



State of  
New Hampshire

# HOUSE RECORD

## Second Year of the 163<sup>rd</sup> General Court Calendar and Journal of the 2014 Session

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)

Vol. 36

Concord, N.H.

Friday, May 9, 2014

No. 35

**Contains: Proposed amendment to House Rule 65, Committee Reports, Bills Laid on Table,  
House Bills Amended by the Senate, Committees of Conference,  
Committee of Conference Procedures, Amendments, Meetings and Notices**

## HOUSE CALENDAR

### MEMBERS OF THE HOUSE:

The House will meet on **Wednesday, May 14, 2014, at 10:00 a.m.** If necessary, the House will also meet on Thursday, May 15th.

During the session break on May 14th, a group photo of our membership will be taken by a professional photographer. Information on purchasing final prints will be provided at a later date.

If you haven't already done so, please review the Committee of Conference Procedures which are outlined again in this week's Calendar. You will find them helpful during this final phase of the legislative process. The complete list of House bills amended by the Senate can be found on the General Court website.

I would also like to draw your attention to the members' notice for the educational panel relative to the Medicaid Enhancement Tax (MET).

Terie Norelli, Speaker

### NOTICE

There will be a meeting of chairs and vice chairs on **Tuesday, May 13<sup>th</sup>, at 8:30 a.m.** in Rooms 305-307 of the Legislative Office Building.

Terie Norelli, Speaker

### NOTICE

#### House Continuing Education

**DATE:** Thursday, May 15th

**TOPIC:** Legislative Update on the Substance Abuse Crisis in NH

**TIME:** 10:00 a.m. to 1:30 p.m. (lunch included)

**LOCATION:** LOB Rooms 210-211

**RSVP:** [acouture@new-futures.org](mailto:acouture@new-futures.org) or 225-9540 ext. 114

**For more details, please see member's notice from Rep. Laurie Harding later in the calendar.**

Terie Norelli, Speaker

### NOTICE

There will be a **Democratic Caucus** on **Wednesday, May 14<sup>th</sup> at 9:00 a.m.** in Representatives Hall.  
Rep. Stephen Shurtleff, Majority Leader

## NOTICE

There will be a **Republican Caucus** on **Wednesday, May 14<sup>th</sup>** at **9:00 a.m.** in LOB 305-307.  
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:

May 15  
May 22

### AVAILABLE FRIDAY:

May 16  
May 23

Karen O. Wadsworth, Clerk of the House

## 2014 HOUSE DEADLINES

Thursday, May 15, 2014

Thursday, May 22, 2014

Friday, May 30, 2014 at 4:00 pm

Thursday, June 5, 2014

Last day to act on all remaining Senate Bills

Last day to form Committees of Conference

Last day to sign-off Committee of Conference reports

Last day to act on Committee of Conference reports

## PROPOSED AMENDMENT TO HOUSE RULE 65

(FOLLOWING THE ENTRY FOR THURSDAY, JUNE 5, 2014 AT THE END OF THE RULE, ADD THE FOLLOWING:)

Monday, September 15, 2014

Friday, September 26, 2014

Friday, October 31, 2014

Wednesday, November 12, 2014

Friday, December 5, 2014 at 3:00 p.m.

Friday, January 9, 2015 at 12:00 p.m.

Friday, February 6, 2015

First day for incumbents running for re-election to file LSRs with complete information

Last day prior to the General Election for incumbents running for re-election to file LSRs with complete information

Last day to file 2014 Interim Study reports

First day for all Representatives to file LSRs with complete information

Ten (10) day sign-off period begins

Last day to file LSRs with complete information

Last day to sign-off on all LSRs

Last day to introduce House Bills, etc.

Last day to amend House Rules by majority vote

## WEDNESDAY MAY 14 CONSENT CALENDAR

## ELECTION LAW

**SB 183-FN**, (New Title) relative to identification of voters, processing absentee ballots, and voluntary political expenditure limitations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary B Richardson for Election Law. This bill relates to identification of voters, processing absentee ballots and voluntary political expenditure limits. The provision relating to voter identification is a technical change to add ward clerks who were inadvertently omitted from RSA 659:13. The bill also increases the voluntary political expenditure limits. No one testified in opposition to the new limits.

The most problematic provisions of the bill relate to the processing of absentee ballots. The House previously passed HB 1543 which would have allowed absentee ballots to be processed anytime after the polls had been open for two hours. SB 183 as amended by the Senate would have required absentee ballots to be processed at 10 AM for polls that open no later than 9 AM. Many local election officials objected to designating a set time and preferred to give local officials flexibility because circumstances are different depending on the number of the number of absentee ballots received for a particular election.

The committee amendment provides that absentee ballots shall be processed at 1 PM (which is current law) unless a different time is posted that is no earlier than 2 hours after the polls have been open. To ensure transparency, the moderator is required to post the time in two public places at least 24 hours in advance of opening the polls and announce the time when the polls are opened.

The committee amendment also eliminates a provision in current law that would allow 10 voters to challenge the time at which the absentee ballots are processed and require that the processing take place after the polls are closed. Eliminating this provision avoids the concern of local election officials that 10 voters could delay

the counting of ballots after the polls closed for the processing of absentee ballots. Voters may still challenge absentee ballots as they are processed at the time designated by the moderator without delaying the counting of ballots. **Vote 18-0.**

**SB 271**, (New Title) relative to retention of voter affidavits and identity verification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N Jasper for Election Law. The bill, as amended, carries out the intent of the original legislation, which is relative to the time for mailing letters of identity verification. The bill makes the time period more uniform and understandable, while at the same time insuring that a loophole which would have allowed for voter registration without verification at municipal elections was closed. While some members of the committee do not agree with the verification process, they do agree that as long as verification is part of the law, all new registrations should be verified. **Vote 18-0.**

**SB 294**, relative to the deadline for requesting a recount of an election. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary B Richardson for Election Law. This bill relates to the deadline for requesting a recount following an election. The committee amendment makes technical changes and adds a requirement that notice be provided to the person who applied for the recount. Notice must also be posted in two public places. In addition, the committee added a germane amendment that is identical to HB 1347. HB 1347, which passed the House earlier in the session, creates a study commission to study ways of ensuring that future House redistricting complies with the New Hampshire constitution. **Vote 17-1.**

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**SB 221**, (New Title) relative to private postsecondary career schools and relative to the authority of the board of barbering, cosmetology, and esthetics. **OUGHT TO PASS.**

Rep. Dianne E Schuett for Executive Departments and Administration. This bill adds regulation of private postsecondary career schools to the list of entities regulated by the higher education commission. A new sentence was added to the existing licensing duties of the board of barbering, cosmetology, and esthetics allowing the board to license postsecondary programs. The committee members believed the rulemaking and licensing portion of the bill was simple and straightforward and heard no testimony in opposition. **Vote 16-0.**

**SB 396**, relative to child restraint practices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol M McGuire for Executive Departments and Administration. This bill regulates the use of restraint and seclusion on children in schools and facilities. At the hearing in ED&A, the second committee charged with reviewing the rulemaking provisions, it became apparent that the policy had not been fully settled as far as schools were concerned and that they had significant concerns about how schools would interpret this law, and how the new rules would affect teachers interacting with children. Since restraint and seclusion are used by very few schools, but have the potential to be very damaging, and some of the few places using them had used the loose language in the current statutes to avoid notifying parents, the committee was concerned that those provisions needed to go forward. The committee amendment deletes the most contentious and confusing sections from the bill, including language on the use of force, and strengthens the requirements to report incidents involving restraint and seclusion to parents as soon as possible. This language has been approved by the policy committee and advocates for the disabled, and is acceptable to the school community as a first step. The mention of "age 22" in the bill is an advisory, since some students reach age 21 without graduating, and school systems have the option of allowing them to finish the school year; in such cases, they should still be treated as children while attending school, which is current practice. **Vote 16-0.**

## FINANCE

**SB 222**, (New Title) restructuring the department of administrative services, division of plant and property management and establishing the position of deputy commissioner in the department of information technology. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert M Walsh for Finance. This bill provides for the reorganization of portions of the department of administrative services. It stipulates revision of the division of plant and property management into three divisions, namely the division of procurement and support services, the division of plant and property, and the division of public works design and construction. Contained in the bill are outlines of the duties and responsibilities for each of the three new divisions.

Several sections of the bill are devoted to making changes to existing statutes in order to reflect the revisions to the organizational structure of the present division of plant and property management. This bill also allows for the transfer of authority from existing divisions and bureaus to the new divisions and bureaus. Provision was made in the bill for the position of a deputy commissioner which was eliminated by the committee.

Authorization is granted within the bill to the adjutant general to enter into the federal procurement process for the design and construction of the Littleton readiness center. An amendment to the bill authorizes the

commissioner of administrative services to promptly notify the legislative budget assistant should a state agency experience an inability to generate any information that is required by generally accepted accounting principles to be included in the comprehensive annual financial report and the agency's stand-alone financial statements **Vote 21-1.**

**SB 235**, (2nd New Title) relative to the patients' trust fund and relative to a 10-bed psychiatric crisis unit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sharon Nordgren for Finance. This bill updates a law dealing with personal funds held by the state hospital when a patient is admitted. The other task of the bill is to require the department of health and human services to open a 10-bed psychiatric crisis unit in New Hampshire Hospital by July 01, 2015. To accomplish this, the hospital will need to hire by March 01, 2015 in order to complete training and orientation. The operating costs for FY 2015 will be covered by existing appropriations. Costs beyond FY 2015 will receive federal revenue and requests for general funds will be in future operating budgets. **Vote 23-0.**

**SB 283-FN**, relative to disposition of funds obtained by the attorney general. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bernard L Benn for Finance. This bill addresses the disposition of moneys collected through settlements by the attorney general and the secretary of state. For the AG's office, the bill as amended requires that the Fiscal Committee of the General Court approve the expenditure or distribution of monetary settlements not otherwise provided for in statute and that the first 10% of any settlement in excess of \$1 million be deposited in the general fund. The amendment to the bill also requires the secretary of state to submit press releases and a quarterly report describing the result of civil judgments, settlement of claims, suits, and threatened actions to the Fiscal Committee. In addition, the amendment includes authorization for the department of revenue administration to fund any shortfalls in fiscal year 2015 flood control payments. **Vote 23-0.**

## **FISH AND GAME AND MARINE RESOURCES**

**SB 230**, relative to the definition of utility terrain vehicles. **OUGHT TO PASS.**

Rep. Betsy McKinney for Fish and Game and Marine Resources. This bill adds a new definition to the OHRV laws for the new types of vehicles that are currently being used in this up and coming sport, i.e. "side by side's" and the new wider-type machine that the new trails were constructed for. **Vote 15-0.**

## **PUBLIC WORKS AND HIGHWAYS**

**SB 321**, relative to motorist service signs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin K Waterhouse for Public Works and Highways. This bill as amended would allow the commissioner of transportation to contract with a private entity to administer the motorist service sign program, thereby freeing up the department's limited resources to operate and maintain directional and traffic control signs across the entire state. The bill authorizes service signs indicating the location of an "attraction" in advance of an exit on limited access highways, but does not allow the expansion of other motorist service signs on highways. Fuel, restaurants and lodging are, and will continue to be, identified by a generic symbol on the highways, with specific vendors identified with direction arrows on the exit ramps. The committee looks for the department, under its rulemaking authority, to better define what constitutes an "attraction." The motorist service sign program, like the memorial sign program, will be "self-supporting" and operate at no cost to the state. **Vote 17-1.**

## **RESOURCES, RECREATION AND DEVELOPMENT**

**SB 267**, extending the effective date for integrated land development permits. **OUGHT TO PASS.**

Rep. Suzanne H Gottling for Resources, Recreation and Development. This bill changes the implementation date for the department of environmental service's (DES) integrated land development program, a program that streamlines permitting for projects requiring more than one permit. It is a voluntary program. When implemented, the program will save time and money, improve environmental results, and emphasize early cooperation between contractor, DES, and municipalities. Two positions are authorized for this program but are not yet funded. Extending the date provides an opportunity for DES to find funds for these positions in the 2016-2017 budget. **Vote 11-0.**

**SB 337**, relative to the recovery of submerged vehicles by the department of environmental services. **OUGHT TO PASS.**

Rep. Shannon E Chandley for Resources, Recreation and Development. When a vehicle or petroleum container becomes submerged in state waters, the owner must notify the department of environmental services (DES) and remove the vehicle or container. When the owner fails to act, DES is able to contract for removal services. The owner of the vehicle or container is liable for removal costs. Current law requires that the vehicle be impounded until all costs have been paid. This requirement becomes onerous to the state when the vehicle

owner cannot be identified. This bill relieves the state of the financial and logistical burden of impounding the vehicle until all costs have been paid by allowing the state and its contractors to send these vehicles to a salvage yard when efforts to identify the vehicle owner have failed. **Vote 11-0.**

## SCIENCE, TECHNOLOGY AND ENERGY

**SB 268**, (New Title) relative to funding for certain energy efficiency programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ian P Raymond for Science, Technology and Energy. This bill permits the public utilities commission to allocate certain proceeds from the sale of allowances to entities currently managing certain comprehensive energy efficiency programs, and requires them to file annual updates with the commission and the legislature, in order to assist in the ongoing evaluation of these programs. This bill will also ensure that these diverse programs, which offer various proven strategies, continue to serve the needs of businesses and municipalities in achieving their energy efficiency goals. **Vote 18-0.**

**SB 417**, (New Title) relative to information provided to electric utility customers. **OUGHT TO PASS.**

Rep. Amanda A Merrill for Science, Technology and Energy. This bill requires the public utilities commission to work with representatives of the state's electric utilities in determining ways to increase customer knowledge and understanding of the system benefits charge, the renewable portfolio standard, and the regional greenhouse gas initiative, and to report its findings and recommendations to appropriate state officials by Nov. 1 of this year. **Vote 18-0.**

## STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

**SB 212**, relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces. **INEXPEDIENT TO LEGISLATE.**

Rep. Leon H Rideout for State-Federal and Veterans Affairs. The committee felt trapped by compelling arguments on both sides of this issue. The committee passionately cares for the family groups and veterans groups and finds itself in a no-win situation. The deep divide that is being created between the two groups is unfortunate. It is incumbent on the family groups and veterans groups to come together and attempt to work out a compromise between them. Moving forward without an agreement will only serve to deepen this divide. If a compromise can be reached the committee would support such compromise and move forward. **Vote 13-0.**

## WAYS AND MEANS

**CACR 19**, relating to dedicated funds. Providing that dedicated funds shall be used solely for the purpose of the fund. **REFER FOR INTERIM STUDY.**

Rep. Thomas C Schamberg for Ways and Means. The purpose for recommending Interim Study of CACR 19 is to review the absolute prohibition of diverting dedicated funds and the effect upon the financial commitment of the State of New Hampshire to programs and operations. Numerous financial problems were brought up in committee discussions. **Vote 19-0.**

**SB 213-FN**, establishing a registry for physician orders for life-sustaining treatment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick F Abrami for Ways and Means. This bill establishes the New Hampshire POLST Registry Act. Under this bill, a patient may execute a form to be signed by the patient and his or her health care provider relative to life-sustaining treatment to ensure that the patient's preferences are known in the event of an emergency. This bill also establishes a special fund to accept donations, gifts, and grants received for the purpose of this bill. Working with the department of health and human services the committee developed an amendment that changes the patient opt-out provision to a patient opt-in provision. In addition the reference to "physician" was broadened to "provider." Also HIPPA language was added. **Vote 19-0.**

**SB 240-FN**, (New Title) relative to authorizing temporary registrations of off-highway recreational vehicles for nonresidents. **OUGHT TO PASS.**

Rep. David B Karrick for Ways and Means. This allows non residents to be issued temporary registrations for off highway recreational vehicles for a temporary 10 consecutive day period during the months of May through October. Temporary registrations are not transferrable. The fee for this registration is \$34.00, which is lower than fees in the only other state offering similar opportunities, is acceptable to the fish and game commission, dept. of resources and economic development, and New Hampshire OHRV groups. This is expected to increase state restricted revenue by \$10,200 each year. **Vote 19-0.**

**SB 405-FN**, requiring the registration of radon mitigation system installers with the board of home inspectors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia T Lovejoy for Ways and Means. The amendment to this bill removed the registry requirement and the associated fee but keeps the requirement that any person engaged in the design and installation of airborne radon mitigation devices shall be certified by one of two national programs. The board of home inspectors website will indicate the certification requirement and provide links to the certification organizations. **Vote 19-0.**

## REGULAR CALENDAR

### CRIMINAL JUSTICE AND PUBLIC SAFETY

**SB 202**, relative to the elements of the crime of burglary. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R Cushing for Criminal Justice and Public Safety. Pursuant to House Rule 45(b), the Majority of the committee voted to amend SB 202 to include language repealing the death penalty. The amended bill is consistent with HB 1170 which the House passed on March 12 by a 225-104 margin.

The committee discussed events that transpired since that House vote on the death penalty that provide additional information about use of the capital punishment and the need for our state to change its policy. In late March, Amnesty International reported the United States in the top 5 countries in the world in terms of the use of the death penalty last year, along with China, Iran, Iraq, and Saudi Arabia, and ahead of such countries as Somalia, Sudan, Yemen and Vietnam. Being in the company of countries that are such human rights violators is not a place where we as a state and nation want to be. Several weeks ago the prestigious National Academy of Sciences issued a report that concluded that more than 4% of those sentenced to death in the US from 1973-2004 were innocent, reinforcing the words of Former Chief Justice John Broderick that New Hampshire should not have a criminal sanction that does not come with an eraser. And last week, in what is a game changer for many, the botched execution in Oklahoma provided one more piece of evidence that we cannot have a society that bars cruel and unusual punishment and at the same time have a death penalty. The original bill is a minor adjustment to the current burglary statute, adding 3 words to clarify that someone who remains in a building where he or she is not authorized to be can be charged with burglary. The original bill remains. The language of the amendment is simple. It amends RSA 630:1, III of the homicide laws of the criminal code to read: "A person convicted of capital murder shall be sentenced to life imprisonment and shall not be eligible for parole."

We know that the death penalty is a difficult topic, a matter of conscience for all legislators. As with any subject, as new information comes forward people sometimes change and evolve in their thinking. The majority believes that the death penalty is bad public policy, part of a system that makes mistakes, fails the families of murder victims, does not make society safer, and uses resources that would be better spent meeting the needs of victims and law enforcement. We respectfully urge members of the House to pass SB 202 as amended. New Hampshire can live without the death penalty **Vote 14-4.**

**SB 207-FN**, relative to paycheck equity. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Robert R Cushing for the **Majority** of Criminal Justice and Public Safety. This bill addresses the issue of pay equity by clearing up the definition of equal pay, prohibiting retaliation against workers inquiring about wages and requiring the department of labor to post notices of pay equity laws. The House adopted the recommendation of the Labor committee and passed SB 207, recognizing the concept of equal pay for equal work as a fundamental right and requiring employers to pay their employees equally for equal work, irrespective of the employee's gender. In reviewing the penalty portion of SB 207 the committee found the fine of not more than \$2500 appropriate and consistent with other violations of our labor laws. By a narrow margin (10-8) the committee adopted an amendment to the bill that reduced the time limit from 3 years to one year that an employee who was not paid equal pay based upon his or her gender had to initiate action to recover unpaid wages. **Vote 16-2.**

Rep. Mark Warden for the **Minority** of Criminal Justice and Public Safety. The minority believes this bill as written leaves too much leeway in enforcement, giving the commissioner power to enforce provisions "through appropriate actions in response to complaints" which could lead to arbitrary and subjective enforcements. Such actions by the commissioner should be based on facts and proven actions, not simply on complaints. The minority believes interim study would correct flaws in the bill to avoid unintended negative consequences.

