



State of
New Hampshire

HOUSE RECORD

First Year of the 164th General Court Calendar and Journal of the 2015 Session

Web Site Address: gencourt.state.nh.us

Vol. 37	Concord, NH	Friday, December 18, 2015	No. 67
---------	-------------	---------------------------	--------

Contains: House Deadlines, Legislative Ethics Financial Disclosure Form, Legislative Ethics Committee Advisory Opinion 2015-4, Committee Reports, Amendments, Meetings and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

Pursuant to Part II, Article 3 of the New Hampshire Constitution, the House will meet on Wednesday, January 6, 2016, at 10:00 a.m. The House will also meet on Thursday, January 7th, and tentatively on Wednesday, January 13th.

As most of you are aware, 2016 will mark the 100th anniversary of New Hampshire's First-In-The-Nation Primary. In light of this major milestone, and as a courtesy to our candidates, I have extended invitations to all the major presidential candidates to address the General Court in January. Interested candidates will speak for 15 minutes at the beginning of a morning or afternoon session. The scheduling is in process, and members will be notified when candidates are confirmed.

Committee reports on retained bills from 2015 are printed in this calendar so please save it for future reference.

There will not be a calendar published next week.

State offices will be closed Friday, December 25th for the Christmas holiday and Friday, January 1st, for the New Year's holiday. The House will take a winter break the week of February 22-26, 2016.

I wish all members and staff a very merry Christmas and a happy holiday season. Please stay safe and have a wonderful time with your families and friends.

Shawn N. Jasper, Speaker

NOTICE

There will be a Republican caucus on **Wednesday, January 6th at 9:00 a.m.** in Representatives Hall.
Rep. Dick Hinch

NOTICE

There will be a Democratic caucus on **Wednesday, January 6th at 9:00 a.m.** in LOB 305-307.
Rep. Stephen Shurtleff

NOTICE

LEGISLATIVE ETHICS COMMITTEE

Required Disclosure Filing

Copies of the "**2016 Financial Disclosure Form**," are being mailed to each member of the House. Members may fill out and file the paper form or file electronically with the Financial Disclosure E-Form available at the following link:

http://gencourt.state.nh.us/ethics/Financial_Disclosure/disclosureEForm.aspx, where you will find instructions on how to fill out the form and how to return it. The PCs in the State House and LOB Cyber Rooms are available for you to use for filling out the forms. If you choose to use the hard copy, please return your form to Rich Lambert in **Room 112 of the State House**. All legislators and legislative officers are required to complete and file a hard copy or E-Form with the Legislative Ethics Committee **no later than January 15, 2016**.

Richard M. Lambert, Executive Administrator
Legislative Ethics Committee

NOTICE

The House Calendar closes at **3:00 p.m. on Wednesdays for scheduling and notices**. It will close at **NOON on Thursdays for Committee Reports**. Please be sure to do your scheduling in order to meet that deadline. *NOTE:* There will be NO calendar the week of Christmas.

CLOSES AT NOON ON WEDNESDAY:
Wednesday, December 30, 2015

AVAILABLE THURSDAY:
Thursday, December 31, 2015

CLOSES AT NOON ON THURSDAY:
Thursday, January 7, 2016
Thursday, January 14, 2016

AVAILABLE FRIDAY:
Friday, January 8, 2016
Friday, January 15, 2016
Paul C. Smith, Clerk of the House

2016 HOUSE DEADLINES

Wednesday, January 6, 2016
Thursday, February 4, 2016
Thursday, February 11, 2016
Thursday, March 3, 2016
Thursday, March 10, 2016
Thursday, March 17, 2016
Thursday, March 24, 2016
Thursday, April 14, 2016
Thursday, April 21, 2016
Thursday, May 5, 2016
Thursday, May 12, 2016
Thursday, May 19, 2016
Thursday, May 26, 2016
Thursday, June 2, 2016

Last day to introduce House Legislation
Last day to report House Bills going to a second committee
Last day to act on House Bills going to a second committee
Last day to report House Bills not in a second committee
Last day to act on House Bills not in a second committee
Last day to report all House Bills
CROSSOVER Last day to act on all House Bills
Last day to report Senate Bills going to a second committee
Last day to act on Senate Bills going to a second committee
Last day to report all remaining Senate Bills
Last day to act on all remaining Senate Bills
Last day to form Committees of Conference
Last day to sign Committee of Conference reports
Last day to act on Committee of Conference reports

NOTICE

LEGISLATIVE ETHICS COMMITTEE

The Legislative Ethics Committee has voted to issue the following advisory opinion, which is printed below in its entirety.

