plumbing tasks within their certifications, as defined in RSA 485:11 and RSA 332-E:3. This exception is specifically limited to the testing, maintenance, repair or replacement, and installation of the water meter, meter horn, and backflow prevention devices directly adjacent to and required as part of the protection of the drinking water distribution system.***

(b) To a person, firm, corporation, or limited liability company who regularly employs a person whose duties include ***the incidental repair***, installation, and maintenance of plumbing on the property of that person, firm, corporation, or limited liability company, when such employee is actually so engaged.

(c) To a property owner or the property owner's agent who installs, repairs, or replaces plumbing in the property owner's own single-family detached or townhouse residence, including new construction, or any property owner or property owner's agent who makes minor installations, repairs, or replacements to the owner's property.

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

Floor Amendment to SB 413-FN-A

(2014-1116h)

Proposed by Reps. Chandler, Hess, Kurk, Weyler and L. Ober

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

2 New Paragraphs; Department of Health and Human Services; Changes to State Medicaid Program. Amend RSA 126-A:5 by inserting after paragraph XXII the following new paragraphs:

XXIII.(a) The commissioner shall provide access to the health insurance premium payment (HIPP) program established by the department pursuant to section 1906 of the Social Security Act of 1935 to Medicaid newly eligible adults from 0 – 133 percent of the federal poverty level (FPL) who are eligible for medical assistance under section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42 U.S.C. section 1396a(a)(10)(A)(i) (“newly eligible adults”) and their spouse and dependents if applicable until December 31, 2016 to maximize the use of private insurance and available federal assistance. All newly eligible adults who have access to qualified employer sponsored insurance either directly as an employee or indirectly through another individual who is eligible for qualified employer sponsored insurance, shall be required to participate in the HIPP program in order to receive medical assistance, if eligible and determined by the department to be cost effective as required by the federal Centers for Medicare and Medicaid Services (CMS).

(b) The commissioner shall seek any necessary waivers or submit a state plan amendment to implement the provisions of this paragraph, including provisions to address individuals determined to be medically frail after completion of a health questionnaire screening process. Prior to submitting the state plan amendment or waiver to CMS the commissioner shall present the state plan amendment or waiver to the fiscal committee of the general court for approval. Participation in the HIPP program by newly eligible adults shall not begin until such waivers or state plan amendments have been approved by CMS.

(c) A determination of eligibility for the HIPP program shall be a qualifying event under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Individuals who participate in the HIPP program shall:

(1) Provide all necessary information regarding financial eligibility, residency, citizenship or immigration status, and insurance coverage to the department of health and human services in accordance with rules or interim rules, adopted under RSA 541-A;

(2) Inform the department of any changes in financial eligibility, residency, citizenship or immigration status, and insurance coverage within 10 days of such change; and

(3) At the time of enrollment acknowledge that the HIPP program is subject to cancellation upon notice.

(d) The New Hampshire mandatory HIPP program under this paragraph shall be implemented as soon as is practicable after the waiver or state plan amendment is approved. The cost of the medical assistance provided under the HIPP program shall be paid solely from federal funds provided under 42 U.S.C. 1396d(y).

(e) The commissioner may adopt rules or interim rules, pursuant to RSA 541-A, as necessary to implement any changes to the Medicaid program consistent with any waivers or state plan amendments submitted under this paragraph.

(f) Nothing in this paragraph shall limit the existing and traditional regulatory authority of the New Hampshire insurance department under Title XXXVII with respect to private health insurance coverage in which persons are enrolled in the program under this paragraph. In developing this program including drafting any necessary plan amendments or waiver requests, the commissioner shall consult with the New Hampshire insurance department as necessary to ensure that the program is designed to operate seamlessly with private insurance coverage and is consistent with all applicable insurance regulatory standards.

XXIV.(a) Consistent with the time frames in this paragraph, there is hereby established the marketplace premium assistance program. This will be a premium assistance program for newly eligible adults and their eligible spouse and dependents, if applicable, who are ineligible for the HIPP program established in RSA 126-A:5, XXIII until December 31, 2016 and shall be administered by the department of health and human services. In order to receive medical assistance from the program, newly eligible adults who are ineligible for the HIPP program shall choose from any qualified health plans (QHPs) offered on the federally-facilitated exchange if cost effective. Provider payments shall be in an amount which shall be no less than before the effective date of this paragraph.

(b) On or before December 1, 2014, the commissioner shall submit to CMS any necessary waiver application to implement the provisions of this paragraph, including provisions to address individuals determined to be medically frail after completion of a health questionnaire screening process. To the greatest extent practicable the waiver shall incorporate measures to promote continuity of health insurance coverage and personal responsibility, including but not limited to: co-pays, deductibles, disincentives for inappropriate emergency room use, and mandatory wellness programs. Prior to submitting the waiver to CMS the commissioner shall present the waiver to the fiscal committee of the general court for approval. The program shall not begin until such waivers have been approved by CMS.