**SB 390**, (New Title) prohibiting discrimination against employees who are victims of domestic violence and establishing a committee to study the protection of employees from domestic violence. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Brenda E Grady for Criminal Justice and Public Safety. The criminal justice committee has recently dealt with the issue of domestic violence by establishing it, finally, as a separate statute. We know that domestic violence is, and has been, a serious issue in our society and the consequences of it are far reaching. This bill would help to keep victims of domestic violence from becoming victimized again, this time in the workplace. It helps victims to break free of further abuse by providing a protection from employer actions such as refusal to hire, discharge, demote, suspend, or in any manner discriminate or retaliate against a victim of domestic violence, harassment, sexual assault, or stalking. **Vote 11-7.**

Rep. Steve Vaillancourt for the **Minority** of Criminal Justice and Public Safety. The minority amendment, in recognition of a potential problem in regard to discrimination against victims of domestic violence in the workplace, would retain the study portion of this bill. However note the word "potential" problem. The committee heard absolutely no evidence that such a problem exists, and until evidence is produced in the form of a study

committee, the minority is convinced this bill is simply a solution looking for a problem that does not exist. When we passed Joshua's law a few weeks ago, we set in motion an ability to discover instances of domestic violence. In fact, no one would deny that domestic violence is real and must be dealt with. However, we should not mix the very real concern over domestic violence with an imagined concern that people are discriminated against at the work place. When asked to provide evidence, any evidence at all, one of the bill's supporters could only site a fear by a 26-year old woman he had spoken with. If we begin to legislate out of concern for "fears," there would be no end of bills which might come forward. Many such bills would do no good but would also do no harm. This bill, however, has the potential for harm in two very important instances. Should this pass prior to any appropriate study, we could be encouraging the filing of any number of lawsuits. For example, let's say a person is fired for inability to perform on the job. That person could simply claim he or she has been the victim of domestic violence and was fired for that reason. A study committee could explore ways of tightening up language so this would not happen. Even more significantly, this bill, as an unintended consequence, could actually lead to a dramatic and horrifying increase of workplace violence. We hear of all too many episodes of a disgruntled employee opening fire at random in the workplace and killing innocent people. Employers have become cognizant of such episodes and are taking precautions. However, were this bill to pass, employers, out of fear of being sued if they take such precautions, might slack off leading to a true tragedy. One member of the committee suggested it would be a crime not to vote for this bill. The minority is convinced that the true crime would be if a mass killing were to occur at a workplace because an employer was more concerned about the legal ramifications of this bill and relaxed security at the establishment. Until we get some data as to whether a problem really exists, it would be irresponsible for us to jeopardize everyone on the workplace in search of a solution to a problem that may not exist. The minority sadly notes that some in favor of this bill choose to demagogue it by saying that "you're either in favor of the victim or of the perpetrator." That may be a good talking point for some campaign, but it's an irresponsible way to legislate. Nothing in this bill would allow a potential victim to sue the employer to be made whole. If proponents of this bill were really concerned about potential victims, they would have included such a provision. Until then, we sadly conclude that they are more concerned about making noise than helping people. The minority is convinced that a study committee would deal with these concerns and that until data is available, this bill has far more potential for harm than good.

**SB 400-FN**, relative to the penalty for violations of the taking of American eels. **REFER FOR INTERIM STUDY.** Rep. Steve Vaillancourt for Criminal Justice and Public Safety. After being split 9-9 (a bipartisan vote) on a motion of Inexpedient to legislate the committee voted 10-8 (again a bipartisan vote) to interim study this bill. Some were concerned that, contrary to the intent of this bill to protect American eels, passage could cause more harm. For example, Fish and Game personnel testified that some of their officers have been assaulted trying to apprehend "eelers". They hope that an increased penalty would protect their officers, but indications are that just the opposite could be true – officers could be placed in greater jeopardy as "eelers" fear a three year jail sentence if caught. The committee believes the penalties are inappropriate in that they are out of line with other aquatic creatures. If this bill is not studied, the penalties need to be amended downward. However, there are other reasons for study. The committee learned that eels must be presented in court when charges are brought. Thus, even if the eels are "saved" by the arresting officer, they die in judicial proceedings. A study committee could focus on a way of saving the eels rather than adding a penalty out of line with current practice for no productive purpose. **Vote 10-8.**

## EDUCATION

**SB 355**, relative to access to social media by educational institutions. **OUGHT TO PASS WITH AMENDMENT.** Rep. Ralph G Boehm for Education. This bill, as amended, makes this bill identical to HB 1200 which we passed earlier this session and will protect students from educational institution access to their private social media accounts. School administration cannot force students to show their accounts without their permission, supply their account information, or force student to add school personnel to their social media. This does not apply to school created social media accounts, whereby students and faculty may be members. The amendment was done to protect students' 4th and 5th amendment rights. This bill would apply to public, or private schools, colleges, universities, or other institutions that offers students, participants, or trainees an organized course of study or training that is academic, technical, vocational, trade-oriented, or designed to prepare a person for employment. This bill and amendment were approved by Cornerstone, the NH Liberty Alliance and the NH ACLU. **Vote 19-0.**

## ELECTION LAW

**SB 120-FN**, relative to political contributions and expenditures and relative to reporting by political committees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.** Rep. Gary B Richardson for the **Majority** of Election Law. This bill relates to reporting of political contributions and expenditures and reporting by political committees. The bill modifies the definitions of "political

committee,” “expenditure,” “independent expenditure,” and establishes a definition of “receipts.” It also clarifies the registration and reporting requirements for political committees. The committee amendment creates a new category of “political advocacy organization” to distinguish between organizations that are required to just report expenditures from those that are required to report receipts and expenditures and provides separate expenditure reports for those non-express advocacy ads that are usually the most negative. The bill exempts 501(c)(4), 501(c)(5) and 501(c)(6) organizations from reporting names of donors, but requires them to report expenditures.

SB 120 significantly increases the transparency of our elections by requiring full disclosure of electioneering spending by independent groups. By updating, clarifying, and making more specific the definitions in RSA 664 covering election finance, SB 120 requires every independent special interest group that spends more than \$5,000 to elect or defeat candidates for state offices to file the same expenditure reports that we as candidates and our political parties now have to file with the secretary of state. SB 120 also requires these outside groups to report their receipts as we do as candidates. But because of legal issues, it does provide them with the option of not listing the names of their donors.

SB 120 does not change any of the reporting requirements for any groups that are currently filing under existing law. It also makes no changes in what candidates, parties or the outside groups can and cannot do. It does make changes needed to require that outside groups report their campaign expenditures just as is required of candidates. **Vote 13-5.**

Rep. Kathleen F Souza for the **Minority** of Election Law. This bill has the laudable goal of trying to make more transparent the role of large groups in campaign financing. However, it is problematic in several areas important to New Hampshire citizens. By requiring political committee status for individuals and organizations choosing to engage in political speech on ballot measures, the free speech guaranteed by our federal and state constitutions will be compromised. The committee heard testimony from small groups concerned that by spending as little as \$5,000 – perhaps one mailing – they may run afoul of this proposed law. These groups already have “PACS” for the purpose of working for candidates. By limiting their core organizations’ ability to speak on ballot measures, this bill would stifle their free speech. They cited the *FEC v. Wisconsin Right to Life, Inc.*, 551 U.S. 449 (2007) and *Buckley v. Valeo* Supreme Court decisions re free speech. Other concerns included the scope of voter guides that would be allowed under this legislation and no definitive answers were provided by those who had worked on the bill. To further the cause of campaign finance transparency while not causing unnecessary problems for our own small groups, and to ensure the preservation of our constitutionally guaranteed free speech, the minority recommends more work on this bill and would ask that it be voted for Interim Study.

**SB 374**, establishing a commission to review and make recommendations to standardize and make uniform the definitions of “domicile” and “residency” in state statutes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary B Richardson for the **Majority** of Election Law. This bill as introduced would have created a study committee “to make uniform” the definitions of “domicile” and “residency.” Domicile and residency are two different terms, but the words are often used interchangeably. Domicile usually refers to where someone is allowed to vote pursuant to the constitution, whereas residency refers to where someone has a residence. Testimony at the public hearing focused primarily on concerns expressed by the city and town clerks relating to motor vehicle registration. Accordingly, the committee amendment creates a study commission to clarify residency requirements to register a motor vehicle in New Hampshire. The committee amendment also clarifies the definition of residency contained in RSA 21:6 by eliminating reference to domicile, which has led to some of the confusion referred to above. **Vote 10-7.**

Rep. Shawn N Jasper for the **Minority** of Election Law. While the minority agrees with the basic concept of SB 374, which is to study the definition of residence and domicile, there are issues with the bill and rather than propose an amendment our focus is on the bill as amended. There is no question that there are issues with how we define resident, inhabitant, and domicile in our statutes. The minority would prefer that we engage in a thoughtful and complete study of the use of those words and how they could be properly defined. The majority has decided to remove, without the benefit of a public hearing, the words “inhabitant” and “domicile” from RSA 21:6 and 21:6-a. We do not know, with any certainty, if that change has any negative effect or not. A more comprehensive definition may be necessary to properly define domicile so that it can have a uniform meaning, as it is found in 189 sections and sub-sections of law. The word inhabitant is found in 64 sections and sub-sections of law and will, if the amendment is adopted, be without statutory construction. The minority knows all too well the law of unintended consequences and we believe that SB 374 as amended will have such consequences.

## FINANCE

**SB 245-FN**, (New Title) relative to the siting of energy facilities. **OUGHT TO PASS WITH AMENDMENT.** Rep. Bernard L Benn for Finance. This bill restructures the site evaluation committee, which reviews applications for new energy facilities (generation units, transmission lines, etc.) and acts on amendments or enforce-

ment of projects already certificated. The SEC's work load has increased tremendously in recent years and shows no sign of abating, resulting in an unreasonable burden on the state agency members. The restructured SEC will be more efficient by having fewer state agency members and will include public members appointed by the Governor and confirmed by the Executive Council.

The SEC will be administratively attached to the public utilities commission and for the first time will have a budget established for its operations. The chair of the PUC will serve as Chair of the SEC; the current chair of the SEC, the commissioner of the department of environmental services, will serve as Vice-Chair. Administrative duties are now shared between DES and the PUC but under SB 245 will be managed by an unclassified Administrator and other such support as needed, under the supervision of the SEC Chair.

Funding for the SEC will initially be through a one-time grant of up to \$500,000, transferred in smaller increments, as needed, from the renewable energy fund into a non-lapsing fund. The SEC chair shall submit a proposed budget to the Fiscal Committee before July 01, 2014 for FY 15; upon approval of the interim budget the first transfer from the REF will be made. By December 01, 2014, the SEC shall submit a long-term funding plan for consideration by the Governor and Legislature. The long-term funding plan will propose application fees and other possible funding sources.

There will be a transitional period as the "old SEC" winds down matters that have commenced adjudicative hearings before the "new SEC" ramps up. **Vote 20-3.**

**SB 264-FN**, requiring the election of benefits by certain members of the judicial retirement plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David O Huot for Finance. Because the NH Supreme Court declared RSA 100-C unconstitutional as applied to full time judges appointed before January 1, 2005 (the effective date of the act), the affected judges are required to elect whether to receive benefits under RSA 100-C or under the system in effect before the effective date of the act. This bill requires them to make an irrevocable election between the two systems. The committee amendment makes the election necessary no more than 90 days after the judicial retirement plan has notified the affected judges, and beneficiaries of retired judges who are deceased, of this legislation, and provides an explanation of how retirement benefits are calculated under each system. The election is needed so the Judicial Retirement Plan's actuary can accurately calculate the plan's current unfunded accrued liability. Neither the original bill nor the amendment affects state revenue or expense. **Vote 22-1.**

**SB 308-FN**, relative to innovation in the delivery of health care. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Cindy Rosenwald for the **Majority** of Finance. This bill established a process for the state to confer anti-trust immunity to hospitals and other health care providers that want to merge or collaborate by contract or other affiliation. The committee heard conflicting testimony as to whether or not such state action immunity is necessary under current federal trade commission regulations or even desirable as a less competitive provider environment could lead to higher prices. The amendment replaces the bill with a study committee to examine the issue, its potential impact on cost, quality and access, similar actions taken by other states, and the scope of projects that would be considered by NH providers. The report is due November 1, 2014. In addition, the original bill included a one-time assessment on hospitals to fund promulgation of rules by the department of justice; the amendment shifts the funds to the health services planning and review board to finish the state health plan by June 30, 2015. **Vote 13-10.**

Rep. Richard W Barry for the **Minority** of Finance. While the minority agrees with the concept of establishing a study committee, the disagreement involves paying \$300k for the development of a state health plan. The health services planning and review board (also known as the C.O.N. Board) was tasked to develop this plan, now is saying that they do not have the expertise, and need about \$300k to hire consultants. We also believe that the newly established study committee should be able to incorporate at least the parameters of such a plan, within its report.

**SB 395-FN**, relative to the retirement classification of the director of the division of forests and lands. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William A Hatch for the **Majority** of Finance. This bill provides for continued Group II membership of the director of the division of forest and lands if he or she was a member of Group II for at least 10 years prior to appointment as director. The majority considered this as writing legislation to have the details of a position, i.e. pay, retirement benefits, etc. for the person in the position, as opposed to having the person meet the position requirements.

The majority recommends that the department change the job description to meet the requirement needed and the details such as which group the person is in would be determined from the job description. **Vote 18-5.**

Rep. Katherine D Rogers for the **Minority** of Finance. The minority believes that this bill's underlying policy is already in place for several other appointed positions within state government agencies that have both Group I and Group II employees. This bill would provide that if the director of the division of forests and lands has been a member of Group II for at least 10 years prior to appointment and continues to meet all the

qualifications of a permanent firefighter that director will continue to be in Group II. The minority believes that if SB 395 is not passed there will be an economic disincentive for promotion in this division and will therefore be a substantial obstacle towards recruitment of the most qualified individuals.

**SB 409-FN-A-L**, (New Title) making an appropriation to the department of safety for disaster assistance grants. **OUGHT TO PASS.**

Rep. Thomas L Buco for Finance. Senate Bill 409 appropriates \$ 4.9 million as the State match for federal disaster assistance grants from the federal emergency management agency (FEMA).

FEMA disaster assistance grants provide 75% of the cost of the declared disaster and require a 25% match from the affected municipalities.

Historically the state has assisted municipalities by paying one half of the required match or 12.5%. However, for the disasters listed in this bill, which occurred between February 2010 and July 2013, the state has not contributed its historic 12.5%. The \$ 4.9 million appropriation in this bill represents the 12.5% state contribution to the affected municipalities for the declared disasters listed in this bill. **Vote 23-0.**

**SB 415-FN**, transferring surplus revenues to the revenue stabilization reserve account. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Stephen P Spratt for the **Majority** of Finance. This bill could set a potential precedent by directing the treasurer to transfer \$15 million of FY 13 surplus revenues to the rainy day fund in the middle of the biennium, thereby creating potential restrictions on the use of such funds to meet current obligations. As such the majority believes this policy requires further study as it relates to both the budget process and current policy which already directs surplus to the rainy day fund at the end of the biennium. **Vote 12-10.**

Rep. Neal M Kurk for the **Minority** of Finance. This bill transfers \$15 million of unanticipated surplus from the 2012/13 biennium to the state's rainy day fund. The 2014/15 budget suspended the law requiring surplus to be deposited in the rainy day fund at the end of each biennium in order to use the estimated \$57 million of surplus from the 2012/13 budget to help balance the 2014/15 budget. As it turned out the actual surplus was not \$57 million but \$72 million. This bill takes that \$15 million of unanticipated surplus, which is not necessary to balance the 2014/15 budget, and returns it to the rainy day fund. Not only is this prudent fiscal policy, but it will further demonstrate to bond-rating agencies that the outlook for New Hampshire's fiscal condition is favorable.

**SB 416-FN-A**, (New Title) relative to highway fund appropriations and establishing a committee to study the effectiveness and efficiency of the department of transportation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John W Cebrowski for the **Majority** of Finance. This bill seeks to establish two study committees. The intent of the first study committee is to study methods of maintaining highway fund integrity. Since the legislature has authorized a performance audit of DOT the committee believes that the audit, as a matter of management sequence, must precede this study committee.

The second subcommittee established by this bill, to study the effectiveness and efficiency of DOT is identical to a section of SB 367 which has already passed the legislature.

Beyond this, DOT has already initiated development of a transportation asset management plan, which focuses on business and engineering practices for maximizing resource allocation and utilization. **Vote 20-3.**

Rep. Dan McGuire for the **Minority** of Finance. While some of SB 416 is similar to parts of SB 367 (the bill that increased the road toll) this bill also contains a prohibition on spending highway fund money on the judicial branch, department of justice, the safety commissioner and safety's division of administration. These areas have a very minor connection to the highway fund whose primary purpose is to maintain our roads. Passage of SB 416 would add over \$20 million annually to that road maintenance and construction budget

## FISH AND GAME AND MARINE RESOURCES

**SB 232**, relative to speed limits for off highway recreational vehicles and snowmobiles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Benjamin P Lefebvre for the **Majority** of Fish and Game and Marine Resources. This legislation would increase the speed limit for OHRV and snowmobiles from 10 to 20 MPH on town roads and decrease the speed limit on trails for OHRV's from 45 to 35. This is bipartisan legislation that came out of a study committee which met last summer to work on several issues related to OHRV's. **Vote 12-3.**

Rep. James C Webb for the **Minority** of Fish and Game and Marine Resources. The minority of the committee expressed the concern with raising the speed limit on highways and public roads. The committee has had discussion on the concerns of accidents that could happen with these vehicles and if all safety equipment is in place on these machines and if they are equipped with seat belts, booster seats and car seats. The possibility of injury is greater at higher speeds even more so for children.

**SB 336-FN**, prohibiting the taking of deer from baited areas on state-owned lands. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Duarte for Fish and Game and Marine Resources. The committee last session killed a baiting bill with clear recognition that the fish and game department already had authority to determine how, when or where baiting should be allowed. Therefore, the committee recommends ITL to allow the fish and game department to handle all deer baiting issues in the rule making process. **Vote 12-3.**

**SB 389**, (New Title) relative to the enforcement of motor vehicle laws by officers of the fish and game department. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan F Manley for the **Majority** of Fish and game and Marine Resources. This bill would give authority to the fish and game department to make stops on the highway when the public safety is involved. This will give them the same powers as police in this regard and with the same restrictions. This will allow them to stop an impaired driver or pursue a OHRV when it takes to the highway. All law enforcement training in the state is the same for town, state, county police and conservation officers. This will give them all equal authority. **Vote 13-2.**

Rep. John A Burt for the **Minority** of Fish and Game and Marine Resources. This bill grants unprecedented authority to the 45 NH fish & game conservation officers to utilize their existing warrantless search and seizure powers in the enforcement of NH motor vehicle laws, powers far beyond those granted currently to the NH state police.

Currently, conservation officers only need to prove “there is reasonable and articulable suspicion” unlike current police officers who need to meet the higher legal standard of “probable cause.” Furthermore, the minority believe that the bill as drafted violates Part 1st, Art. 19 of the New Hampshire Constitution and the 4th amendment of the Bill of Rights of the US Constitution.

When a conservation officer gives a traffic ticket and that ticket ends up in court, who pays for the conservation officers day’s pay while in court? Hunters when they buy their hunting and fishing licenses? The department of safety is not going to reimburse the fish and game department when they give traffic tickets.

There is no fiscal note to SB 389 yet there is a cost to this bill for the conservation officers to act as a police officer. Even though conservation officers and state police may sit in the same class the education requirements for a conservation officer are lower than those of a police officer, yet the authority granted under this bill would give them increased responsibility and authority. For a department that is already overbooked and lacking sufficient resources to complete their job, the minority of the committee thought it strange to ask for additional responsibility

## JUDICIARY

**SB 319-FN**, relative to access to reproductive health care facilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charlene F Takesian for the **Majority** of Judiciary. The majority of the Committee believes that this legislation supports the privacy and dignity of patients, promotes public safety in communities where reproductive health facilities that provide abortion are located, and protects the rights of free speech for those who oppose abortion. The bill balances the right to seek and obtain health care in a safe and private manner with the right to assemble and demonstrate with opposing views or offer “sidewalk counseling” on public property. As amended, reproductive health care facilities will consult with the relevant local officials to craft protective buffers zones of up to 25 feet appropriate for the particular site and develop the signage necessary to enforce such a zone tailored to the specific requirements of each site.