Advisory Opinion 2015-4
Response to a Request for an Advisory Opinion
from Senate Legal Counsel Richard J. Lehmann
on Behalf of Senator Gary L. Daniels
(December 1, 2015)

Senate Legal Counsel Richard J. Lehmann has submitted a request for an Advisory Opinion on behalf of Senator Gary L. Daniels about whether, consistent with applicable statutes and the Ethics Guidelines, Senator Daniels may accept payment of the costs of travel, lodging, and meals related to attendance at an event.

According to the information submitted by Attorney Lehmann, Senator Daniels has been invited to attend an event in Philadelphia on December 11-13, 2015, which will be focused on policies that governments and corporations can use to attract and retain veterans of the United States armed forces as employees. The event will consist of seminars concerning these topics, as well as a tour of the Technology Lab at the Comcast Center.

Based on the information provided by Attorney Lehmann about the event's purpose and activities, the event, as described, qualifies as a *bona fide* conference, meeting, seminar or educational program. See Interpretive Ruling 2013-1.

Accordingly, the Committee advises that acceptance of payment for expenses associated with attendance at the event qualifies for the exemption from the prohibition on "Gifts" under RSA 15-B:3, as "Expense Reimbursement" under RSA 15-B:5.

Senator Daniels must report his acceptance of the complimentary travel, lodging, and meals in accordance with RSA 15-B:6.

We appreciate the opportunity to be of assistance.

For the Committee
Honorable Donna Sytek, Chairman
[Vote: 7-0]

WEDNESDAY, JANUARY 6
CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 211, establishing a commission to study domestic affairs. **INEXPEDIENT TO LEGISLATE.**

Rep. Kimberly Rice for Children and Family Law. The concerns contained in this bill were incorporated into an amendment to HB 378, therefore making HB 211 unnecessary. **Vote 14-1.**

HB 249, relative to the award of alimony and the enforcement of orders under RSA 458. **REFER FOR INTERIM STUDY.**

Rep. Debra DeSimone for Children and Family Law. After significant work on this bill, the committee believes that the proposed amendment is not ready for prime time and needs more input from stakeholders. Due to time constraints and recognizing that more work needs to be done on this important issue, the committee recommends interim study. **Vote 16-0.**

HB 378, relative to shared residential responsibility and establishing a commission to study child support and related child care issues. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Debra DeSimone for Children and Family Law. The committee retained 3 study bills, including this bill. The proposed amendment to this bill incorporates issues from the other 2 bills. The amended bill studies the impact of the parental rights statute enacted 10 years ago. It also studies the child support guidelines enacted in 2013. **Vote 15-0.**

HB 405-FN, requiring the department of health and human services to license supervised visitation centers. **INEXPEDIENT TO LEGISLATE.**

Rep. Caroletta Alicea for Children and Family Law. Currently, the criteria to obtain licensing for supervised visitation centers have not yet been written and there is no designated entity to perform the licensing. The committee believes that funding, which is not available, would be necessary to institute licensing. **Vote 16-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 114, relative to grocery sales by stores licensed to sell alcoholic beverages. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bart Fromuth for Commerce and Consumer Affairs. Originally, this bill repealed the requirement that grocery stores and convenience stores maintain a certain inventory of food in order to be licensed to sell alcoholic beverages. The bill's sponsor felt that the food requirement was outdated, arbitrary, and led to a cost for store owners who wanted to sell beer only, with no discernable benefit to the state or the public. While many of the members of the committee agreed with the prime sponsor, it was felt that a specialty beer store license may be a more appropriate avenue to remedy the issue. Under the committee amendment to this legislation, any store owner who wishes to sell beer items without the food requirement may now do so, provided that they stock a variety of 400 or more beer labels. This amendment was supported by beer store owners, almost all committee members, and specialty beer drinkers everywhere. The only opponents were the NH Grocers Association and the NH Liquor Commission. They felt strongly that pairing alcohol with food items has been the law since Prohibition and was fundamental to the fabric of a stable society. It is of note that the state liquor stores do not have this requirement. **Vote 18-2.**