(c) If the waiver to implement the marketplace premium assistance program is approved on or before March 31, 2015 then, enrollment in the marketplace premium assistance program shall begin on October 15, 2015 and coverage shall begin on January 1, 2016. Coverage shall end on December 31, 2016. The cost of the medical assistance provided under the marketplace premium assistance program shall be paid solely from federal funds as provided under 42 U.S.C. 1396d(y).

(d) If the waiver to implement the marketplace premium assistance program is not approved the program shall not begin.

(e) A determination of eligibility for the marketplace premium assistance program shall be a qualifying event under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Individuals who participate in the marketplace premium assistance program shall:

(1) Provide all necessary information regarding financial eligibility, residency, citizenship or immigration status, and insurance coverage to the department of health and human services in accordance with rules, or interim rules, adopted under RSA 541-A;

(2) Inform the department of any changes in financial eligibility, residency, citizenship or immigration status, and insurance coverage within 10 days of such change; and

(3) At the time of enrollment acknowledge that the marketplace premium assistance program is subject to cancellation upon notice.

(f) The commissioner may adopt rules or interim rules, pursuant to RSA 541-A, as necessary to implement any changes to the Medicaid program consistent with any waivers or state plan amendments submitted under this paragraph.

(g) Nothing in this paragraph shall limit the existing and traditional regulatory authority of the New Hampshire insurance department under Title XXXVII with respect to private health insurance coverage in which persons are enrolled in this program under this paragraph. In developing the program under this paragraph including drafting any necessary plan amendments or waiver requests, the commissioner shall consult with the New Hampshire insurance department as necessary to ensure that each program is designed to operate seamlessly with private insurance coverage and is consistent with all applicable insurance regulatory standards.

XXV. Any unemployed individual who qualifies for the marketplace premium assistance program established in paragraph XXV shall be referred to the department of employment security for the purpose of helping the unemployed individual find employment.

3 New Section; New Hampshire Health Protection Trust Fund. Amend RSA 126-A by inserting after section 5-a the following new section:

126-A:5-b The New Hampshire Health Protection Trust Fund.

I. There is hereby established the New Hampshire health protection trust fund which shall be accounted for distinctly and separately from all other funds and shall be non-interest bearing. The trust fund shall be administered by the commissioner of the department of health and human services and shall be used solely to provide payment and reimbursement for medical and other medical-related services for the newly eligible Medicaid population as provided for under RSA 126-A:5, XXIII – XXV and RSA 126-A:67. All moneys in the trust fund shall be nonlapsing and shall be continually appropriated to the commissioner of the department of health and human services for the purposes of the trust fund. The trust fund shall be authorized to pay and/or reimburse:

(a) The cost of the employee share of premiums, co-insurance, co-payments, deductibles, and supplemental cost-sharing, plus the cost of any wrap-around services that are determined by the department to be cost effective to licensed health insurance carriers and/or private employers for coverage under employer sponsored health insurance as provided in RSA 126-A:5, XXIII.

(b) The cost of premiums, co-insurance, co-payments, deductibles, and supplemental cost-sharing plus the cost of any wrap-around services to licensed health insurance carriers on the federally facilitated exchange under the marketplace premium assistance program as provided in RSA 126-A:5, XXIV.

(c) Any other costs that are fully reimbursable by the federal government pertaining to the health insurance premium payment (HIPP) program and the marketplace premium assistance program for the newly eligible as established under RSA 126-A:5, XXIII – XXV and RSA 126-A:67.

II. The commissioner of health and human services, as the administrator of the trust fund, shall have the sole authority to:

(a) Apply for federal funds to support the programs established under RSA 126-A:5, XXIII and XXIV and RSA 126-A:67.

(b) Notwithstanding any provision of law to the contrary, accept and expend federal funds as may be available for HIPP and the marketplace premium assistance program. The commissioner shall notify the bureau of accounting services, by letter, with a copy to the fiscal committee of the general court and the legislative budget assistant.

(c) Make payments and reimbursements from the trust fund as outlined in this section.

III. The commissioner shall submit a report to the governor and the fiscal committee of the general court detailing the activities and operation of the trust fund annually within 90 days of the close of each state fiscal year.

Amend the bill by replacing sections 7-13 with the following:

7 Department of Health and Human Services; Contracting; Transfer Among Accounts.

I. Notwithstanding any law to the contrary, the department shall be authorized, subject to the prior approval of governor and council, to enter into sole source contracts with qualified consultants and vendors

(a) for services in connection with obtaining waivers and state plan amendments and (b) to implement the health coverage programs for newly eligible under RSA 126-A:5, XXIII-XXV and RSA 126-A:67.