The committee heard nearly four hours of testimony indicating that while not all protestors use objectionable tactics, the sidewalks surrounding reproductive health centers are often contentious and present threats to the safety of patients, their family members, the protesters and the general public. Citizens use the services of these reproductive health care facilities for many reasons, while the protestors assume that those entering the facility are entering for one reason – to undergo a legal procedure that is objectionable to the protestor. There are currently no legal protections or restrictions that prevent a protestor from getting right in the physical space of a patient walking on a sidewalk or trying to access an entrance to a health center. There is constitutional precedent where the US Supreme Court has recognized the right to be left alone, specifically when entering or exiting a reproductive health facility.

The committee was sensitive to the first amendment rights of all citizens in its deliberations on this bill. We tried to honor both free speech rights of the protesters and the right to privacy of those using the services. This bill is narrowly tailored to ensure that competing rights are protected.

This legislation was developed with input from law enforcement and municipal officials in Manchester and Concord who currently have no tools to proactively maintain public order. Having clarity about boundaries will help law enforcement balance everyone’s rights. **Vote 12-7.**

Rep. Robert H. Rowe for the **Minority** of Judiciary. We must protect the rights of all. This bill will be state wide and apply to all abortion clinics and abutting properties in communities throughout the state. The bill

prohibits a person from knowingly entering or remaining on a public way or sidewalk adjacent to a reproductive health facility that conducts abortions within a radius of up to 25 feet of the entrance, exit, or driveway of the clinic. This bill affects the legal rights of citizens desiring an abortion, those in opposition, the clinic, the property abutters, the municipalities and the general traveling public. In an urban or residential area, the up to 25 foot prohibited public area would very likely include signage that could be placed in front of abutting property and interfere with abutting property owners' full use of the property. The amended bill allows the clinic the right to set the distance up to 25 feet with signage that may be placed in front of abutter land or public property after consulting with local authorities. Prior to the zone being set the clinic is required to prepare a plan and then submit it to municipal authorities. The amended bill does not require that the municipality give notice to abutters and the public then hold a public hearing. Notice and hearings are important as the plan may affect the abutter's reasonable use of their property.

The bill protects private for-profit and not-for-profit professional reproductive health care facilities that conduct abortions, except hospitals. It makes no difference what the citizen's intention is in entering or remaining in the restricted area; it is prohibited, unless you are a public official or an invitee or employee or just passing through the area to another destination. While the Minority is sympathetic to the wants of both citizens seeking abortions and those that find that abortions are contrary to their religious or personal beliefs, the bill goes too far in relationship to property and personal rights. It is an all-sweeping prohibition. It doesn't reflect the real property location of the facilities – rural or urban, the size of the facility such as one small building or a large multi tenant building, the surrounding properties, the needs of residential and commercial abutters, or the intent of the pedestrian. If the clinic is open and you linger, you are in violation. The prohibition exists even on days when abortions are not being conducted. The minority does not see this as an abortion bill but rather the need to carefully balance the rights for all. Both sides of this issue must recognize that there are citizen rights involved. Abortions are legal. A woman has a right to obtain one; to have freedom from intimidation, harassment, being threatened and violent confrontations. On the other side, citizens have the right to assemble, free speech, and religious freedom. All of these, and others, are current law. This bill must balance these and other rights that both sides of this issue have. The committee heard less than four hours of testimony; passionate and sincere, but none addressed facts such as: How many clinics are there? Where are they located? How many complaints have been made to the local authorities? What are the neighborhoods like? How will the up-to 25 foot no-linger zone affect abutters? One witness, who lives across from the Manchester clinic, stated that this bill would push any protesters to the sidewalk at his house where his daughter rides her bike. Before a no linger zone is imposed at the request of a private organization we should insure notice is given to abutters and a hearing held. The minority believes that all this law will do is move protesters further back, in front of homes and businesses, and sing, and pray louder and hold larger signs, or just walk back and forth through the restricted area to another location, or park cars in front of the center with signs in their cars – this is allowed. We are legislators and there is clearly an issue here. We should ignore partisan pressure and lobby groups on both sides and craft a well-drafted law that is moderately acceptable to both sides and in keeping with the statutory and constitutional rights of all. Currently the United States Supreme court is hearing an appeal from Massachusetts on the same subject. Lastly, what about other commercial establishments that may be protested, can the owners use this as a precedent to establish a no access zone on public sidewalks and rights of way. It is unfortunate that no time was given for a legal analysis. There is case law on this subject relating to protest groups such as union picket lines being allowed to utilize the public way in front of the public and private buildings of the organization being picketed. The court has declared that union picketers have a right to use public property in picketing so long as the picketers do not impede access to the business they are protesting.

## RESOURCES, RECREATION AND DEVELOPMENT

**SB 388**, establishing a committee to study the current status of land conservation in New Hampshire and the state's role in encouraging voluntary protection of land in the future. **OUGHT TO PASS.**

Rep. Suzanne J Smith for Resources, Recreation and Development. Since the Land and Community Heritage Commission's final report in 1999 and the creation of the Land and Community Heritage Investment Program (LCHIP), there has not been a state-wide comprehensive study of land conservation in New Hampshire.

This bill forms a committee which will identify NH lands in conservation and determine how many acres have been put into conservation, which entities hold the conservation easements, and the geographic distribution of these lands.

The committee will solicit input from state agencies and non-profits, compare New Hampshire's land conservation with other states and make recommendations for effective voluntary land conservation for the next decade. Since 1999, landowners and municipalities have chosen to voluntarily conserve over 400,000 acres. Most of this land is in north and central NH. Since land conservation serves to protect the state's drinking water supply, it is important to note, that in our highly populated southern tier, almost 20,000 acres of aquifers were developed between 2002-2010.

The committee believes that a thorough study of public and private conservation lands will help NH meet future challenges to drinking water supply, maintain a land base for farming and forestry, protect fish and wildlife habitat, and provide outdoor recreation opportunities. **Vote 9-2.**

## STATE FEDERAL RELATIONS AND VETERANS AFFAIRS

**SB 307**, establishing a committee to review Citizens United amendments to the United States Constitution. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert L Theberge for the **Majority** of State-Federal Relations and Veterans Affairs. The objective of the legislation is to establish a committee to review all proposed language and amendments to the Citizens United ruling and related cases by the U.S. Supreme Court. The majority believes that the Supreme Court's decision is an issue which affects everyone across the political spectrum. It is not a conservative nor a liberal issue, but an issue affecting the integrity of our democracy. The intent of the report is to make recommendations for proposed legislation to New Hampshire's congressional delegation. **Vote 8-5.**

Rep. Alfred P Baldasaro for the **Minority** of State-Federal Relations and Veterans Affairs. This bill as amended is a feel good study committee. The amendment sets up the study committee with two senators and two representatives, one each appointed by the majority and minority of both chambers. The resolution for the Supreme Court decision on Citizens United was not passed in the NH Senate. The minority feels that this back door approach is unnecessary for a study committee, which is a misuse of taxpayers' money that can be better used in other areas in need of financial support. The minority believes that if the Supreme Court decision was of such importance for NH, than why hasn't our Congressional delegation filed legislation in support of a constitutional amendment?

## WAYS AND MEANS

**SB 220-FN**, relative to the regulation of electricians by the electricians' board. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary R Cooney for the **Majority** of Ways and Means. The electricians' board conducts examinations of applicants and regular inspections of work done by its licensees. In addition, on rare occasions the board is requested to conduct inspections of specific installations by public groups such as a county fair. This bill as amended allows the board to charge for these inspections which are requested by members of the general public. **Vote 11-8.**

Rep. Joe Osgood for the **Minority** of Ways and Means. During discussion we found that this bill institutes a new fee on all non-profit organizations requesting electrical inspections. These inspections are currently performed at no charge. These non-profits are trying to raise funds that they use for community purposes. We did not feel this is good practice being these organizations tend to already struggle to get by.

**SB 368-FN**, increasing the maximum fine for lead remediation. **OUGHT TO PASS.**

Rep. Richard Ames for Ways and Means. This bill raises the maximum fine for violation of lead remediation rules from \$2000 to \$5000 per violation. The increase is necessary to meet federal EPA standards. Failure to comply with the federal standards risks loss of about \$150,000 in EPA funds per year and about \$12 million in HUD funding. The EPA funds support the state's healthy homes and lead poisoning prevention program and the HUD funds support other state lead abatement programs, including removal of lead hazards from older homes occupied by low income families. The division of public health services reports that these programs have been successful in preventing childhood lead poisonings. The maximum fine assessment is reserved to exceptional situations involving, for example, serious risk to public health or repeat violations. The Division of Public Health Services expects, based on past practice, that the maximum fine will be infrequently applied, about 0-2 times per year. **Vote 11-8.**

**SB 369-FN-A**, relative to the Medicaid enhancement tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David W Hess for the **Majority** of Ways and Means. This bill, as amended, is intended as a first step to address concerns recently raised by two superior court decisions which found the Medicaid enhancement tax (MET) as currently assessed is unconstitutional. The amendment recommended by the Majority of the committee incorporates two separate amendments independently offered which take two different approaches to address those concerns. While the committee fully believes that the current tax structure is constitutional and will be upheld by the Supreme Court, this bill, first, seeks to provide the Courts and the public with clarification of the legislative findings and intent that constitute the basis of the decision to tax the hospital inpatient and outpatient services, so as to provide for the consistent, equitable and rational taxation of revenue from these two separate and distinct classes of property as permitted under federal law. These services are distinct in many important ways from other classes of health care services including the following: a) They are provided differently; b) The services are subject to a different reimbursement methodology by public payors and even private payors; c) The services are subject to different licensing requirements

under state law; d) The services are subject to different payment certification requirements under state and federal law; e) The services are accredited differently for all purposes; f) Inpatient and outpatient hospital services are potentially eligible for reimbursement of uncompensated care, and g) Inpatient and outpatient services are separate permissible classes under the federal law which regulates state health programs. Sections 1 – 12 of the bill basically retain the MET in its current form but add a critical “Declaration of [legislative] Intent.” Consistent with that legislative intent, the bill specifies that all funds raised by the MET are appropriated to the uncompensated care fund, and it repeals a provision in existing law which allows monies in the uncompensated care fund to lapse into the general fund at the end of each fiscal year. This portion of the bill is to take effect upon passage.

The bill also contains both a severability clause and a contingency clause such that if the continuation of the MET in its current form is found to be unconstitutional despite the stated legislative intent and appropriation of MET funds contained here, then the alternative approach set forth in sections 13 – 18 automatically replaces the earlier approach. The latter approach, should it ever become effective, would expand the MET tax base to specifically include the four categories of out patient health care services which the Superior Court decisions cited in finding the MET unconstitutional. It also exempts from that tax twelve categories of health care entities and activities; establishes a threshold of \$500,000 of net patient services revenue received for the four categories of services, which must be exceeded before the tax is imposed; and specifies that the net effect of these changes is to keep the MET revenue neutral. Revenue neutrality is assured by immediately dropping the MET from 5.5% to 5%, and by requiring DRA to calculate the appropriate tax rate for each subsequent year based upon the revenue received from the tax the previous fiscal year. Finally, the committee’s action may best be described by the words of Winston Churchill when he described the Battle of Britain in World War II by saying: “This is not the end. This is not even the beginning of the end. But perhaps, it is the end of the beginning.” **Vote 14-4.** Rep. Jordan G Ulery for the **Minority** of Ways and Means. MET, a sales tax on medical services, requires essential medical providers pay a tax to the state for the money to be put in a fund to be paid back to the same entity that paid the tax. Some of that money is paid by “the fed” yet it is still tax dollars, still increasing the cost of medicine. The majority argues this bill gives the House tools for a committee of conference. The minority argues this bill expands a tax, increases the cost of medicine. Progressive forward looking thought sees this as an opportunity to reduce paperwork, reduce tax burden and the cost of medical care by eliminating the MET.

## 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 2014-0659h)

**HB 1313**, relative to highway surveillance. (Pending question: Inexpedient to Legislate)

**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 2014-0241h)

**HB 1591-FN**, establishing the right-to-know grievance commission. (Pending question: adoption of committee amendment 2014-0658h)

**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)

**SB 296**, relative to preferences for veterans and disabled veterans in public employment. (Pending question: adoption of floor amendment 2014-1494h)

**SB 281-FN**, relative to the siting of wind turbines. (Pending question: adoption of committee amendment 2014-1601h)

## HOUSE BILLS AMENDED BY THE SENATE

- HB 118**, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event. (House Non-Concurs 5/7/2014)
- HB 153**, prohibiting the designation of industrial hemp as a controlled substance. (House Concurs 5/7/2014)
- HB 234**, relative to occupational and professional boards and commissions procedures concerning military service and occupational experience or training. (House Concurs 5/7/2014)
- HB 255-FN**, establishing a commission to study medical costs and payments under workers' compensation law. (SJ 4/17/2014)
- HB 343-FN**, establishing a commission to study the current community-based system of commodities reporting by junk or scrap metal dealers in New Hampshire. (House Non Concurs 5/7/2014. Requests C of C)
- HB 426**, relative to payment of costs and fees in guardianship cases. (House Concurs 5/7/2014)
- HB 466-FN**, relative to determining qualifications of voters. (House Non Concurs 5/7/2014. Requests C of C)
- HB 489-FN**, relative to the New Hampshire medical malpractice joint underwriting association. (House Non Concurs 4/23/2014. Requests C of C)
- HB 534**, establishing a commission to study the feasibility of sponsorship agreements including naming rights for certain structures. (House Concurs 5/7/2014)
- HB 590**, relative to the unauthorized practice of law. (House Non Concurs 5/7/2014. Requests C of C)
- HB 591**, relative to an abusive work environment and the health and safety of public employees. (SJ 1/30/2014)
- HB 624-FN**, waiving the residency requirement for in-state tuition rates for veterans attending the university system of New Hampshire. (SJ 1/30/2014)
- HB 649-FN**, relative to earned time credits for certain prisoners participating in educational and rehabilitative programming. (House Concurs 5/7/2014)
- HB 657-FN**, requiring state agencies to submit efficiency expenditure requests as part of the biennial budget process. (SJ 5/1/2014)
- HB 1122-FN**, relative to the filing with a registry of deeds of a fraudulent document purporting to create a lien or claim against real property. (House Concurs 5/7/2014)
- HB 1124**, relative to the adoption of zoning ordinances in towns that use official ballot voting and ratifying a warrant article adopted at the 2014 annual meeting of the town of Rye. (SJ 4/17/2014)
- HB 1132-FN**, relative to school building security. (House Concurs 5/7/2014)
- HB 1137-FN**, relative to annulment of certain obstruction of justice crimes and relative to the crime of escape. (House Concurs 5/7/2014)
- HB 1144**, establishing a committee to study information included in arrest records and access to information on the disposition of criminal cases. (House Concurs 5/7/2014)
- HB 1146**, establishing a committee to study the feasibility of funding a kindergarten to college/career ready program and a universal college savings account. (SJ 4/17/2014)
- HB 1182**, relative to membership of the state transparency website oversight committee. (House Non Concurs 5/7/2014. Requests C of C)
- HB 1183**, relative to display of antique motor vehicle plates. (SJ 5/1/2014)
- HB 1196**, relative to applications for abatements and authority to abate prior years' property taxes. (SJ 4/17/2014)
- HB 1261-FN-L**, limiting the fee charged for delivery of notice of civil forfeiture of an unlicensed dog to the cost of mailing such notice. (House Non Concurs 5/7/2014. Requests C of C)
- HB 1281-FN**, relative to copayments for certain specialists. (House Non Concurs 5/7/2014. Requests C of C)
- HB 1295**, relative to the definition of livestock. (House Concurs 5/7/2014)
- HB 1320**, relative to incompatibility of town offices. (House Concurs 5/7/2014)
- HB 1350**, relative to prior public hearings for acceptance of unanticipated funds. (SJ 5/1/2014)
- HB 1359-FN**, establishing a committee to study the feasibility of placing medal decals on special number plates for veterans. (SJ 5/1/2014)
- HB 1360**, relative to use of certain electronic devices while driving. (House Concurs 5/7/2014)
- HB 1370**, providing for minority party membership on the executive committee of the county convention. (House Concurs 5/7/2014)
- HB 1371**, relative to grading and improving subdivision streets. (SJ 4/17/2014)
- HB 1453**, relative to procedures of the board of podiatry. (House Concurs 5/7/2014)
- HB 1489-FN-A**, establishing a committee to study the establishment of a fund to reimburse costs associated with firefighters who have cancer. (SJ 4/17/2014)
- HB 1532**, relative to notification of radon and arsenic levels. (House Non Concurs 5/7/2014. Requests C of C)
- HB 1533-FN**, requiring a warrant to search information in a portable electronic device. (House Non Concurs 5/7/2014. Requests C of C)
- HB 1543**, relative to filing for state representative special elections and relative to processing absentee ballots. (House Non Concurs 5/7/2014. Requests C of C)

**HB 1545**, relative to voting booths. (House Concurs 5/7/2014)

**HB 1546**, relative to insurance coverage for tractors. (House Concurs 5/7/2014)

**HB 1559-FN**, establishing a New Hampshire state house bicentennial commission and fund. (House Concurs 5/7/2014)

**HB 1579-FN**, relative to penalties for violations of trapping laws and relative to education requirements for issuance of a trapping license. (SJ 4/17/2014)

**HB 1600**, relative to reporting of energy production for net metering. (House Concurs 5/7/2014)

**HB 1631-FN**, relative to debt collection and small claims. (House Concurs 5/7/2014)

## COMMITTEES OF CONFERENCE

**HB 343-FN**, establishing a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire. (Reps. Williams, Butler, Hammond, Jones) Subject to Senate agreement

**HB 466-FN**, relative to determining qualifications of voters. (Reps. Gary Richardson, Perry, Till, Jasper) Subject to Senate agreement

**HB 489-FN**, relative to the New Hampshire medical malpractice joint underwriting association. (Reps. Butler, Harding, Schlachman, John Hunt) Subject to Senate agreement

**HB 590**, relative to the unauthorized practice of law. (Reps. Woodbury, Rowe, Heffron, Watrous) Subject to Senate agreement

**HB 1182**, relative to membership of the state transparency website oversight committee. (Reps. Goley, Schuett, Byron, C. McGuire) Subject to Senate agreement

**HB 1261-FN-L**, increasing the fee charged for delivery of notice of civil forfeiture of an unlicensed dog. (Reps. Tatro, Coffey, Lavender, Bickford) Subject to Senate agreement

**HB 1262-FN-L**, increasing the fee charged for delivery of notice of civil forfeiture of an unlicensed dog. (Reps. Tatro, Coffey, Lavender, Bickford) Subject to Senate agreement

**HB 1281-FN**, relative to copayments for certain specialists. (Reps. Butler, Schlachman, Muns, John Hunt) Subject to Senate agreement

**HB 1532**, relative to notification of radon and arsenic levels. (Reps. Schlachman, Hammond, Heden, Sandblade) Subject to Senate agreement

**HB 1533-FN**, requiring a warrant to search information in a portable electronic device. (Reps. Cushing, Hirsch, Gagne, Warden) Subject to Senate agreement

**HB 1543**, relative to filing for state representative special elections and relative to processing absentee ballots. (Reps. Gary Richardson, Connor, Knowles, Hoelzel) Subject to Senate agreement

## 2014 HOUSE COMMITTEE OF CONFERENCE PROCEDURES

The Chairmen of the policy committees will receive bills amended by the Senate and should check with their committees to determine whether to recommend that the House concur, non-concur, or non-concur and request a Committee of Conference.

When a committee requests that the bill be sent to a Committee of Conference, the Chairman will recommend members for appointment. If the bill has gone to more than one committee, the members may come from the different committees as determined by the Speaker. Chairmen should recommend only those members from their policy committees. The Speaker shall make the final decision of Conference committee members, and the committee choices are generally limited to those who support the House position.