HB 327, relative to investment crowdfunding. **REFER FOR INTERIM STUDY.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would allow New Hampshire-based business to raise equity funds via crowdfunding. Crowdfunding is a method of raising money for a project or venture by collecting small sums from many people, usually on the internet. While the committee is intrigued with the concept and recognizes that internet-based investing will become increasingly popular in the future, we felt there were too many unknowns and unsolved problems to proceed with this bill. The bill would have limited participants to "qualified" investors from New Hampshire. Like most internet activity, crowdfunding is a virtual activity that ignores state boundaries and the federal government has made no mechanism to allow crowdfunding securities. There could be many sales portals in the state. The Bureau of Securities Regulation in the Secretary of State's office would be called on to manage the process, a task they are not prepared for. All of these issues and others caused us to vote for Interim Study on this interesting idea. **Vote 19-0.**

HB 356, exempting persons using private virtual currencies for internet commerce from the licensing requirements for money transmitters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph Hannon for Commerce and Consumer Affairs. This bill as amended establishes a commission to study the regulation of crypto currency in New Hampshire. Due to ongoing conflicting and evolving classifications of crypto currency from several federal agencies, it was deemed necessary to study the industry on an ongoing basis over the next 5 years. This commission will study whether the industry requires regulation at the state level in New Hampshire and will propose any legislation deemed necessary. **Vote 18-2.**

HB 366, relative to the alcohol percentage used to classify beverages. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill was introduced to increase the permissible alcohol content of beverages, liquors and specialty beers under the NH Liquor Laws. SB 93, which took effect on June 19, 2015, allows the Liquor Commission to approve fermented malt beverages with alcohol levels up to 8%. This narrower change fulfilled the intent of HB 366. Therefore, the committee agreed that this bill is not necessary. **Vote 20-0.**

HB 596-FN-L, relative to health insurance plans of public employers. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Hannon for Commerce and Consumer Affairs. This bill declares that the state, or any political subdivision of the state, shall not offer its employees any health care plan subject to the excise tax under the Patient Protection and Affordable Care Act unless the extra expense arising from such tax is borne by the plan participants. This bill is not necessary because it was essentially passed in HB 2 earlier this year. **Vote 19-0.**

HB 672-FN, establishing a state bank. **REFER FOR INTERIM STUDY.**

Rep. Valerie Fraser for Commerce and Consumer Affairs. Establishing a bank in the public interest is a very complicated subject and the committee agreed that it should be studied further. This bill would not "expand government" but rather, with its fiduciary responsibility, use the federal reserve debt system so that the state can create its own money through loans. This would permit the state to keep the approximately \$77 million paid in interest on bonds and loans every year and use it to benefit the people of NH. **Vote 19-1.**

SB 64, (New Title) relative to rulemaking authority and enforcement concerning prices for filling certain prescriptions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill as adopted by the Senate added rulemaking authority for the Pharmacy Board concerning complaints relative to the price of filling prescriptions paid by a pharmacy benefits manager or insurer. The bill also added authority for the Insurance Department to adopt rules for the enforcement of requirements for the price of filling prescriptions. The amendment removes the Insurance Department authority for adopting rules because it is not necessary; the department already has this authority. The amendment, however, clarifies the process for paying for filling prescriptions of covered persons. **Vote 19-0.**

SB 115-FN, relative to the resale of condominium and subdivision time shares. **INEXPEDIENT TO LEGISLATE.**

Rep. Harold French for Commerce and Consumer Affairs. This bill was intended to address fraudulent practices that have developed in the timeshare and condominium resale market. After considering the bill and several amendments, the committee believes that this type of legislation could lead to unintended consequences. In addition, we have learned that industry leaders are working toward resolving the issues covered in this legislation within their own business transactions. As the problems they were trying to address were created by their business practices, the committee felt it best for them to resolve it without legislative intervention. **Vote 19-0.**

SB 137, relative to cost-sharing parity for oral anti-cancer therapies. **INEXPEDIENT TO LEGISLATE.**

Rep. Valerie Fraser for Commerce and Consumer Affairs. This bill was introduced to establish cost-sharing parity for anti-cancer medication that is administered by a patient and anti-cancer medication that is administered by a health care provider. This issue was addressed in a nongermane amendment that was added to HB 508 in the Senate. That bill was further amended in Committee of Conference to address concerns raised in the House, and it was signed into law in July. Therefore, there is no need for SB 137. **Vote 19-0.**