II. Notwithstanding RSA 9:17-a or any other provision of law to the contrary, except as provided in RSA 9:17-c and 2013, 143:1, organization note on accounting unit 05-95-48-481510-5942 nursing services – county participation, for the biennium ending June 30, 2015, the commissioner of the department of health and human services is hereby authorized to transfer funds within and among all accounting units within the department, as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department, with the exception of class 60 transfers; provided, that any transfer of \$75,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council.

8 Appropriation; Health Care Reform Commission. Amend 2013, 144:130 to read as follows:

144:130 Appropriation. The sum of \$200,000 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2014, for the purpose of providing administrative support to the commission established in RSA 126-A:66 as inserted by section 129 of this act. Contracts for administrative support or consulting services shall not require governor and council approval. ***Any unspent balance of the appropriation made under this section shall be extended and shall not lapse until November 1, 2014, and shall be for the use of the department of health and human services in preparing or submitting any necessary waivers or state plan amendments pursuant to RSA 126-A:5, XXIII and XXIV and RSA 126-A:67.*** The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

9 Department of Health and Human Services; Medicaid Breast and Cervical Cancer Program. Enrollment in the Medicaid breast and cervical cancer program, under 42 U.S.C. section 1396a(aa), shall be suspended effective July 1, 2014 or upon the approval of any waivers or state plan amendments necessary to implement RSA 126-A:5, XXIII whichever is later. Any individual covered under the Medicaid breast and cervical cancer program prior to the date the program is suspended shall continue to be covered for the program unless his or her medical treatment has concluded, or until the next redetermination of his or her eligibility by the department, whichever event occurs later. After the date the program is suspended the individual's eligibility for assistance shall be determined by the department pursuant to RSA 126-A:5, XXIII and XXIV. Commencing on the date the program is suspended, administrative rule He-W 641.09 shall be limited in its application to only those individuals enrolled in the Medicaid breast and cervical cancer program receiving treatment prior to the date the program is suspended. If, at any time after July 1, 2014 the assistance authorized in RSA 126-A:5, XXIII and XXIV is no longer offered or fails to gain the necessary federal approvals, then the commissioner of the department of health and human services shall reinstate Medicaid coverage and open enrollment for those individuals eligible under this program.

10 Applicability; Eligibility.

I. If at any time the federal match rate applied to medical assistance for newly eligible adults under RSA 126-A:5, XXIII and XXIV between July 1, 2014 – December 31, 2016 is less than 100 percent as set forth in 42 U.S.C. section 1396d(y)(1), then RSA 126-A:5, XXIII, and XXIV shall immediately be repealed upon notification by the commissioner of the department of health and human services to the secretary of state and the director of legislative services.

II. If the waiver or state plan amendment is not approved for the program under RSA 126-A:5, XXIV, then RSA 126-A:5, XXIII and XXIV shall immediately be repealed upon notification by the commissioner of the department of health and human services to the secretary of state and the director of the office of legislative services.

III. Any state plan amendment or waiver required under RSA 126-A:5, XXIII and XXIV that is submitted to the Centers for Medicare and Medicaid Services (CMS), shall comply with 42 U.S.C. section 18001, et seq., as amended by 42 U.S.C. section 1305, et seq., 42 U.S.C. section 7, et seq. and any applicable regulations by CMS governing eligibility for newly eligible adults regarding citizenship, referral requirements for employment or seeking employment, and allowable income resource restrictions.

11 Severability. With the exception of section 10 of this act, if any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

12 Repeal. The following are repealed:

I. RSA 126-A:5, XXIII, relative to health insurance premium payment (HIPP) program.

II. RSA 126-A:5, XXIV, relative to the marketplace premium assistance program.

III. RSA 126-A:5, XXV, relative to unemployed individuals who qualify for the marketplace premium assistance program.

IV. RSA 126-A:5-b, relative to the New Hampshire health protection trust fund.

V. RSA 6:12, I(b)(317), relative to the New Hampshire health protection trust fund.

VI. RSA 415:25, relative to qualified health plans on the federally-facilitated exchange.

VII. 2013, 144:129 and 131, relative to the Medicaid expansion committee and the repeal of the committee.

VIII. 2013, 144:130, as amended by section 8 of this act, relative to an appropriation.
13 Effective Date.

I. Section 12, paragraphs I-VI of this act shall take effect December 31, 2016.

II. Section 12, paragraph VIII of this act shall take effect November 1, 2014.

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

Floor Amendment to SB 413-FN-A

(2014-1118h)

Proposed by Reps. Chandler, Hess, Kurk, Weyler and L. Ober

Amend RSA 126-A:5 as inserted by section 2 of the bill by inserting after paragraph XXVI the following new paragraph:

XXVII. The New Hampshire health protection program as established in paragraphs XXIII-XXV of this section shall be limited to 60,000 participants or total annual expenditures of \$400,000,000. If either of the limits under this paragraph is reached, the New Hampshire health protection program as established in paragraphs XXIII-XXV shall terminate.

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