**The first named House member shall serve as Chairman of the House Conferees.** For House bills in Committee of Conference, **the House Conferee Chairman shall set the time and place of the first meeting with the Clerk's Office** and shall chair each meeting of the Committee of Conference. **Each meeting shall be posted in the Clerk's Office and outside the committee room at least 24 hours in advance.** [House Rule 43 (c)]. If a Committee of Conference meeting recesses, **the reconvening time shall be posted in the Clerk's office and outside the committee room.**

The House and Senate Conferees on a bill shall meet jointly but vote separately while in conference.

The Minority of same, and being unable to agree with the Majority, Committee of Conference may not change the title of the bill. The Committee also may not add amendments that are not germane to the subject matter of the bill or contain subject matter that has been indefinitely postponed. A non-germane amendment is one in which the subject matter is not contained in either the House or Senate version of the bill. [House Rule 49 (g)]

The sponsor of a bill that is in Committee of Conference shall, upon request, be provided an opportunity to be heard.

A unanimous vote of both the House and Senate Conferees, voting separately, is necessary for an agreed upon report to be sent to the House and Senate.

**Reports of all Committees of Conference must be filed with the Office of Legislative Services by the May 30, 2014 deadline adopted by the House. All Committee of Conference members must sign their reports in the Office of Legislative Services at May 30, 2014 by 4:00 p.m.**

**The first-named House member on all bills in Committee of Conference must prepare an analysis of the report.** This “blurb” should contain a complete explanation of all changes made to the bill since it was passed by the House and must be submitted to the House Clerk for printing in the calendar.

All Committee of Conference reports shall be distributed in seat pockets to be acted on some subsequent day. [House Rule 49 (f)].

\*See House Rule 49 for more information.

## COMMITTEE MEETINGS

### FRIDAY, MAY 9

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

11:00 a.m. Regular meeting.

**Room 206, LOB**

1:30 p.m. Lyme disease subcommittee.

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

9:30 a.m. Regular meeting.

### MONDAY, MAY 12

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

3:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

### TUESDAY, MAY 13

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

1:30 p.m. Regular meeting.

**COMMISSION TO OVERSEE THE CONSTRUCTION OF THE ISLE OF SHOALS 400<sup>TH</sup> ANNIVERSARY MEMORIAL (HB 25, Chapter 195:45, Laws of 2013), Room 201, LOB**

3:30 p.m. Regular meeting.

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

3:00 p.m. Regular meeting.

**LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB**

11:00 a.m. Full committee work session on House bills amended by the Senate.

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

2:30 p.m. Regular meeting.

**PUBLIC WORKS AND HIGHWAYS, Room 201, LOB**

10:30 a.m. Informational session on the Community College Capital Program.

11:00 a.m. Interim study full committee work session on **HB 1164**, designating Interstate 293 as the John Durkin Highway, **SB 29**, relative to the motorist service signing program, **HB 1205-FN**, relative to reconstruction or rehabilitation of the Vilas Bridge between Walpole, New Hampshire and Bellows Falls, Vermont, **HB 1202**, establishing a commission to study revenue alternatives to the road toll for the funding of the state’s highways and bridges, **HB 1374**, repealing the priority status of the widening of I-93 from Manchester to the Massachusetts border in the state of New Hampshire 10 year transportation improvement plan, **SB 404-FN**, relative to the acquisition of real property for state government purposes.

**WEDNESDAY, MAY 14****SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB**

12:00 p.m. or at session lunch break.

Full committee work session on House bills amended by the Senate and possible amendment to SB 281-FN, relative to the siting of wind turbines. (currently tabled in the House)

**THURSDAY, MAY 15****COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D:1), Room 203, LOB**

2:30 p.m. Regular meeting.

**FRIDAY, MAY 16****ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB**

9:00 a.m. Regular meeting.

**COASTAL RISK AND HAZARDS COMMISSION (RSA 483-E), Town Hall, Newington**

10:00 a.m. Regular meeting.

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

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

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

1:30 p.m. Regular meeting.

**OBD II TESTING ADVISORY COMMITTEE (RSA 266:59-b, VII (a), Room 203, LOB**

10:00 a.m. Regular meeting.

**MONDAY, MAY 19****COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), NH Higher Education Assistance Foundation, 4 Barrell Ct., Concord**

10:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

**JOINT LEGISLATIVE HISTORICAL COMMITTEE (RSA 17-I:1), Room 100, State House**

1:00 p.m. Regular meeting.

**TUESDAY, MAY 20****ENVIRONMENT AND AGRICULTURE, Room 303, LOB**

10:00 a.m. Interim study subcommittee work session on **HB 1344**, relative to the disposal of sharps waste by retail establishments.

**NEW HAMPSHIRE CONSERVATION NUMBER PLATE ADVISORY COMMITTEE, (RSA 261:97-d), Room 207, LOB**

10:00 a.m. Regular meeting.

**THURSDAY, MAY 22****COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T:1), New Hampshire Medical Society, 7 North State St., Concord**

2:00 p.m. Regular meeting.

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

1:00 p.m. Special meeting. Laws of 2014, Chapter 3 (SB 413). An act relative to health insurance coverage.

**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Holiday Inn, Main St., Concord**

12:30 p.m. Retreat with Gerri King

**FRIDAY, MAY 23****NEW HAMPSHIRE RAIL TRANSIT AUTHORITY BOARD OF DIRECTORS (RSA 238-A:2), Room 203, LOB**

9:00 a.m. Subcommittee meeting.

**FRIDAY, MAY 30****ASSESSING STANDARDS BOARD (RSA 21-J:14-a), New Hampshire Department of Revenue Administration, 109 Pleasant St., Concord**

9:30 a.m. Regular Board Meeting.

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

1:00 p.m. Regular meeting.

**MONDAY, JUNE 2****COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F:1), Room 103, State House**

8:30 a.m. Regular meeting.

**WEDNESDAY, JUNE 4****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.

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

2:00 p.m. Regular meeting.

**FRIDAY, JUNE 6****ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 305-307, LOB**

9:00 a.m. Continued regular meeting.

**MONDAY, JUNE 9****FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB**

10:00 a.m. Regular meeting.

**FRIDAY, JUNE 13****STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, I), Room 101, LOB**

9:30 a.m. Regular meeting.

**OFFICIAL NOTICES**

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

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

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

Karen O. Wadsworth, Clerk of the House

**COUNTY DELEGATION NOTICE**

The **Coos** County Delegation will meet **Monday, May 12<sup>th</sup>** at the State Offices complex in Lancaster. The meeting will start promptly at 10:00 a.m. The purpose of the meeting is to approve the 1st quarterly financials and to discuss and vote on the salaries of Constitutional Officers.

Rep. Robert L. Theberge Delegation Chairman

**COUNTY DELEGATION NOTICE**

The **Carroll** County Delegation will meet in Executive Committee on **Monday, May 19th** at 9:00 a.m. to review the Performance Audit and salaries for elected officials among other agenda items. 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.

Ed Butler, Clerk  
Carroll County Delegation

**COUNTY DELEGATION NOTICE**

The **Grafton** County Executive Committee will meet on **Monday, May 19th**, 3:00 p.m. at the Grafton County Complex in North Haverhill.

Rep. Andrew White, Chairman  
Grafton Executive Committee

**COUNTY DELEGATION NOTICE**

The **Grafton** County Delegation will meet **Monday, May 19th**, 4:00 p.m. at the Grafton County Complex in North Haverhill for the purpose of setting salaries of elected officials and any other business to properly come before the committee.

Rep. Andrew White, Chairman  
Grafton Executive County Delegation

**COUNTY DELEGATION NOTICE**

The **Hillsborough** County Legislative Delegation will meet in convention on **Wednesday, May 21st** at the New Hampshire State House, Concord NH during the lunch recess.

Rep. Steve Spratt, Chairman  
Hillsborough County Legislative Delegation

**COUNTY DELEGATION NOTICE**

Pursuant to RSA 23:7 the Executive Committee of the **Merrimack** County Delegation will meet on **Monday, May 12th** at 9:00 a.m. in the Lower Level Conference Room located at the McDonnell Building 4 Court Street, Concord, NH. The purpose of the meeting is as follows: 1.) Review and Approve the First Quarter Financial Report. 2.) Hear a report from the Salary Study Committee Chairman. 3.) Hear a report on the Edna McKenna Facility. 4.) Any other business that may appropriately come before them.

Rep. Stephen Shurtleff, Chairman  
Merrimack County Executive Committee

**COUNTY DELEGATION NOTICE**

Pursuant to RSA 23:7 the **Merrimack** County Delegation will meet on **Monday, May 12th**, 9:30 a.m. in the Lower Level Conference Room located at the McDonnell Building, 4 Court Street in Concord, NH. The purpose of the meeting is: 1. Act on the Elected Officials Salaries. 2. Hear a report on the Edna McKenna Facility 3. To consider any other business that may appropriately come before them.

Rep. Candace Bouchard, Chairman  
Merrimack County Delegation

**COUNTY DELEGATION NOTICE**

The **Rockingham** County Executive Committee will meet **Thursday, May 15th** at 5:30 p.m. in the Commissioner's Conference Room at the Rockingham County Nursing Home in Brentwood.

Rep. Kevin Waterhouse, Clerk  
Rockingham County Executive Committee

**COUNTY DELEGATION NOTICE**

The **Rockingham** County Convention will meet **Monday, May 15th** at 6:00 p.m. in the Hilton Auditorium at the County Complex in Brentwood. The purpose of the meeting is to vote on elected officials salaries and benefits term of office 2015/2016.

Rep. Kevin Waterhouse, Clerk  
Rockingham County Convention

## REVISED FISCAL NOTES

The following Bills have a revised fiscal note: HB 118, HB 226, HB 255, HB 256, HB 259, HB 263, HB 292, HB 319, HB 343, HB 404, HB 424, HB 439, HB 435, HBB 456, HB 461, HB 466, HB 469, HB 480, HB 485, HB 489, HB 492, HB 495, HB 496, HB 525, HB 584, HB 597, HB 624, HB 645, HB 649, HB 650, HB 653, HB 654, HB 657, HB 666, HB 671, HB 682, HB 1104, HB 1127, HB 1130, HB 1132, HB 1135, HB 1137, HB 1142, HB 1145, HB 1148, HB 1150, HB 1152, HB 1160, HB 1161, HB 1163, HB 1216, HB 1229, HB 1232, HB 1242, HB 1251, HB 1260, HB 1281, HB 1308, HB 1335, HB 1359, HB 1368, HB 1372, HB 1176, HB 1381, HB 1406, HB 1411, HB 1439, HB 1457, HB 1484, HB 1488, HB 1489, HB 1494, HB 1498, HB 1499, HB 1548, HB 1557, HB 1559, HB 1570, HB 1571, HB 1572, HB 1576, HB 1579, HB 1581, HB 1587, 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 1634, HB 1635, SB 91, SB 116, SB 141, SB 180, SB 193, SB 196, SB 204, SB 205, SB 206, SB 213, SB 215, SB 222, SB 231, SB 235, SB 240, SB 245, SB 259, SB 264, SB 283, SB 308, SB 317, SB 318, SB 325, SB 327, SB 335, SB 339, SB 340, SB 345, SB 366, SB 367, SB 369, SB 370, SB 405, SB 409, SB 414, SB 416.

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.

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The House Republican Alliance will meet **Tuesday, May 13<sup>th</sup> at 8:30 a.m.** in LOB room 206. This coming week, Frank Guinta, candidate for CD1 will be speaking about his positions and candidacy. Next week, Dan Innis, also a candidate for CD1 will speak to the group. We encourage all Republicans to attend and ask questions of these candidates.

Reps. Al Baldasaro, Carol McGuire and Pamela Tucker

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All House members are invited to attend an informational meeting regarding the MET. Steve Norton from NH Public Policy Center and Charlie Arlinghaus from the Josiah Bartlett Center will be discussing the recent court decision and the future of the MET with all members. The presentation will be open to questions you may have. The meeting will be held **Tuesday, May 13<sup>th</sup> at 10:00 a.m.** in LOB 210-211.

Reps. Carol McGuire, Lynne Ober and Pamela Tucker

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The New Hampshire Soft Drink Association cordially invites all House and Senate members and legislative staff to enjoy a hot breakfast on **Wednesday, May 14<sup>th</sup>, 8:00 a.m. to 10:00 a.m.** in the State House Cafeteria. Please come and see how the beverage industry in New Hampshire is delivering jobs, choice and recycling innovation for the people of New Hampshire. Experts will be on hand to demonstrate how plastic bottles are recycled and reused. It is a great demonstration to see. Please RSVP to [jgrimbilas@biancopa.com](mailto:jgrimbilas@biancopa.com)

Reps. Steve Shurtleff and Gene Chandler

\*\*\*\*\*

All Legislators and staff are invited to the 3<sup>rd</sup> annual Rep. Burt's Hot Dog day **May 14<sup>th</sup> from 11:30 a.m. to 1:30 p.m.** on the front lawn of the State House. We Are Animal Guardians from Weare, NH is hosting this event, visit [wearewag.org](http://wearewag.org). Please contact Rep. John Burt if you can bring a salad or other items to Hot Dog day.

Rep. John A. Burt

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There will be a showing of New Hampshire Public Television's I've Got Your Back on **Wednesday, May 14<sup>th</sup> at 5:00 to 7:00 p.m.** at The Music Hall Loft, 131 Congress Street, Portsmouth. This 30 minute program features New Hampshire students and teacher and who were part of the first Stand Up event at the Whittemore Center last November attended by over 4,000 people. It highlights the issue of bullying and the progress NH schools have made. Sponsors include NH Alliance of Boys and Girls Clubs, Child and Family Services, Comcast, and NH Council for Developmental Disabilities. The event is free. Food and refreshments will be served.

Rep. Donna Schlachman

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Please join New Futures, the NH Public Health Association, the Governor's Commission on Alcohol & Drug Abuse Prevention, Intervention & Treatment, and the House HHS committee for a Continuing Education session on the status of the substance abuse crisis in NH. Speakers include Karen Simone, Director of the Northern New England Poison Control Centers, Tym Rourke, Chair of the Governor's Commission, Superior Court Chief Justice Tina Nadeau, and the Commissioners of Safety, HHS, and Corrections. The session will be held on **Thursday, May 15<sup>th</sup>** from 10:00 a.m. to 1:30 p.m. in LOB Rooms 210/211. If the House meets in session on May 15<sup>th</sup>, the "rain date" will be Thursday, May 22<sup>nd</sup> in LOB 305/307. All legislators are invited to attend and lunch will be included. Please RSVP to [acouture@new-futures.org](mailto:acouture@new-futures.org) or 225-9540 ext. 114 and please mention if you are a vegetarian so that enough lunches can be provided.

Rep. Laurie Harding

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In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Committee cordially invites you to the 22<sup>nd</sup> Annual New Hampshire Law Enforcement Officers Memorial Ceremony. The ceremony will be held on **Monday, May 19<sup>th</sup>**, beginning promptly at **10:00 a.m.** on the memorial site in front of the Legislative Office Building. The ceremony will proceed rain or shine. Refreshments will be served immediately following the event. Please do not hesitate to contact Major Kevin Jordan of the New Hampshire Fish and Game Department at 603-271-3128 if you have any questions.

Terie Norelli, Speaker

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All House members and staff are invited to the biennial Legislative Health Screening Day, coordinated and presented by your State House health services, to be held **Wednesday, May 21<sup>st</sup>, 9:00 a.m. to 1:00 p.m.** on the third floor of the LOB. Screenings for blood pressure, blood sugar, glaucoma, and fall/balance prevention will be offered as well as chair massages provided by Seacoast Career School. Bring your questions to participating professionals, including a dentist, an ophthalmologist and a pharmacist. There will be door prizes and refreshments!

Reps. Steve Shurtleff and Gene Chandler

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The Propane Gas Association of New England is hosting its annual Outdoor Living Safety Day on the State House lawn on **Thursday, May 22<sup>nd</sup>, 8:00 a.m. to 2:00 p.m.** 10 propane companies will be grilling and displaying propane powered vehicles. NH Clean Cities and the Fire Marshall will be in attendance as well. All are welcome."

Reps. Steve Shurtleff and Gene Chandler

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Members of the Legislative Sportsmens Caucus are invited to a tour of Fish and Games Owl Brook Hunter Education Center in Holderness on **Friday May 23<sup>rd</sup>**. Owl Brook is situated on 500 acres and has shooting ranges, an archery target practice area, self-guided trails and classroom space. Lunch and outdoor activities will be provided. Please RSVP to Rep. Jeff Goley.

Reps. Jeff Goley and Gene Chandler

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Members are invited to join Belknap County Republicans for the 9<sup>th</sup> Annual Lincoln Day Dinner-Cruise on the M/V Mount Washington on **Friday, May 30<sup>th</sup>**. This is great event, beautiful setting, New Hampshire at its finest. Boarding will commence at 5:30 p.m. at Weirs Beach with return at 9:00 p.m. Tickets are \$50.00 and are available from Rep. Frank Tilton, 528-8466, [franktilton@gmail.com](mailto:franktilton@gmail.com) or other Belknap County representatives.

Rep. Franklin T. Tilton

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The Legislative Youth Advisory Council is looking for recommendations of students age 15-22 who would be interested in serving on this council. The council was created to advise the legislature on issues of concern to youth. Please forward any recommendations to Rep. Carolyn Gargas, [cgargas@cs.com](mailto:cgargas@cs.com), 465-7463.

Rep. Carolyn Gargas

## 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

| <b>DATE</b> | <b>TIME</b>         | <b>GROUP</b>                                           | <b>Group#/Grade</b> |
|-------------|---------------------|--------------------------------------------------------|---------------------|
| May 9       | 9:00                | St. Thomas Aquinas School – Derry                      | 45/4                |
| May 9       | 10:00               | Bernice Ray School – Hanover                           | 38/4                |
| May 9       | 11:30               | St. Joseph's Regional School                           | 25/4                |
| May 12      | 9:45/11:00 SH/Manse | Lincoln St. School – Exeter                            | 88/4                |
| May 12      | 12:30               | World Academy – Nashua                                 | 20/3                |
| May 13      | 9:45/11:00 SH/Manse | Lincoln St. School – Exeter                            | 88/4                |
| May 13      | 2:30                | Merrimack Chamber of Commerce guests                   |                     |
| May 14      | 10:00/11:30 SH/HM   | Mastway Elementary School – Lee                        | 80/4                |
| May 14      | 3:00                | Immaculate Conception Apostolic School – Center Harbor | 10/HS               |
| May 15      | 9:30/11:00 SH/HM    | Gossler Park School – Manchester                       | 70                  |
| May 15      | 1:00                | Amherst Home School group                              | 40                  |
| May 16      | 9:30/10:45 SH/SC    | McClelland School – Rochester                          | 65/4                |
| May 16      | 11:30               | St. Anthony's School – Manchester                      | 22/4                |
| May 16      | 1:00                | Tri City Christian Academy – Somersworth               |                     |
| May 19      | 9:15                | Bristol Elementary School                              | 30/4                |
| May 19      | 10:15/11:30         | DJ Bakie School – Kingston                             | 78/4                |
| May 20      | 10:00               | William Barron School – Salem                          | 40/4                |
| May 20      | 9:30/11:30          | Hollis Brookline High School                           | 100/4               |
| May 21      | 9:30                | Florence Ride Out School – Wilton                      | 35/4                |
| May 21      | 10:00               | Henry Wilson School – Manchester                       | 38/4                |
| May 21      | 11:00               | Merrimack Middle School                                | 30/8                |
| May 21      | 9:00                | Mt. Washington Valley Chamber of Commerce              |                     |
| May 21      | 12:00               | St. Elizabeth Seton School – Rochester                 | 25/4                |
| May 22      | 9:30/11:00 SH/HM    | Mount Pleasant School – Nashua                         | 66/4                |
| May 22      | 10:00               | Henry Wilson School – Manchester                       | 38/4                |
| May 22      | 11:00               | Effingham Elementary School                            | 11/4                |
| May 22      | 1:00                | Camp Allen Life Camp – Bedford                         | 20                  |
| May 23      | 9:00                | New Hampton Community School                           | 23/4                |
| May 23      | 10:00               | Lin-Wood School – Lincoln & Woodstock                  | 27/4                |
| May 23      | 11:00               | Merrimack Middle School                                | 30/8                |
| May 23      | 12:00               | Presentation of Mary Academy – Hudson                  | 46/4                |
| May 27      | 9:30                | Mill Falls Charter School – Manchester                 | 30                  |
| May 27      | 10:00               | Enfield Village School                                 | 32/4                |
| May 27      | 10:30               | Mason Elementary School                                | 31/4                |
| May 27      | 11:30               | Bridge Water Hebron School                             | 30/4                |
| May 28      | 11:00               | Mountain Shadows School – Dublin                       | 35/4                |
| May 28      | 10:00/11:30 SH/HM   | Peterborough Elementary School                         | 56/4                |
| May 28      | 11:00               | Whitefield Elementary School                           | 30/4                |
| May 29      | 10:00/11:30 SH/HM   | Interlakes Elementary School                           | 80/4                |
| May 29      | 10:30               | Lancaster Elementary School                            | 30/4                |
| May 29      | 12:30               | Conway Elementary School                               | 35/4                |
| May 30      | 9:45                | Lincoln Akerman School – Hampton Falls                 | 35/4                |
| May 30      | 10:00               | Mont Vernon Village School                             | 35/4                |
| May 30      | 11:30               | Swasey Central School – Brentwood                      | 50/4                |
| May 30      | 12:30               | Dublin Consolidated School                             | 37/3-5              |
| June 2      | 9:15                | Ben Franklin School – Keene                            | 38/4                |
| June 2      | 10:00/11:00         | Birch Hill School – Nashua                             | 100/4               |

| <b>DATE</b> | <b>TIME</b>          | <b>GROUP</b>                             | <b>Group#/Grade</b> |
|-------------|----------------------|------------------------------------------|---------------------|
| June 3      | 9:00                 | Henniker Community School                | 38/4                |
| June 3      | 10:15/11:30          | Pelham Elementary School                 | 75/4                |
| June 4      | 9:15                 | Kensington Elementary School             | 30/4                |
| June 4      | 10:15/11:30          | Pelham Elementary School                 | 75/4                |
| June 5      | 9:30                 | Berkshire Tours                          | 40/Srs              |
| June 5      | 10:00                | Salisbury & Webster Schools              | 35/4                |
| June 5      | 11:00                | Winchester Elementary School             | 35/4                |
| June 5      | 12:30                | Ed Fenn Elementary School – Gorham       | 40/4                |
| June 6      | 9:00                 | Villa Augustina School – Goffstown       |                     |
| June 6      | 10:00/11:30 SH/HM    | Maple Ave. School – Claremont            | 65/4                |
| June 9      | 9:30                 | Sunapee Middle School                    | 11/8                |
| June 9      | 10:00                | Lancaster School                         | 48/4                |
| June 9      | 11:00                | Gilmanton Elementary School              | 40/4                |
| June 10     | 10:00                | Waterville Valley Elementary School      | 10/3-5              |
| June 11     | 9:30/11:00 SH/HM     | Maple St. School – Contoocook            | 80/4                |
| June 11     | 10:00                | Atkinson Academy                         | 53/4                |
| June 11     | 11:45                | John Fuller School – North Conway        | 36/4                |
| June 12     | 9:30                 | Leadership New England-NHIOP             | 30/Col              |
| June 12     | 10:30/12:15 SH/HM    | William Allan School – Rochester         | 68/4                |
| June 13     | 10:00                | Dunbarton Elementary School              | 31/4                |
| June 13     | 11:30                | Jonathan Daniels School – Keene          | 32/4                |
| June 13     | 10:30                | Boscawen Elementary's Gettysburg Address | 12/5                |
| June 16     | 9:30                 | Paul School – Wakefield-Sanbornville     | 40/4                |
| June 16     | 10:00/11:30 SH/Manse | Lakeway Elementary School – Littleton    | 60/4                |
| June 17     | 10:00                | Wheelock School – Keene                  | 38/4                |
| June 17     | 9:45/11:15 SH/F&G    | Ledge St. School – Nashua                | 80/4                |
| June 19     | 9:30                 | Friendship Force (guests from Australia) | 25                  |

## AMENDMENTS

### (LISTED IN NUMERICAL ORDER)

#### Amendment to SB 120-FN (2014-1654h)

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

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

2 Definitions; Expenditure. Amend RSA 664:2, IX to read as follows:

IX. "Expenditure" shall mean the disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future ***or the transfer of funds by a political committee to another political committee or to a candidate*** for the purpose of [influencing the nomination for election or election of any candidate] ***promoting the success or defeat of a candidate or candidates or measure or measures. "Expenditures" includes disbursements constituting independent expenditures, as defined in paragraph XI.*** It does not include:

(a) The candidate's filing fee or his ***or her*** expenses for personal travel and subsistence;

(b) ***Activity designed to encourage individuals to register to vote or to vote, if that activity or communication does not mention a clearly identified candidate;***

(c) ***Any communication by any membership organization or corporation to its members or stockholders, if the primary purpose of that membership organization or corporation is not for the purpose of promoting the success or defeat of a candidate or candidates and measure or measures; or***

(d) ***Any communication by any political committee member that is not made for the purpose of promoting the success or defeat of a candidate or candidates or measure or measures.***

3 Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures [by a person, political committee, or other entity] ***that pay for the development and distribution of a communication that expressly [advocating] advocates*** the election or defeat of a clearly identified candidate ***or candidates or the success or defeat of a measure or measures,*** which are made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which are not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. [As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.]

Amend RSA 664:2, XX as inserted by section 4 of the bill by replacing it with the following:

XX. "Clearly identified candidate" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is otherwise apparent.

XXI. "Political advocacy organization" means any entity that spends \$5,000 or more in a calendar year to pay for a communication that is functionally equivalent to express advocacy because, when taken as a whole, such communication is likely to be interpreted by a reasonable person only as advocating the election or defeat of a clearly identified candidate or candidates or the success or defeat of a measure or measures, taking into account whether the communication involved mentions a candidacy or a political party, or takes a position on a candidate's character, qualifications, or fitness for office.

Amend the bill by replacing section 6 with the following:

6 New Paragraph; Registration of Political Committees. Amend RSA 664:3 by inserting after paragraph IV the following new paragraph:

V. Any political committee or political advocacy organization that is exempt from taxation under sections 501(c)(4), 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code of 1986 may disclose, but shall not be required to disclose in its itemized statement of receipts, the identity of its donors.

Amend the bill by replacing section 10 with the following:

10 New Paragraph; Reporting by Political Committee. Amend RSA 664:6 by inserting after paragraph VIII the following new paragraph:

IX. Any political committee or political advocacy organization that is exempt from taxation under sections 501(c)(4), 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code of 1986 may disclose, but shall not be required to disclose in its itemized statement of receipts, the identity of its donors.

Amend the bill by inserting after section 11 the following and renumbering the original section 12 to read as 14:

12 New Section; Registration of Political Advocacy Organizations. Amend RSA 664 by inserting after section 3 the following new section:

664:3-a Registration of Political Advocacy Organizations. Political advocacy organizations shall register with the secretary of state under the same deadlines and in the same general form required of political committees under RSA 664:3.

13 New Section; Reporting by Political Advocacy Organizations. Amend RSA 664 by inserting after section 6 the following new section:

664:6-a Reporting by Political Advocacy Organizations. Political advocacy organizations shall report with the secretary of state any funds received or expenses incurred in connection with communications described in RSA 664:2, VII, under the same deadlines and in the same general form required of political committees under RSA 664:6, IV-a.

#### 2014-1654h AMENDED ANALYSIS

This bill:

I. Modifies the definitions of "political committee," "expenditure," and "independent expenditure" and establishes a definition of "receipts."

II. Modifies registration and reporting requirements for political committees.

III. Requires registration of and reporting by political advocacy organizations, as defined in the bill.

#### Amendment to SB 183-FN (2014-1497h)

#### Proposed by the Committee on Election Law-c

Amend the bill by replacing section 3 with the following:

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

659:49 Processing Absentee Ballots.

I. Processing of previously received absentee ballots shall begin at 1:00 p.m. ***unless a different time, that is no earlier than 2 hours after the opening of the polls, is posted and announced in accordance with paragraph II.*** The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time ~~[during the]~~ ***for the processing of such ballots during normal polling hours.*** Absentee ballots which are received after ~~[1:00 p.m.]~~ ***the start time for processing absentee ballots*** and prior to 5:00 p.m. ***on the day of the election*** shall be processed as soon after receipt as possible. Under no circumstances shall absentee ballots be counted prior to the closing of the polls.

II. ~~[Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.]~~ ***The moderator, or his or her designee, shall post the time at which the processing of absentee ballots shall begin at the polling place and one other public location at least 24 hours before the polls open. In addition, when the polls open the moderator shall announce the time at which the processing of absentee ballots shall begin.***

Amend RSA 664:5-b, V as inserted by section 4 of the bill by replacing it with the following:

[VI.] V. For the purposes of this section, RSA 664:5-a, and the enforcement provisions of this chapter, “total expenditures” shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on the candidate’s behalf by the candidate’s committee or committees, the candidate’s party, and the candidate’s immediate family. For candidates for governor, [United States senator, representative to Congress,] state senate, state representative, and executive council, “total expenditures” shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy. Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Vacancy; State Representative. Amend RSA 661:8, III to read as follows:

III. Notwithstanding the provisions of paragraph II, if a vacancy occurs in the office of state representative in a district comprised of a city ward or wards, a request to hold the primary and special elections on d MINORITY OF THEates as the city’s biennial primary and regular elections may be submitted to the governor and council by the governing body of the city. If so requested, the governor and council shall declare the vacancy not less than 56 days prior to the date of the city’s primary election. [The filing period shall be held not more than 50 days nor less than 43 days prior to the primary election.] ***The filing period shall start on the Monday following the date on which the governor and council declare that there shall be a special election and shall end at 5:00 p.m. on the Friday of that week.*** The provisions of RSA 655:81, III, VI, VII, VIII, IX, X, and XI shall apply to elections held pursuant to this paragraph.

2014-1497h  
AMENDED ANALYSIS

This bill:

- I. Clarifies additional forms of identification for voters.
- II. Eliminates certain restrictions relating to when absentee ballots may be processed.
- III. Increases voluntary campaign expenditure limits.
- IV. Clarifies the filing period for state representative special elections.

**Amendment to SB 202**  
**(2014-1708h)**

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

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

AN ACT relative to the elements of the crime of burglary and relative to capital murder.

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

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

III. A person convicted of a capital murder [may be punished by death] ***shall be sentenced to life imprisonment and shall not be eligible for parole.***

3 Effective Date.

- I. Section 1 of this act shall take effect 60 days after its passage.
- II. The remainder of this act shall take effect upon its passage.

2014-1708h  
AMENDED ANALYSIS

This bill amends the burglary statute to include cases where a person remains unlawfully in a building or occupied structure. This bill also provides that the penalty for capital murder shall be life imprisonment without the possibility for parole.

**Amendment to SB 207-FN**  
**(2014-1629h)**

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

Amend the bill by replacing section 8 with the following:

8 Limitations of Actions. Amend RSA 275:41 to read as follows:

275:41 Limitation of Actions. Any action to recover unpaid wages and liquidated damages based on violation of RSA 275:37, [must] ***shall*** be commenced within one year [of the accrual thereof and not afterwards] ***of discovery of the violation. No action brought under this section shall include any violation that occurred more than 4 years prior to the commencement of such action.***

**Amendment to SB 213-FN**  
**(2014-1659h)**

**Proposed by the Committee on Ways and Means-c**

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

AN ACT establishing a registry for provider orders for life-sustaining treatment.

Amend RSA 137-L:3, I-III as inserted by section 1 of the bill by replacing them with the following:

I. Subject to sufficient funding, the department shall establish and operate a statewide registry for the collection and dissemination of provider orders for life-sustaining treatment to help ensure that medical treatment preferences for an individual nearing the end of his or her life are honored.

II. The commissioner shall adopt rules within 6 months of the effective date of this chapter, pursuant to RSA 541-A relative to:

(a) Requiring submission of the following documents to the registry, if the patient has requested to opt into the registry:

- (1) A copy of each POLST;
- (2) A copy of a revised POLST; and
- (3) Notice of any known revocation of a POLST;

(b) Prescribing the manner for submitting the information described in subparagraph (a);

(c) Requiring the release of registry information to authorized users for treatment purposes;

(d) Authorizing notification by the registry to specified persons of the receipt, revision, or revocation of a POLST; and

(e) Establishing procedures to protect the accuracy and confidentiality of information submitted to the registry.

III. To the extent allowed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the department may permit qualified researchers to obtain registry data for research purposes conditioned upon removal by the department of any data that identifies a health care provider, a facility, or an individual patient, including his or her name, address, telephone number, and social security number. If the department intends to permit qualified researchers to obtain registry data, the department shall first adopt rules, pursuant to RSA 541-A, governing the process which shall include but not be limited to:

(a) The definition of a qualified researcher;

(b) The process for a qualified researcher to request and obtain registry data;

(c) The types of data that a qualified researcher may be provided from the registry; and

(d) The manner by which a qualified researcher shall protect registry data obtained under this provision.

2014-1659h

#### AMENDED ANALYSIS

This bill establishes the New Hampshire POLST Registry Act. Under this bill, a patient may execute a form to be signed by the patient and his or her health care provider relative to life-sustaining treatment to ensure that the patient's preferences are known in the event of an emergency. This bill also establishes a special fund to accept donations, gifts, and grants received for the purposes of the bill.

#### Amendment to SB 220-FN

(2014-1721h)

#### Proposed by the Majority of the Committee on Ways and Means-r

Amend RSA 319-C:6-b as inserted by section 1 of the bill by replacing it with the following:

319-C:6-b Fees. The board shall establish application fees for examination of applicants, *fees for inspections performed upon request of the general public done pursuant to RSA 319-C:5*, fees for licensure, for renewal, and for late renewal of licenses to practice under this chapter, and for transcribing and transferring records and other services. The fee for examination shall not include fees charged by and paid to an examination entity approved by the board. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board [~~for the previous fiscal year~~]. Fees collected shall be deposited in the general fund as unrestricted revenue.

#### Amendment to SB 222

(2014-1751h)

#### Proposed by the Committee on Finance-c

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

AN ACT restructuring the department of administrative services, division of plant and property management and relative to the authority of the adjutant general.

Amend the bill by replacing all after section 72 with the following:

73 Renovation of Littleton Readiness Center. Notwithstanding the provisions of RSA 21-I:85 or any provision of law to the contrary, in the event federal funds available to the adjutant general for project number 80731R for the renovation of the Littleton Readiness Center for project design and oversight are not sufficient to reimburse the department of administrative services, division of public works design and construction, the adjutant general may enter into the federal procurement process for the design and construction of said project.

74 Adjutant General's Department; Transfers Authorized. For the biennium ending June 30, 2015, notwithstanding the provisions of RSA 9:16-a, RSA 9:17, RSA 9:17-a, RSA 9:17-c, or any other law to the contrary, the commissioner of administrative services, upon the request of the adjutant general and with the approval of the fiscal committee of the general court, is authorized to transfer from any and all accounting units and class codes of the budget of the adjutant general into any utilities class line in the budget of the adjutant general, regardless of funding source or mix, sufficient funds to cover obligations for utilities.

75 Division of Accounting Services. Amend the introductory paragraph of RSA 21-I:8 to read as follows: There is hereby established within the department the division of accounting services under the supervision of an unclassified director of accounting services, who shall also be known as the comptroller. The comptroller shall direct the state's accounting functions, using generally accepted accounting principles and taking full advantage of all benefits of automated data processing applications, to the end that the fiscal affairs of all state agencies and departments will be adequately and uniformly serviced and that periodic financial and management reports will be available to serve the various needs of all state agencies and the executive and legislative branches in their decision making processes. ~~[The commissioner of administrative services may authorize deviations from generally accepted accounting principles if the commissioner deems it is in the best interest of the state, provided that the explanation for the deviation is provided in the annual report required by subparagraph II(a).]~~ ***If the commissioner of administrative services and the respective state agencies are unable to generate any required information that, in accordance with generally accepted accounting principles, should be provided with the comprehensive annual financial report and any stand-alone financial statements identified in subparagraphs (b) and (c), the commissioner shall communicate this deviation in advance to the legislative budget assistant as soon as the deviation is known.*** The division shall include the following internal organizational units:

76 Division of Accounting Services; Reporting Requirements. Amend RSA 21-I:8, II(b) to read as follows:

***(b) Assisting the department of transportation turnpike system, liquor commission, and lottery commission in the completion of separate, stand-alone financial statements for the preceding fiscal year that detail the financial condition and operation of each entity in a manner consistent with generally accepted accounting principles. The statements shall be available no later than 90 days after the close of the fiscal year, unless the governor and council for good cause shall extend such period. One or more of the statements may be subsequently audited by the legislative budget assistant, who may designate a certified public accountant not employed in state service to conduct the audit and may accept the findings and report of the certified public accountant as fulfilling the provisions of this subparagraph; provided that in either case the audits shall be conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies. Any audited statements shall be completed and available to the public by December 31 of each year unless for good cause the fiscal committee of the general court shall extend such period. If the department of transportation turnpike system, liquor commission, or lottery commission elect to use the statements as the basis for a comprehensive annual financial report, the report shall be reviewed and approved by the department of administrative services prior to issuance.***

***(c) Cooperating with the office of legislative budget assistant by assisting, as necessary, any state department, board, institution, commission, or agency, in the preparation of financial statements in a manner consistent with generally accepted accounting principles when such entity is subject to an audit performed by the audit division of the office of legislative budget assistant pursuant to RSA 14:31-a, I.***

***(d) Producing periodic reports and analysis of government revenues and expenditures.***

77 Effective Date.

I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.

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

2014-1751h  
AMENDED ANALYSIS

This bill:

I. Reorganizes the department of administrative services, division of plant and property management into 3 divisions: the division of procurement and support services, the division of plant and property, and the division of public works design and construction.

II. Permits the adjutant general to enter into the federal procurement process for the renovation of the Littleton Readiness Center even if federal funds available to the adjutant general are insufficient to reimburse the department of administrative services.

III. Permits the adjutant general to transfer funds among class lines to cover utility obligations.

IV. Requires the department of administrative services, bureau of financial reporting to assist the department of transportation turnpike system, the liquor commission, and lottery commission in the preparation of certain financial statements and to assist with audits conducted by the audit division of the legislative budget assistant.

**Amendment to SB 232  
(2014-1697h)**

**Proposed by the Majority of the Committee on Fish and Game and Marine Resources-r**

Amend the bill by replacing section 3 with the following:

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

**Amendment to SB 235  
(2014-1661h)**

**Proposed by the Committee on Finance-c**

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

**Amendment to SB 245  
(2014-1795h)**

**Proposed by the Committee on Finance-r**

Amend RSA 162-H:3, VIII as inserted by section 6 of the bill by replacing it with the following:

VIII. Public members of the committee shall be compensated on a pro rata basis, based upon the daily salary rate of an unclassified position at the initial step in grade FF as determined in RSA 94:1-a, I(a). Such members shall keep detailed time records which shall be submitted to the committee and used to determine the amount of compensation. Said compensation shall be a charge against the site evaluation committee fund. Amend RSA 162-h:3-a as inserted by section 7 of the bill by replacing it with the following:

162-H:3-a Administrator and Other Committee Support. There is hereby established within the site evaluation committee the position of administrator who shall be an unclassified state employee. In the alternative, the position may be filled by an independent contractor. The administrator shall be hired by and under the supervision of the chairperson. The administrator, or chairperson in the absence of an administrator, with committee approval, may engage additional technical, legal, or administrative support to fulfill the functions of the committee as necessary. Any person to be hired by the administrator shall be approved by the chairperson. All costs incurred under this section shall be paid from the site evaluation committee fund established in RSA 162-H:21.

Amend RSA 162-H:10, VII as inserted by section 16 of the bill by replacing it with the following:

VII. ***As soon as practicable but*** no later than ~~[January]~~ **July** 1, 2015, the committee shall adopt rules, pursuant to RSA 541-A, relative to ***the organization, practices, and procedures of the committee and*** criteria for the siting of energy facilities, including specific criteria to be applied in determining if the requirements of RSA 162-H:16, IV~~[(b) and (c)]~~ have been met by the applicant for a certificate of site and facility. Prior to the adoption of such rules, the office of energy and planning shall hire and manage one or more consultants to conduct a public stakeholder process to develop recommended regulatory criteria, which may include consideration of issues identified in attachment C of the 2008 final report of the state energy policy commission, as well as others that may be identified during the stakeholder process. ~~[The office of energy and planning shall submit a report based on the findings of the public stakeholder process to the committee by January 1, 2014.]~~

Amend the bill by replacing all after section 22 with the following:

23 New Section; Fund Established; Funding Plan. Amend RSA 162-H by inserting after section 20 the following new section:

162-H:21 Fund Established; Funding Plan.

I. There is hereby established in the office of the state treasurer a nonlapsing fund to be known as the site evaluation committee fund. All moneys in the fund shall be continually appropriated to the site evaluation committee and shall only be used to pay for operating costs of the committee, including costs incurred under RSA 162-H:3-a and the compensation paid to the public members of the committee under RSA 162-H:3, VIII.

II. The site evaluation fund shall be funded upon request of the committee by a one-time grant, not to exceed \$500,000, which may be received in installments, from the renewable energy fund established in RSA 362-F:10. The initial transfer to the fund shall occur following approval by the fiscal committee of the general court of a proposed budget plan for fiscal year 2015 as provided in paragraph III. Any subsequent transfer requests of the one-time grant from the renewable energy fund shall require prior approval of the fiscal committee.

III. Prior to July 1, 2014, the site evaluation committee shall submit a proposed budget plan for fiscal year 2015 to the fiscal committee of the general court for approval. The site evaluation committee shall be entitled to reimbursement from each applicant for reasonable administrative expenses directly associated with processing the applicant's application during fiscal year 2015. Such expenses shall include the compensation paid to the public members of the committee, the administrator's time processing the application, and any other reasonable administrative cost directly associated with the application, but shall exclude state agency review and hearing time. All reimbursements paid by applicants to the site evaluation committee under this paragraph shall be deposited in the fund.

IV. Prior to December 1, 2014, the site evaluation committee shall submit a permanent funding plan, including recommendations for legislative action, to the governor, speaker of the house, and senate president

covering the long term operations of the committee. When developing the permanent funding plan, the site evaluation committee shall consider potential funding sources, including but not limited to the imposition of reasonable application fees and the use of general funds. The site evaluation committee shall consider whether a dedicated fund is necessary as part of a permanent funding plan. The plan shall describe the costs of the ongoing administration of the site evaluation committee's duties, including state agency expenses associated with processing an application under this chapter. The plan shall include recommendations for the ongoing funding of the site evaluation committee's operations, including reimbursement for the hearing and review time of members of the committee and state agency staff. The plan shall make recommendations for funding sources to meet those needs, except that such funding sources shall not include annual operating fees imposed on energy facilities or further use of the renewable energy fund. The plan shall provide an estimate of revenues from application fees and additional funding sources.

#### 24 Applicability.

I. The provisions of this act shall apply to any application received by the site evaluation committee on or after July 1, 2014 and to any matter for which an adjudicative hearing has not commenced before July 1, 2014. The parties in any pending matter for which an adjudicative hearing has not commenced before July 1, 2014 shall have a reasonable opportunity to supplement filings under provisions of this chapter.

II. Any method of collecting fees or other assessments from applicants for the ongoing operations of the site evaluation committee established by the legislature during the 2015 legislative session shall apply to all matters subject to the provisions of RSA 162-H as amended by this act. An applicant in a matter subject to the provisions of RSA 162-H as amended by this act shall be entitled, as applicable, to an appropriate credit or adjustment for expenses paid by the applicant under RSA 162-H:10, V or RSA 162-H:21, III prior to when the method of collecting fees or other assessments goes into effect. The purpose of this provision is to ensure that all matters subject to this act, whenever filed, are subject to such enactment, while also preventing the over collection of fees and payments from the applicant.

III. Pending matters before the site evaluation committee for which an adjudicative hearing was commenced prior to July 1, 2014 shall be governed by the law in effect prior to the effective date of this act.

#### 25 Transitional Responsibilities; Site Evaluation Committee.

I. The site evaluation committee as amended by section 6 of this act may act when the second public member is appointed by the governor with the consent of the council under RSA 162-H:3, I(f). Such appointment shall occur no later than October 1, 2014. The committee as amended under this act shall be responsible for all matters under RSA 162-H, except as provided in paragraph II.

II. The site evaluation committee in existence prior to the effective date of this act shall continue to have authority to act on matters before it until all such matters for which it is responsible have been resolved, through rulings on requests for rehearing or reconsideration. The committee in existence prior to the effective date of this act shall be responsible for any matter for which an adjudicative hearing was commenced prior to the date on which the committee as amended under this act is authorized to act pursuant to paragraph I.

III. Notwithstanding any other provision of RSA 162-H, until such time as the site evaluation committee as amended by section 6 of this act is authorized to act, the committee in existence prior to the effective date of this act shall continue to process all matters before the committee; shall seek to hire the administrator and other support as needed as provided in RSA 162-H:3-a; and shall continue the rulemaking process pursuant to RSA 162-H:10, VII. The actions of the committee in existence prior to this act shall be deemed the actions of the site evaluation committee, as amended, for all such purposes. The administrator shall be empowered to act in all matters under the supervision of the chairperson of the committee in existence prior to this act. Supervision shall transfer to the chairperson of the committee as amended under this act when the second public member is appointed pursuant to paragraph I.

26 Site Evaluation Committee; Reimbursement for Agency Time. If subsequent legislation provides for reimbursement for the hearing or review time of members of the site evaluation committee or state agency staff, then reimbursement shall also be made in the same manner for such time spent prior to the effective date of such subsequent legislation on matters that are subject to this act.

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

(317) Moneys deposited in the site evaluation committee fund established in RSA 162-H:21.

#### 28 Repeal. The following are repealed:

- I. RSA 4-C:6, II(e), relative to energy facility evaluation committee.
- II. RSA 162-H:6-a, relative to time frames for review of renewable energy facilities.
- III. RSA 162-H:7, VI-e, relative to time frames for applications for certificates.
- IV. RSA 162-H:15, relative to informational meetings.

#### 29 Effective Date.

- I. Sections 24, 25 and RSA 162-H:21, III as inserted by section 23 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect July 1, 2014.

**Amendment to SB 264-FN  
(2014-1735h)**

**Proposed by the Committee on Finance-r**

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

AN ACT requiring the election of benefits by certain members of the judicial retirement plan or their beneficiaries.

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

1 New Section; Judicial Retirement Plan; Notice of Election. Amend RSA 100-C by inserting after section 17 the following new section:

100-C:18 Notice of Election. Each full-time judge who was appointed prior to January 1, 2005, or an eligible beneficiary of such judge who retired after attaining age 65, shall notify the plan in writing no later than 90 days after the plan mails to each affected person a statement of the method by which retirement benefits are calculated under RSA 100-C as well as under the provisions of the former judicial retirement statutes, RSA 490:2, RSA 491:2, RSA 502-A:6-a, or RSA 547:2-a, as to whether the member or beneficiary intends to claim retirement benefits pursuant to one of the former judicial retirement statutes instead of the retirement benefits paid pursuant to RSA 100-C. Such election, once made, shall be irrevocable. If an election is not made within 90 days after the plan mails such statement, the member or beneficiary shall only receive benefits under the provisions of RSA 100-C. In the event that a member or beneficiary elects to claim retirement benefits pursuant to one of the former judicial retirement statutes, he or she shall not be entitled to reimbursement for any contributions made pursuant to RSA 100-C:13 or RSA 100-C:14.

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

2014-1735h

**AMENDED ANALYSIS**

This bill requires certain eligible judges or their beneficiary under the judicial retirement plan to give notice of their election to receive benefits under the former judicial retirement statutes or retirement benefits paid pursuant to RSA 100-C.

**Amendment to SB 268  
(2014-1603h)**

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

Amend the bill by replacing section 1 with the following:

1 Energy Efficiency Fund and Use of Auction Proceeds. Amend RSA 125-O::23, III to read as follows:

III. All remaining proceeds received by the state from the sale of allowances shall be allocated by the commission as an additional source of funding to electric distribution companies for core energy efficiency programs which are approved by the commission and funded by SBC funds *or to entities managing statewide, all-fuels, comprehensive energy efficiency programs that have been approved by the commission, as of January 1, 2014, through a competitive process. These entities and utilities shall file annual updates on the performance of the programs including program expenditures resulting projected energy savings from implemented measures, any measurement and verification data that corroborate projected savings, the number of customers served by the programs, and other data as directed by the commission in order to determine program effectiveness. The annual update reports shall be delivered to the governor, the president of the senate, the speaker of the house of representatives, the chairmen of the senate and house standing committees with jurisdiction over energy matters, and the chairman of the public utilities commission.* In allocating the proceeds, the commission shall first allocate at least 15 percent of the amount of the proceeds to the low-income core energy efficiency program. Beginning January 1, 2014, the core utilities shall dedicate up to \$2,000,000 of these remaining RGGI proceeds annually for municipal and local government energy efficiency projects, including projects by local governments that have their own municipal utilities. Funding elements shall include, but not be limited to, funding for direct technical and project management assistance to identify and encourage comprehensive projects and incentives structured to assist municipal and local governments funding energy efficiency projects. In calendar years 2014, 2015, and 2016, any unused funds allocated to municipal and local government projects under this paragraph remaining at the end of the year shall roll over and be added to the new calendar year program funds and continue to be made available exclusively for municipal and local government projects. Beginning in calendar year 2017, and all subsequent years, funds allocated to municipal and local government projects under this paragraph shall be offered first to municipal and local governments as described in this paragraph for no less than 4 full calendar months. If, at the end of this time, municipal and local governments have not submitted requests for eligible projects that will expend the funds allocated to municipal and local government projects under this paragraph within that program year, the funds shall be offered on a first-come, first-serve basis to business and municipal customers who fund the system benefits charge.

2014-1603h  
AMENDED ANALYSIS

This bill permits the public utilities commission to allocate certain proceeds from the sale of allowances to entities managing certain comprehensive energy efficiency programs.

This bill also requires entities receiving such proceeds to file annual updates with the public utilities commission.

**Amendment to SB 271  
(2014-1561h)**

**Proposed by the Committee on Election Law-c**

Amend the bill by replacing sections 4-6 with the following:

4 Identity Verification. Amend RSA 654:12, V(b) to read as follows:

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at any election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The letter shall be mailed **by January 10 in every odd-numbered year in the case of persons registering at a state primary or general election, or** within [60] **90** days after [the] **any other** election[, ~~except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election~~]. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person to return the letter within 45 days with a written confirmation that the person registered and voted or to contact the attorney general immediately if he or she did not register and vote. Any voter under a protective order pursuant to RSA 173-B, and whose name does not appear on the checklist as provided under RSA 654:25, shall not be subject to the provisions of paragraph V.

5 Identity Verification. Amend RSA 659:13, IV(a) to read as follows:

IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who executed a challenged voter affidavit in accordance with paragraph I. The letter shall be mailed **by January 10 in every odd-numbered year in the case of persons executing challenged voter affidavits at a state primary or general election, or** within [60] **90** days after [the] **any other** election[, ~~except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election~~]. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 90 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.

6 Identity Verification; Prospective Version. Amend RSA 659:13, IV(a) to read as follows:

IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who executed a challenged voter affidavit or affidavit of religious exemption in accordance with paragraph I, unless the same person is sent letter of identity verification pursuant to RSA 654:12, V(b). The letter shall be mailed **by January 10 in every odd-numbered year in the case of persons executing challenged voter affidavits or affidavits of religious exemption at a state primary or general election, or** within [60] **90** days after [the] **any other** election[, ~~except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election~~]. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 30 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.

2014-1561h  
AMENDED ANALYSIS

This bill:

- I. Requires that all voter challenge affidavits be retained for at least 22 months after the election.
- II. Allows voters the option of providing a telephone number and email address on a qualified voter affidavit, domicile affidavit, or challenged voter affidavit.
- III. Modifies when identity verification letters are to be mailed.

**Amendment to SB 283-FN  
(2014-1665h)**

**Proposed by the Committee on Finance-c**

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

AN ACT relative to settlements received by the attorney general and secretary of state and relative to flood control payments.

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

1 New Section; Disposition of Funds Obtained by the Attorney General. Amend RSA 7 by inserting after section 6-d the following new section:

7:6-e Disposition of Funds Obtained by the Attorney General.

I. No money received by the attorney general, on behalf of the state or its citizens as a result of any civil judgment, settlement of a claim, settlement of threatened litigation, suit, petition, or other action or threatened action, shall be expended or otherwise distributed until authorized by the fiscal committee of the general court, except in those instances where the disposition of money received by the attorney general is already provided for in statute. Additionally, whenever the department of justice receives judgment or settlement money in excess of \$1,000,000, the first 10 percent of those funds shall be transferred to the general fund.

II. Upon resolving a matter described in paragraph I, the attorney general shall promptly report to the fiscal committee of the general court any money received under this section. All reports under this paragraph shall include, but shall not be limited to:

- (a) The date of the judgment or settlement.
- (b) The purpose for which the judgment or settlement is to be used.
- (c) The amount of the judgment or settlement.
- (d) An accounting of the allocation of each judgment or settlement.

III. This section shall not apply to fines received by the attorney general in criminal cases, penalty assessment funds, drug forfeiture funds as provided in RSA 318-B:17-b through RSA 318-B:17-d, fines or civil penalties authorized by state law as a result of enforcement actions taken by state agencies or the attorney general, and money received on behalf of a victim or the state as restitution.

2 New Paragraphs; Securities; Press Release; Quarterly Reporting Requirement. Amend RSA 421-B:26 by inserting after paragraph VIII the following new paragraphs:

IX. Upon the issuance of a press release describing the result of a civil judgment, settlement of claim, settlement of threatened litigation, suit, petition, or other action or threatened action pursuant to RSA 421-B, the secretary of state shall submit the press release to the fiscal committee of the general court.

X. The secretary of state shall submit a quarterly report to the fiscal committee of the general court of all civil judgments, settlements of claims, settlements of threatened litigation, suits, petitions, or other actions or threatened actions pursuant to RSA 421-B. All reports under this paragraph shall include, but shall not be limited to:

- (a) The date of the judgment or settlement.
- (b) The purpose for which the judgment or settlement is to be used.
- (c) The amount of the judgment or settlement.
- (d) An accounting of the allocation of each judgment or settlement.

3 Fiscal Year 2015 Flood Control Payments. The department of revenue administration shall fund, under RSA 122:4, I, any shortfall in fiscal year 2015 flood control payments.

4 Repeal. 2013, 144:126, relative to flood control payments, is repealed.

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

2014-1665h  
AMENDED ANALYSIS

This bill:

I. Requires the fiscal committee of the general court to approve the expenditure or distribution of monetary settlements received by the state.

II. Requires the deposit of a portion of judgments over a specified amount in the general fund.

III. Requires the attorney general to submit a report to the fiscal committee of the general court relative to all legal settlements received by the state.

IV. Requires the secretary of state to submit press releases and quarterly reports of settlements received under RSA 421-B to the fiscal committee of the general court.

V. Directs the department of revenue administration to fund any shortfall in fiscal year 2015 flood control payments.

**Amendment to SB 294  
(2014-1658h)**

**Proposed by the Committee on Election Law-c**

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

AN ACT      relative to the deadline for requesting a recount of an election and establishing a house committee to study apportionment of state representative districts.

Amend the bill by replacing sections 1-3 with the following:

1 Recount; Deadline. Amend RSA 40:4-c, I to read as follows:

I. If any 10 voters of a town shall, before the expiration of 7 days from the date of an annual meeting or special meeting, apply in writing to the town clerk for a recount of the ballots given in at said meeting on any question, affecting said town only, legally appearing on the official Australian or nonpartisan ballot used at said meeting, said clerk shall appoint a time and place for the recount not earlier than 5 days nor later than 10 days after the receipt of said application. ***The clerk shall notify the first-named voter who applied for a recount on a question and a representative of other known interested parties, at least 3 days prior to the day appointed for the recount of ballots. Notice of the time and place of the recount shall be posted in 2 public places at least 24 hours prior to the recount.*** The applicants for such recount shall pay to the town clerk, for the use of the town, a fee of \$10.

2 Recount; Deadline. Amend RSA 194-C:9-a, V to read as follows:

V. Any registered voter who resides in a school district within the school administrative unit may, in writing, petition the secretary of the school administrative unit for a recount of the vote no later than [the Friday] **7 days** following the latest chronological annual meeting of school districts in the school administrative unit. The secretary shall schedule a recount, to be conducted by the school administrative unit, not earlier than 5 days nor later than 10 days after the date the secretary receives the petition.

3 Recount; Deadline. Amend RSA 194-C:9-b, III to read as follows:

III. Any registered voter who resides in a school district within the school administrative unit may, in writing, petition the secretary of the school administrative unit for a recount of the vote no later than [the Friday] **7 days** following the latest chronological annual meeting of school districts in the school administrative unit. The secretary shall schedule a recount, to be conducted by the school administrative unit, not earlier than 5 days nor later than 10 days after the date the secretary receives the petition.

Amend the bill by replacing all after section 11 with the following:

12 Committee Established. There is established a house committee to study apportionment of state representative districts.

13 Membership and Compensation.

I. The members of the committee shall be 6 members of the house of representatives, appointed by the speaker of the house of representatives.

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

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

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

16 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.

17 Effective Date.

I. Sections 1-11 of this act shall take effect 60 days after its passage.

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

2014-1658h  
AMENDED ANALYSIS

This bill:

Changes deadlines for certain applications for a recount of an election.

II. Requires notice to voters requesting a recount on certain local questions and public posting of notice of the time and place of the recount.

III. Establishes a house committee to study apportionment of state representative districts.

**Amendment to SB 307  
(2014-1600h)**

**Proposed by the Majority of the Committee on State-Federal Relations and Veterans Affairs**

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

1 Committee Established. There is established a committee to review all proposed language and amendments to reverse the Citizens United ruling and related cases by the United States Supreme Court.

2 Membership and Compensation.

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

(a) Two members of the senate, one to be appointed by the president of the senate and one appointed by the senate minority leader.

(b) Two members of the house of representatives, one to be appointed by the speaker of the house of representatives, and one appointed by the house minority leader.

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

3 Duties. Recognizing the need for a constitutional amendment to overturn the Citizens United ruling and related cases while ensuring the protection of the First Amendment, the committee shall:

I. Examine the impact of the Citizens United ruling.

II. Examine the different approaches and language being proposed for a constitutional amendment.

III. Examine short term solutions to issues raised by the ruling such as requiring disclosure of donors and shareholder approval of corporate and labor election contributions.

IV. Make recommendations to the New Hampshire legislature as to which approaches, if any, the congressional delegation should support.

4 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 senate 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 or resolution to the president of the senate, the speaker of the house of representatives, the chairperson of the senate public and municipal affairs committee, the chairperson of the house election law committee, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2014.

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

**Amendment to SB 308-FN  
(2014-1715h)**

**Proposed by the Majority of the Committee on Finance-r**

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

AN ACT establishing a committee to study innovation in the delivery of health care and relative to an assessment for purposes of the state health plan.

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

1 Committee Established. There is established a committee to study innovation in the delivery of health care.

2 Membership and Compensation.

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

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

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

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

3 Duties.

I. The committee shall study innovation in the delivery of health care. The committee shall determine the appropriate process for review of the potential costs and benefits of cooperative agreements between health care providers through a certificate of public advantage. The committee's study may include, but not be limited to:

(a) Reviewing New Hampshire rules and regulations currently applicable to health care provider innovations, including current review by the attorney general's office, the consumer protection and antitrust bureau and the charitable trust unit, and certificate of need review.

(b) Investigating the type of health care cooperative agreements in the state, including integrated arrangements, mergers, consolidations and payment reform consolidations, which are being reviewed, planned, or discussed.

(c) Seeking input from health providers across the state to determine what type of arrangements are being proposed or considered given the changing health care landscape.

(d) Reviewing what other states are doing with regard to review of health care payment reform and innovation models and why.

(e) Reviewing research and analysis performed and commissioned by the insurance department with respect to the factors affecting health insurance premiums, the operation of health care and health insurance markets, and possible models for innovation that could help lower health care costs.

(f) Seeking input from state agencies with expertise in the area of health care and health insurance markets to determine how existing state resources could be incorporated into a regulatory review process for cooperative agreements.

(g) Making recommendations regarding whether further review of health care transactions in New Hampshire is necessary to ensure New Hampshire's health plan needs are met, health care can be more affordable in New Hampshire, and providers are able to engage in innovation without over-burdensome regulatory barriers and in a way which promotes quality, access, and price transparency.

II. The committee may solicit input from any person or entity the committee deems relevant to its study.

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 30 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Staffing. The department of insurance shall provide staff services to the committee.

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 New Paragraph; Certificate of Need; Assessment on Hospitals for Development of the State Health Plan. Amend RSA 151-C:4-a by inserting after paragraph II the following new paragraph:

III. Notwithstanding any provision of law to the contrary, hospitals, as defined in RSA 151-C:2, XX, shall pay a one-time special assessment the aggregate of which shall total \$300,000 to the health services planning and review board, established in RSA 151-C:3, which shall be used for the purposes of developing the state health plan as required under this section. Moneys collected from the assessment under this paragraph shall not lapse until June 30, 2015. Contracts for administrative support or consulting services for the purposes of this paragraph shall not require governor and council approval. The state health plan shall be delivered to the speaker of the house of representatives, the president of the senate, and the governor on or before June 30, 2015.

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

2014-1715h  
AMENDED ANALYSIS

This bill establishes a committee to study innovation in the delivery of health care.

This bill also requires hospitals to pay a one-time special assessment to the health services and planning review board for the purposes of developing the state health plan.

**Amendment to SB 319-FN  
(2014-1720h)**

**Proposed by the Majority of the Committee on Judiciary-r**

Amend the introductory paragraph of RSA 132:38, I as inserted by section 2 of the bill by replacing it with the following:

I. No person shall knowingly enter or remain on a public way or sidewalk adjacent to a reproductive health care facility within a radius up to 25 feet of any portion of an entrance, exit, or driveway of a reproductive health care facility. This section shall not apply to the following:

Amend RSA 132:38, II and III as inserted by section 2 of the bill by replacing them with the following:

II. Reproductive health care facilities shall clearly demarcate the zone authorized in paragraph I and post such zone with signage containing the following language:

*Reproductive Health Center*

*Patient Safety Zone*

*No Congregating, Patrolling, Picketing, or Demonstrating Between Signs*

*Pursuant to RSA 132:38*

III. Prior to posting the signage authorized under paragraph II, a reproductive health care facility shall consult with local law enforcement and those local authorities with responsibilities specific to the approval of locations and size of the signs to ensure compliance with local ordinances.

IV. The provisions of this section shall only be effective during the facility's business hours.

Amend RSA 132:39 as inserted by section 2 of the bill by replacing it with the following:

132:39 Enforcement; Civil Fine.

I. Prior to issuing a citation for a violation of this section, a police officer or any law enforcement officer shall issue one written warning to an individual. If the individual fails to comply after one warning, such individual shall be given a citation. Failure to comply after one warning shall be cause for citation whether or not the failure or subsequent failures are contemporaneous in time with the initial warning.

II. Any person who violates this subdivision shall be guilty of a violation and shall be charged a minimum fine of \$100. In addition, the attorney general or the appropriate county attorney may bring an action for injunctive relief to prevent further violations of this subdivision.

III. This section shall not apply unless the signage authorized in RSA 132:38, II was in place at the time of the alleged violation.

Amend the bill by replacing section 3 with the following:

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

#### **Amendment to SB 321**

**(2014-1760h)**

#### **Proposed by the Committee on Public Works and Highways-c**

Amend the bill by replacing section 1 with the following:

1 Motorist Service Signing Program; Fees. Amend RSA 230:49 to read as follows:

230:49 Motorist Service Signing Program Established; Signs.

I. The location of essential motorist services, including food, fuel, lodging, camping, and attractions, on connecting service roads within 3 miles of the intersection with the limited access highway, within 5 miles for a campground, within 20 miles for an attraction, or within 1 mile of the intersection in urban compact areas, may be indicated to users of the limited access facility by appropriate signs, the specifications of which shall be determined by the commissioner of transportation. The distance specified shall be measured by computing the travel length from the terminal of an exit ramp to the nearest point along the public highway where the nearest existing driveway entrance to the service is reached. ***Motorist service signs indicating the location of an attraction, but not food, fuel, lodging, or camping, may be placed in advance of intersections on limited access highways.***

II. Signs permitted under paragraph I may be rented for a fee established by rules adopted by the commissioner of transportation pursuant to RSA 541-A. ***The cost of design, construction, maintenance, and installation of any signage or replacement signage authorized under paragraph I shall not be a charge to the state.*** [The amount of the fee charged to any participant shall be reasonable and equitable and not exceed a fair portion of the full cost of administering the motorist service signing program, including labor, equipment, maintenance, and material costs for state and contract services.] ***Alternatively, the commissioner may contract with a private entity to administer the program; fees shall be in accordance with the contract and forwarded to the commissioner by the administering entity.*** The sum of the fees collected shall be sufficient to ensure the motorist service sign program is self-supporting.

2014-1760h

#### **AMENDED ANALYSIS**

This bill authorizes motorist service signs indicating the location of an attraction in advance of intersections on limited access highways. This bill also authorizes the commissioner of transportation to contract with a private entity to administer the motorist service signing program and eliminates restrictions on fees charged to participants.

#### **Amendment to SB 355**

**(2014-1378h)**

#### **Proposed by the Committee on Education-r**

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

AN ACT relative to student social media policies by educational institutions.

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

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

Educational Institution Policies on Social Media

189:65 Educational Institution Policies on Social Media.

I. An educational institution shall not:

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

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

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

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

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

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

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

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

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

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

IV. In this section:

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

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

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

2014-1378h

#### AMENDED ANALYSIS

This bill specifies permissible conduct by an educational institution regarding access to a student's social media account.

#### Amendment to SB 369-FN-A

(2014-1803h)

#### Proposed by the Majority of the Committee on Ways and Means-r

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

AN ACT relative to the Medicaid enhancement tax.

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

1 New Paragraph: Medicaid Enhancement Tax; Definition; Inpatient Hospital Services. Amend RSA 84-A:1 by inserting after paragraph III the following new paragraph:

III-a. "Inpatient hospital services" means those services that are classified as inpatient hospital services for purposes of section 1903(w) of the Social Security Act, and are defined in 42 C.F.R. section 440.10, regardless of the patient receiving the service or the payor for that service.

2 New Paragraph: Medicaid Enhancement Tax; Definition; Outpatient Hospital Services. Amend RSA 84-A:1 by inserting after paragraph IV-a the following new paragraph:

IV-b. "Outpatient hospital services" means those services that are classified as outpatient hospital services for purposes of section 1903(w) of the Social Security Act, and are defined in 42 C.F.R. section 440.20, regardless of the patient receiving the service or the payor for that service.

3 Medicaid Enhancement Tax; Definition; Net Patient Services Revenue. Amend RSA 84-A:1, IV-a to read as follows:

IV-a. "Net patient services revenue" means the gross charges of the hospital *for inpatient and outpatient hospital services* less any deducted amounts for bad debts, charity care, and payor discounts. "Net patient services revenue" shall include revenues received from the state's uncompensated care account and revenues received from all payers of inpatient and outpatient ~~[patient care]~~ *hospital services*.

4 Imposition of Tax. Amend RSA 84-A:2 to read as follows:

84-A:2 Imposition of Tax. A *health care-related* tax is imposed at a rate of 5.5 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending during the first full calendar year preceding the taxable period.

5 Tax Due. RSA 84-A:3 is repealed and reenacted to read as follows:

84-A:3 Tax Due.

I. For the taxable period beginning July 1, 2014, and for every taxable period thereafter, each hospital shall pay 25 percent of its Medicaid enhancement tax due and payable for the taxable period no later than the fifteenth day of October, January, March, and June of the taxable period. Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before the last day of the month in which such payment is due.

II. If the return required by RSA 84-A:4 shows an additional amount of tax to be due, such additional amount is due and payable at the time the return is due.

6 Returns. Amend RSA 84-A:4 to read as follows:

84-A:4 Returns. Every hospital shall on or before the ~~tenth~~ **fifteenth** day of ~~the month following the expiration of~~ **June in** the taxable period make a return to the commissioner. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it must contain for the correct computation of net patient services revenue and the tax assessed upon such amount. All returns shall be signed by the taxpayer or by its authorized representative, subject to the pains and penalties of perjury. If such return shows an overpayment of the tax due, the commissioner shall refund or credit the overpayment to the hospital in accordance with RSA 21-J:28-a.

7 Method of Payment; Reference Corrected. Amend RSA 84-A:5, I to read as follows:

I. The payments required by RSA 84-A:3~~[, H-a]~~ shall be made by electronic transfer of moneys to the state treasurer and deposited to the uncompensated care fund established by RSA 167:64.

8 New Sections; Medicaid Enhancement Taxes; Declaration of Intent; Severability. Amend RSA 84-A by inserting after section 13 the following new sections:

84-A:14 Declaration of Intent. It is the declared intent of this chapter to provide for the consistent, equitable, and rational taxation of revenue received from inpatient hospital services and outpatient hospital services, which are 2 separate and distinct classes of property and are permissible classes of health care-related services which may be taxed in accordance with federal law to ensure access to Federal Financial Participation. In addition, it is the declared intent of this chapter to enact a health care-related tax, as permitted under section 1903(w) of the Social Security Act, upon the revenue derived from inpatient and outpatient hospital services, which are distinct from other classes of health care services, are subject to a different reimbursement methodology for public payors, are subject to different licensing and certification requirements, are potentially eligible for uncompensated care payments under the disproportionate share hospital program, and which provide a necessary, rational, and demonstrated public health benefit.

84-A:15 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable. This severability clause shall apply to the application of this chapter to revenue from inpatient hospital services and outpatient hospital services, such that the invalidity of either shall not affect the application of the statute to the other.

9 Uncompensated Care Fund. Amend RSA 167:64 to read as follows:

167:64 Uncompensated Care Fund.

I. There is hereby established in the state treasury an uncompensated care fund which shall consist of the moneys collected pursuant to RSA 84-A. Investment earnings of the fund shall be credited to the fund. Moneys paid into the fund shall be exempt from any state budget reductions, and the commissioner is authorized to expend these funds, together with matching federal funds, as follows:

(a)(1) The commissioner may provide reimbursement for uncompensated care costs in accordance with the approved schedule of payments through either Medicaid rate adjustments or disproportionate share hospital payment adjustments, or a combination thereof, provided however that no hospital shall receive any such reimbursement for uncompensated care costs unless it is a qualified hospital as defined in subparagraph (b)(1). Funds available under this section shall also be used to make medical provider payments and to support ~~the state's Medicaid enhancement tax unrestricted revenue account~~, **public assistance programs administered by the department pursuant to this chapter** in amounts directed by the budget in each year of the biennium. Expenditure of revenues deposited to the uncompensated care fund shall be made for the following purposes in the following order of priority:

(A) To support medical provider payments as budgeted in each year of the biennium;

(B) ~~To support the state's Medicaid enhancement tax unrestricted revenue account as budgeted in each year of the biennium;~~

(C) To make disproportionate share hospital payments to support up to 75 percent of the uncompensated care costs of New Hampshire's hospitals with critical access designation as available funding allows, to be shared among such hospitals in proportion to the amount of uncompensated care provided;

~~[(D)]~~ (C) To make a disproportionate share hospital payment to each hospital that meets the criteria set forth for “deemed disproportionate share hospitals” as that term is defined under 42 U.S.C. section 1396r-4 ~~[in]~~ **up to** an amount as budgeted in each year of the biennium **based on available funding**;

~~[(E)]~~ (D) To support the uncompensated care costs of New Hampshire’s hospitals without critical access designation **up to an amount as budgeted in each year of the biennium based on available funding** in proportion to the amount of uncompensated care provided by each hospital consistent with the requirements of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated thereunder; and

~~[(F) Any remaining funds produced from the Medicaid enhancement tax shall be used]~~ (E) To reduce hospital losses associated with providing services to Medicaid recipients through an increase in provider reimbursement rates **up to an amount as budgeted in each year of the biennium based on available funding**; and

**(F) Any remaining funds produced from the Medicaid enhancement tax shall be used to support public assistance programs administered by the department pursuant to this chapter.**

(2) Should funds be inadequate to make a disproportionate share hospital payment to hospitals within either of the groups identified in subparagraph ~~[(1)(C)]~~ **(1)(B)** or ~~[(1)(E)]~~ **(1)(D)**, an amount of \$1,000,000 shall be designated to make payments in accordance with 42 U.S.C. section 1396r-4(b) and distributed as follows:

(A) Equally to each group of hospitals should both groups be impacted, and distributed among each of the hospitals within each group in proportion to the amount of uncompensated care provided; or

(B) If only hospitals in subparagraph ~~[(1)(E)]~~ **(1)(D)** are impacted, distributed to those hospitals in proportion to the amount of uncompensated care provided.

(b)(1) The commissioner is hereby authorized and directed to develop and implement a schedule of payments for reimbursement of the uncompensated care costs consistent with the level of funding made available for such payments in each year of the biennium, incurred by those hospitals that are qualified as follows:

(A) The hospital is a “deemed disproportionate share hospital” as defined by criteria set forth under 42 U.S.C. section 1396r-4 and is not otherwise receiving a disproportionate share hospital payment, or

(B) The hospital participates in the provider network of the state Medicaid Care Management program ~~[which shall be evidenced by written proof of an agreement in principle by July 1, 2013 with a final agreement by August 1, 2013].~~

(2) The reimbursement of uncompensated care costs paid in state fiscal year 2014 and state fiscal year 2015 **and thereafter** shall be in accordance with the schedule of payments to hospitals that takes effect on or after July 1, 2013, subject to the prior review and approval of the federal Centers for Medicare and Medicaid Services, and shall be structured in a manner that is consistent with all federal laws and regulations governing (i) Title XIX disproportionate share hospital payment adjustments and other rate payments, (ii) conditions for receiving federal financial participation, and (iii) permissible sources of state financial participation as provided for under 42 C.F.R. part 433 and all other applicable federal regulations.

(c) For purposes of this section, uncompensated care costs shall include: any charity care cost, and any portion of Medicaid-covered patient care costs unreimbursed by Medicaid payments, that the commissioner determines would meet the criteria under 42 U.S.C. section 1396r-4(g) governing hospital-specific limits on disproportionate share hospital payments under Title XIX of the Social Security Act and the provisions of all federal regulations promulgated thereunder.

(d) One percent of the funds made available for uncompensated care payments shall be placed in a separate class line reserved for the expenses of the department in administering this subdivision.

II. Moneys in the uncompensated care fund shall be continually appropriated to the department for the purposes of this subdivision.

~~[III. The balance of the moneys remaining in the fund at the end of each fiscal year shall lapse into the general fund.]~~

10 Operating Budget; Department of Health and Human Services; Provider Payments. Amend 2013, 143.1, 05, 95, 47, 470010, 7940, estimated source of funds for provider payments, to read as follows:

ESTIMATED SOURCE OF FUNDS FOR  
PROVIDER PAYMENTS

|                       |                                            |                                            |
|-----------------------|--------------------------------------------|--------------------------------------------|
| 007 Agency Income     | 18,601,359                                 | 19,078,123                                 |
| 009 Agency Income     | <del>[81,691,149]</del> <b>153,891,149</b> | <del>[90,291,149]</del> <b>163,991,149</b> |
| FEDERAL FUNDS         | 229,814,212                                | 219,781,567                                |
| GENERAL FUNDS         | <del>[115,098,935]</del> <b>42,898,935</b> | <del>[95,750,212]</del> <b>22,050,212</b>  |
| TOTAL SOURCE OF FUNDS | 445,205,655                                | 424,901,051                                |

11 Estimates Revenues. Amend 2013, 143:17 to read as follows:

143:17 Estimates of Unrestricted Revenue.

| GENERAL FUND            | FY 2014           | FY 2015           |
|-------------------------|-------------------|-------------------|
| BUSINESS PROFITS TAX    | \$276,010,000     | \$281,700,000     |
| BUSINESS ENTERPRISE TAX | <u>73,600,000</u> | <u>75,100,000</u> |
| SUBTOTAL BUSINESS TAXES | 349,610,000       | 356,800,000       |

|                                             |                       |                                               |
|---------------------------------------------|-----------------------|-----------------------------------------------|
| MEALS AND ROOMS TAX                         | 242,400,000           | 247,360,000                                   |
| TOBACCO TAX                                 | 127,000,000           | 121,900,000                                   |
| TRANSFER FROM LIQUOR                        | 133,400,000           | 136,800,000                                   |
| INTEREST AND DIVIDENDS TAX                  | 96,100,000            | 98,000,000                                    |
| INSURANCE                                   | 86,900,000            | 109,500,000                                   |
| COMMUNICATIONS TAX                          | 62,500,000            | 62,500,000                                    |
| REAL ESTATE TRANSFER TAX                    | 63,575,000            | 64,835,000                                    |
| COURT FINES & FEES                          | 13,000,000            | 13,000,000                                    |
| SECURITIES REVENUE                          | 37,600,000            | 37,600,000                                    |
| UTILITY CONSUMPTION TAX                     | 6,000,000             | 6,000,000                                     |
| BOARD AND CARE                              | 27,500,000            | 28,200,000                                    |
| BEER TAX                                    | 13,200,000            | 13,200,000                                    |
| OTHER REVENUES                              | 77,200,000            | 77,500,000                                    |
| TOBACCO SETTLEMENT                          | 2,400,000             | 1,900,000                                     |
| SUBTOTAL                                    | 1,338,385,000         | 1,375,095,000                                 |
| <del>MEDICAID ENHANCEMENT TAX</del>         | <del>72,200,000</del> | <del>73,700,000</del>                         |
| MEDICAID RECOVERIES                         | 5,400,000             | 5,400,000                                     |
| TOTAL GENERAL FUND                          | 1,343,785,000         | <del>1,381,995,000</del> <b>1,380,495,000</b> |
| EDUCATION FUND                              | <u>FY 2014</u>        | <u>FY 2015</u>                                |
| BUSINESS PROFITS TAX                        | 58,550,000            | 59,800,000                                    |
| BUSINESS ENTERPRISE TAX                     | <u>149,440,000</u>    | <u>152,600,000</u>                            |
| SUBTOTAL BUSINESS TAXES                     | 207,990,000           | 212,400,000                                   |
| MEALS AND ROOMS TAX                         | 7,800,000             | 7,840,000                                     |
| TOBACCO TAX                                 | 74,600,000            | 71,600,000                                    |
| REAL ESTATE TRANSFER TAX                    | 31,325,000            | 31,925,000                                    |
| TRANSFER FROM LOTTERY                       | 73,100,000            | 75,000,000                                    |
| TRANSFER FROM RACING<br>& CHARITABLE GAMING | 3,400,000             | 3,400,000                                     |
| TOBACCO SETTLEMENT                          | 40,000,000            | 40,000,000                                    |
| UTILITY PROPERTY TAX                        | 34,500,000            | 35,400,000                                    |
| STATEWIDE PROPERTY TAX                      | <u>363,600,000</u>    | <u>363,600,000</u>                            |
| TOTAL EDUCATION FUND                        | <u>836,315,000</u>    | <u>841,165,000</u>                            |
| HIGHWAY FUND                                | <u>FY 2014</u>        | <u>FY 2015</u>                                |
| GASOLINE ROAD TOLL                          | 122,750,000           | 122,050,000                                   |
| MOTOR VEHICLE FEES                          | 109,473,000           | 109,873,000                                   |
| MISCELLANEOUS                               | <u>15,800,000</u>     | <u>15,000,000</u>                             |
| TOTAL HIGHWAY FUND                          | <u>248,023,000</u>    | <u>246,923,000</u>                            |
| FISH AND GAME FUND                          | <u>FY 2014</u>        | <u>FY 2015</u>                                |
| FISH AND GAME LICENSES                      | 8,500,000             | 8,500,000                                     |
| FINES AND MISCELLANEOUS                     | <u>1,644,000</u>      | <u>1,644,000</u>                              |
| TOTAL FISH AND GAME FUND                    | <u>10,144,000</u>     | <u>10,144,000</u>                             |

12 Applicability. Sections 1-4, 8, and 9 of this act shall take effect upon its passage and shall apply to taxable periods beginning on or after July 1, 2013.

13 Medicaid Enhancement Tax; Definition; Hospital Changed to Health Care Provider. RSA 84-A:1, III is repealed and reenacted to read as follows:

III. "Health care provider" shall mean any person or entity which provides health care services set forth in 42 C.F.R. section 433.56 (a) (1), (2), (9), (15), (17) and (18) and which has a net patient services revenue in excess of \$500,000.

14 Medicaid Enhancement Tax; Definition; Net Patient Services Revenue. RSA 84-A:1, IV-a is repealed and reenacted to read as follows:

IV-a. "Net patient services revenue" means the gross charges of any health care provider not specifically exempted from the provisions of this chapter for health care services set forth in 42 C.F.R. section 433.56(a) (1), (2), (9), (15), (17), and (18) less any deducted amounts for bad debts, charity care, and payor discounts. "Net patient services revenue" shall include revenues received from the state's uncompensated care account and revenues received from all payers of health care services set forth in 42 C.F.R. section 433.56(a)(1), (2), (9), 15, 17, and 18.

15 Imposition of Tax. RSA 84-A:2 is repealed and reenacted to read as follows:

**84-A:2 Imposition of Tax.**

I. For the taxable period beginning July 1, 2014 and ending June 30, 2015, a tax is imposed at a rate of 5 percent upon the net patient services revenue of every health care provider for the health care provider's fiscal year ending during the first full calendar year preceding the taxable period.

II. For each taxable period beginning July 1, 2015 and every taxable period thereafter, the commissioner of revenue administration shall calculate the tax rate for such taxable period. The rate shall be a maximum of 5 percent but shall be reduced in order to produce the same amount of revenue received in the taxable period ending June 30, 2015. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The certification of the tax rate to be applied in each taxable period beginning with the taxable period ending June 30, 2016; and

(b) The forms and any information that shall be furnished to the department from health care provider's for certification of the tax rate.

16 New Section; Medicaid Enhancement Tax; Exemptions. Amend RSA 84-A by inserting after section 2 the following new section:

84-A:2-a Exemptions. The tax and reporting duties imposed pursuant to this chapter shall not apply to the following entities and activities:

I. Nursing homes and other residential care facilities, such as board and care homes, adult foster homes, boarding care homes, and adult day care centers.

II. Home health agencies.

III. Providers of personal care services.

IV. Providers of private duty nursing services.

V. An entity that employs health care providers to service only their employees.

VI. An educational institution that provides services to its students, if it does not charge for extended coverage.

VII. Services provided to nursing homes and in connection with assisted living and congregate housing programs.

VIII. Examinations for insurance, employment, and litigation.

IX. Mental health services.

X. Hospice services.

XI. Residential services for the developmentally disabled.

XII. Any ambulance services paid for or furnished by the federal government or any state or municipal public body pursuant to 42 C.F.R. section 433.68(c).

17 Change From "Hospital" to "Health Care Provider." Amend the following RSA provisions by replacing "hospital" or "hospitals" with "health care provider" or "health care providers:" 84-A:1, VI, 84-A:6, 84-A:7, 84-A:8.

18 Repeal. The following are repealed:

I. 84-A:1, III-a, relative to the definition of inpatient hospital services.

II. 84-A:1, IV-b, relative to the definition of outpatient hospital services.

19 Contingency. If the provisions inserted by section 1-4 of this act are found unconstitutional, then sections 13-18 of this act shall take effect on the date on which the commissioner of revenue administration certifies to the secretary of state and the director of legislative services that sections 1-4 have been found to be unconstitutional.

20 Effective Date.

I. Sections 5-7 of this act shall take effect July 1, 2014.

II. Sections 13-18 of this act shall take effect as provided in section 19 of this act.

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

2014-1803h

#### AMENDED ANALYSIS

This bill revises services taxable under the Medicaid enhancement tax and clarifies that the Medicaid enhancement tax is a health care-related tax. The bill inserts certain contingency provisions, including a provision changing the rate of the tax, which will take effect if the original revisions made by the bill are found unconstitutional. The bill also changes payment of the tax to 4 times per year.

#### Amendment to SB 374

(2014-1694h)

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

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

AN ACT relative to defining residence and establishing a commission to review and make recommendations to clarify the residency requirements to register a motor vehicle in New Hampshire.

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

1 Statutory Construction; Resident; Residence. Amend RSA 21:6 and RSA 21:6-a to read as follows:

21:6 Resident; ~~Inhabitant~~. A resident ~~[or inhabitant or both]~~ of this state and of any city, town, or other political subdivision of this state shall be a person who ~~[is domiciled or]~~ has a place of abode ~~[or both in this state and]~~ in any city, town, or other political subdivision of this state, and who has, through all of his **or her** actions, demonstrated a current intent to designate that place of abode as his **or her** principal place of physical presence for the indefinite future to the exclusion of all others.

21:6-a Residence. Residence or residency shall mean a person's place of abode ~~[or domicile]~~. The place of abode ~~[or domicile]~~ is that designated by a person as his **or her** principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is an intent to return to such residence or residency as the principal place of physical presence.

2 New Chapter; Commission to Review and Make Recommendations to Clarify the Residency Requirements to Register a Motor Vehicle in New Hampshire. Amend RSA by inserting after chapter 19-N the following new chapter:

CHAPTER 19-O  
COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS TO CLARIFY  
THE RESIDENCY REQUIREMENTS  
TO REGISTER A MOTOR VEHICLE IN NEW HAMPSHIRE

19-O:1 Commission to Review and Make Recommendations to Clarify the Residency Requirements to Register a Motor Vehicle in New Hampshire.

I. There is established a commission to review and make recommendations to clarify the residency requirements to register a motor vehicle in New Hampshire.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) One member of the senate, appointed by the minority leader of the senate.
- (c) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (d) One member of the house of representatives, appointed by the minority leader of the house of representatives.

(e) The director of the division of motor vehicles, department of safety, or designee.

(f) A city clerk or designee appointed by the New Hampshire City and Town Clerks' Association.

(g) A town clerk appointed by the New Hampshire City and Town Clerks' Association

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

IV. The commission shall review the various references to resident and residency in state statutes relating to motor vehicles and make recommendations on changes needed to make the rules and regulations easier to understand and interpret for the benefit of the public and public officials.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member appointed by the president of the senate. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislative action in the 2015 session to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 30, 2014.

3 Repeal. RSA 19-O, relative to the commission to review and make recommendations to clarify the residency requirements to register a motor vehicle in New Hampshire, is repealed.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Section 3 of this act shall take effect November 30, 2014.

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

2014-1694h  
AMENDED ANALYSIS

This bill deletes inhabitant from the definition of resident for purposes of statutory construction. This bill also establishes a commission to review and make recommendations to clarify the residency requirements to register a motor vehicle in New Hampshire.

**Amendment to SB 390  
(2014-1701h)**

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

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

AN ACT establishing a committee to study the protection of employees from domestic violence.

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.  
Amend the bill by replacing section 2 with the following:

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

2014-1701h

#### AMENDED ANALYSIS

The bill establishes a committee to study the protection of employees from domestic violence.

#### Amendment to SB 396

(2014-1704h)

#### Proposed by the Committee on Executive Departments and Administration-c

Amend RSA 126-U:1, IV(d)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) ~~[Holding a child to calm or comfort the child, holding a child's hand or arm to escort the child safely from one area to another, or intervening in an ongoing assault or fight]~~ **Brief touching or holding to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur.**

Amend the bill by deleting section 4 and renumbering the original sections 5-12 to read as 4-11 respectively.  
Amend the bill by replacing all after section 6 with the following:

7 New Section; Notice and Record-Keeping Requirements for Foster Family Homes. Amend RSA 126-U by inserting after section 7 the following new section:

126-U:7-a Notice and Record-Keeping Requirements for Foster Family Homes. Notwithstanding RSA 126-U:7, foster family homes, as defined in RSA 170-E:25, shall keep records and provide notice of incidents involving seclusion or restraint, according to rules adopted pursuant to RSA 541-A by the commissioner of the department of human services. The rules shall provide for timely notice to parents or guardians, which may be provided through the department. In cases involving serious injury or death to a child subject to seclusion or restraint in a foster home, the rules shall provide for timely notification to the commissioner of the department of health and human services, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities.

8 Notice and Record-Keeping Requirements; Investigations and Review. Amend RSA 126-U:7 through 126-U:10 to read as follows:

126-U:7 Notice and Record-Keeping Requirements.

I. Unless prohibited by court order, the facility or school shall, ~~[within 24 hours,]~~ make reasonable efforts to verbally notify the child's parent or guardian and guardian ad litem whenever **seclusion or** restraint has been used on the child. **Such notification shall be made as soon as practicable and in no event later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time.**

II. A facility employee or school employee who uses **seclusion or** restraint, or if the facility employee or school employee is unavailable, a supervisor of such employee, shall, within 5 business days after the occurrence, submit a written notification containing the following information to the director or his or her designee:

- (a) The date, time, and duration of the use of **seclusion or** restraint.
- (b) A description of the actions of the child before, during, and after the occurrence.
- (c) A description of any other relevant events preceding the use of **seclusion or** restraint, including the justification for initiating the use of restraint.
- (d) The names of the persons involved in the occurrence.
- (e) A description of the actions of the facility or school employees involved before, during, and after the occurrence.
- (f) A description of any interventions used prior to the use of the **seclusion or** restraint.
- (g) A description of the **seclusion or** restraint used, including any hold used and the reason the hold was necessary.
- (h) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the use of **seclusion or** restraint.
- (i) A description of any property damage associated with the occurrence.
- (j) A description of actions taken to address the emotional needs of the child during and following the ~~[restraint]~~ incident.
- (k) A description of future actions to be taken to control the child's problem behaviors.
- (l) The name and position of the employee completing the notification.
- (m) The anticipated date of the final report.

III. Unless prohibited by court order, the director or his or her designee shall, within 2 business days of receipt of the notification required in paragraph II, send or transmit by first class mail or electronic transmission to the child's parent or guardian and the guardian ad litem the information contained in the

notification. Each notification prepared under this section shall be retained by the school or facility for review in accordance with rules adopted under RSA 541-A by the state board of education and the department of health and human services.

**IV. Whenever a facility or school employee has intentional physical contact with a child which is in response to a child's aggression, misconduct, or disruptive behavior, a representative of the school or facility shall make reasonable efforts to promptly notify the child's parent or guardian. Such notification shall be made no later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time.**

**V. In any case requiring notification under paragraph IV, the school or facility shall, within 5 business days of the occurrence, prepare a written description of the incident. Such description shall include at least the following information:**

- (a) The date and time of the incident.**
- (b) A brief description of the actions of the child before, during, and after the occurrence.**
- (c) The names of the persons involved in the occurrence.**
- (d) A brief description of the actions of the facility or school employees involved before, during, and after the occurrence.**
- (e) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the incident.**

**VI. The notification and record-keeping requirements of paragraphs IV and V shall not apply in the following circumstances:**

**(a) When a child is escorted from an area by way of holding of the hand, wrist, arm, shoulder, or back to induce the child to walk to a safe location. However, if the child is actively combative, assaultive, or self-injurious while being escorted, the requirements of paragraphs IV and V shall apply.**

**(b) When actions are taken such as separating children from each other, inducing a child to stand, or otherwise physically preparing a child to be escorted.**

**(c) When the contact with the child is incidental or minor, such as for the purpose of gaining a misbehaving child's attention. However, blocking of a blow, forcible release from a grasp, or other significant and intentional physical contact with a disruptive or assaultive child shall be subject to the requirements.**

**(d) When an incident is subject to the requirements of paragraphs I-III.**

126-U:8 Review of Restraint Records by Department of Education.

**I. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to:**

**(a) ~~[Establishing a process for]~~ Periodic, regular review *by the department of education* of records ~~[of restraint usage kept by schools and]~~ *maintained by schools relative to the use of seclusion and restraint.***

**(b) ~~[Providing a process for complaints and investigations of reports]~~ *A process for the department of education's receipt of complaints and its conduct of investigations* of improper use of *seclusion and restraint* in schools. *The process shall provide for:***

**(1) *Investigation of complaints regarding any violation of this chapter, regardless of whether injury results.***

**(2) *Investigation by persons not affiliated with the school district which is the subject of the complaint.***

**(3) *Resolution of complaints and completion of investigations within 30 days, with provision for limited extensions for good cause.***

**(4) *Protection of children before and after completion of the investigation.***

**(5) *Appropriate remedial measures to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of this chapter.***

**II. Beginning November 1, 2010, and each November 1 thereafter, the state board of education shall provide an annual report to the ~~[chairperson of the children and family law committee of the]~~ *chairpersons of the education committees of the senate and* house of representatives regarding the use of *seclusion and restraint* in schools. The annual report shall be prepared from the periodic, regular review of such records, and shall include the number and location of reported incidents and the status of any outstanding investigations.**

126-U:9 Review of Restraint Records by Department of Health and Human Services.

**I. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to:**

**(a) ~~[Establishing a process for]~~ Periodic, regular review ~~[of]~~ *by the department of health and human services* of records ~~[of restraint usage kept]~~ *maintained by facilities regarding the use of seclusion and restraint.* ~~[and providing a process for complaints and investigations of reports]~~**

**(b) A process for the department's receipt of complaints and its conduct of investigations of reports of improper use of seclusion and restraint in facilities, which may be through the department of health and human services, office of the ombudsman, or otherwise. The process shall provide for:**

**(1) Investigation of complaints regarding any violation of this chapter, regardless of whether injury results.**

**(2) Investigation by persons not affiliated with the facility which is the subject of the complaint.**

**(3) Resolution of complaints and completion of investigations within 30 days, with provision for limited extensions for good cause.**

**(4) Protection of children before and after completion of the investigation.**

**(5) Appropriate remedial measures to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of this chapter.**

**II.** Beginning November 1, 2010, and each November 1 thereafter, the commissioner of the department of health and human services shall provide an annual report to the ~~[chairperson of the children and family law committee of the house of representatives]~~ **committees of the house of representatives and the senate with jurisdiction over health and human services and over children and family law**, regarding the use of **seclusion and restraint** in facilities. The annual report shall be based on the periodic, regular review of such records and shall include the number and location of reported incidents and the status of any outstanding investigations.

**126-U:10 Injury or Death During Incidents of Restraint or Seclusion.**

I. In cases involving serious injury or death to a child subject to restraint **or seclusion** in a facility, the facility shall, in addition to the provisions of RSA 126-U:7, notify the commissioner of the department of health and human services, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the notification required in RSA 126-U:7, II. **The department of health and human services shall annually notify facilities of their responsibilities under this section and provide contact information for the persons to be notified.**

II. In cases involving serious injury or death to a child subject to restraint **or seclusion** in a school, the school shall, in addition to the provisions of RSA 126-U:7, notify the commissioner of the department of education, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the written notification required in RSA 126-U:7, II. **The department of education shall annually notify schools of their responsibilities under this section and provide contact information for the persons to be notified.**

9 New Section; School Review of Restraint and Seclusion Incidents. Amend RSA 126-U by inserting after section 13 the following new section:

**126-U:14 School Review Following the Use of Restraint or Seclusion.** Upon information that restraint or seclusion has been used for the first time upon a child with a disability as defined in RSA 186-C:2, I or a child who is receiving services under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 701, and its implementing regulations, the school shall review the individual educational program and/or Section 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion. A parent or guardian of a child with a disability may request such a review at any time following an instance of restraint or seclusion and such request shall be granted if there have been multiple instances of restraint or seclusion since the last review.

10 Rulemaking. The state board of education and department of health and human services shall commence rulemaking under RSA 541-A, as required by RSA 126-U:7-a, RSA 126-U:8, and RSA 126-U:9, no later than 60 days after the effective date of this act. Such rulemaking shall include the modification of existing rules to achieve compliance with this act.

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

2014-1704h

#### AMENDED ANALYSIS

This bill revises the chapter limiting the use of child restraint practices in facilities and schools and further regulates the use of seclusion and restraint in such programs.

#### Amendment to SB 405-FN

(2014-1664h)

#### Proposed by the Committee on Ways and Means-r

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

AN ACT requiring the certification of airborne radon mitigation systems.

Amend the bill by replacing section 1 with the following:

1 New Section; Airborne Radon Mitigation Installer Certification Required. Amend RSA 310-A by inserting after section 189 the following new section:

**310-A:189-a Airborne Radon Mitigation Installer Certification Required.**

I.(a) Any person engaged in the design or installation of airborne radon mitigation devices in New Hampshire shall hold a current certification from either the National Radon Proficiency Program offered by the American Association of Radon Scientists and Technologists, Inc., or the National Radon Safety Board.

(b) A person certified under subparagraph (a) shall be responsible for all workers who, under his or her supervision, perform tasks necessary to install an airborne radon mitigation device. Workers performing such tasks under the supervision of a person so certified shall not be required to be certified under subparagraph (a).

II. The board of home inspectors shall inform the public through their website that persons engaged in designing or installing airborne radon mitigation devices shall be certified under paragraph I and shall provide links to the websites of the certifying organizations.

III. Whoever falsely claims to be certified under this section through advertising, signage, or other written or oral representation shall be guilty of a violation if a natural person or guilty of a class B misdemeanor if any other person.

2014-1664h

**AMENDED ANALYSIS**

This bill requires the certification of airborne radon mitigation system installers.

**NOTICE**

The 40th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Legislative Golf Tournament for the benefit of the American Heart Association is scheduled for **Friday, June 13<sup>th</sup>** at Beaver Meadow Golf Club located in Concord, NH. The entry fee for this annual tournament is \$80.00 per legislator and legislative staff and \$100.00 for all others. Entry fees must be received by Friday, June 6<sup>th</sup>. Registration begins at 7:15 a.m. and the shotgun start is scheduled for 8:30 a.m. The format is a "Scramble".

Sign-up as a foursome or sign-up by yourself in order to be placed in a foursome (*subject to availability of open slots*).

**Please return your completed entry form and payment no later than June 6<sup>th</sup>.** (*Please note that, for planning purposes, payment must be made no later than June 6th. All entry forms received after Friday, June 6th will be assessed a \$25 late admittance fee per player. Cancellation must occur two weeks prior to the tournament date to receive a refund*)

**Checks should be made payable to:** NH Legislative Golf Committee.

**Mail to:** Bob Blaisdell, Demers & Blaisdell, Inc., 72 North Main Street, Suite 301, Concord, NH 03301.

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**40<sup>th</sup> Annual Bill White & Junie Blaisdell  
Ceremonial & Memorial Legislative Golf Tournament  
Beaver Meadow Golf Course  
Concord, NH**

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2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

Telephone: \_\_\_\_\_ Amount Enclosed: \_\_\_\_\_

## NOTICE

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

Anyone who was a **member of the Legislature in 2013** and all state agencies are entitled to one Journal at no charge, **upon request**. All others interested in obtaining a Journal, as well as any Legislator or state agency requesting additional copies, will be charged for that copy. We estimate the cost for paid volumes to be approximately \$50 each. In addition, if the volume is to be mailed, there will be a \$5.00 shipping & handling charge. Those who order paid copies will be notified *and billed* when the Journals are ready for distribution. **DO NOT** send any money now.

In an effort to contain costs, the number of Journals printed will be determined by the number of advance orders received. Extra copies will not be ordered. Please do not order a Journal if you have no intention of claiming it.

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