SB 219-FN, relative to breastfeeding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill as amended requires employers in the state to provide employees who are nursing mothers the necessary time for breast pumping. An exception can be made for an employer who employs less than 50 employees if this requirement would impose an undue hardship. It also requires that state employees be provided a safe and sanitary space for breastfeeding for up to 6 months after the child is born, and for expressing milk for as long as the mother continues to lactate. Additionally, an Advisory Council on Breastfeeding is established to review the effects of this legislation on employers, and to recommend further legislation if needed. **Vote 19-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 583-FN, requiring state law enforcement officers to wear a camera when interacting with the public and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Cushing for Criminal Justice and Public Safety. This bill was one of two bills retained by the committee that dealt with the subject of police worn body cameras. The committee decided to recommend Inexpedient to Legislate on this bill and to include recommendations for policy for the legislature to adopt in the other bill, HB 617. **Vote 15-2.**

EDUCATION

HB 243, changing the definitions of "focus school" and "priority school" in the school performance and accountability law. **INEXPEDIENT TO LEGISLATE.**

Rep. James Grenier for Education. This bill changes the definitions of "focus school" and "priority school" in the school performance and accountability law. The Department of Education has stated the method of reporting will be changed. The bill is no longer needed. **Vote 20-0.**

HB 536, relative to payment for special education services for chartered public school students and relative to federal funds for chartered public schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. The bill as amended codifies the current funding practice of paying special education services in charter public schools. Within the school adequacy funding formula, charter public schools receive base adequacy and \$2,000 per pupil for the differentiated aid categories: free and reduced meals, English language learners, and third grade reading. The differentiated aid amount for special education service per pupil is sent directly to the resident district. The resident district is responsible for special education services and the paying of those services in the charter public school. The resident district has authority to raise revenue through taxes, whereas the charter public school does not. Any

revenue received from the federal Individuals with Disabilities Education Act is sent to the school districts. A resident district is the traditional school district within whose boundaries the child's parents live. This is a housekeeping measure and puts into law funding practices that the Department of Education is currently following. **Vote 19-0.**

HB 581-FN, requiring schools to continue the education of a child during the child's suspension or expulsion. **REFER FOR INTERIM STUDY.**

Rep. Ralph Boehm for Education. The committee agreed that this bill dealing with suspensions and expulsions needed more study. Questions generated by the committee need to be answered with possible legislation to follow. **Vote 19-0.**

ELECTION LAW

HB 110, relative to placement of political advertising. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Gannon for Election Law. Currently, it is not legal to place or affix political advertising on public or private property without the consent of the owner at any time. As amended, this bill is intended to permit political advertisements to be placed within in an authorized campaign area at the polling place on Election Day only. It requires the moderator or the governing body to provide consent for the placement of advertising within the curtilage or parking area of a polling place. Curtilage includes the building of the polling place, paths, roadways, trees, poles and other items and lesser buildings on it, including the land immediately surrounding it, and any closely associated area of land that is used in its daily activity. **Vote 19-0.**

HB 312, relative to registration of voters. **INEXPEDIENT TO LEGISLATE.**

Rep. Adam Schroadter for Election Law. This bill establishes a deed or lease as presumptive evidence of domicile for persons registering to vote. The NH Constitution was amended in 1976 to state: "Every person shall be considered an inhabitant for the purposes of voting in the town, ward, or unincorporated place where he has his domicile." Members of the preceding 1974 Constitutional Convention voted to make domicile a prerequisite for voting, rather than being an inhabitant or resident, with the intent to require a more definite and permanent qualification that preserves and promotes confidence in NH elections. It was deemed that a person may have multiple residences at one time, but only one domicile. For example, a domiciliary of Massachusetts, who owns a second residence on one of NH's lakes, could meet the residency requirements for both a Massachusetts driver's license and a NH boating license. Furthermore, one can own or rent property and not be domiciled in that property's voting district. Existing statute already empowers election officials to deem forms of proof of domicile not specifically listed in statute to be reasonable. For these reasons, the committee concluded that HB 312 should not become law. **Vote 19-0.**

HB 393-FN, including the distributing of model acts to elected officials as lobbying and requiring disclosure of compensation or reimbursement received by elected officials from such lobbyists for attendance at an event. **REFER FOR INTERIM STUDY.**

Rep. Marcia Moody for Election Law. This bill requires registration as a lobbyist for a partnership, firm, or corporation which promotes or distributes model acts to New Hampshire elected officials, and requires the elected official to report any compensation, honorariums, meals, beverages, lodging, transportation, or reimbursement for his or her attendance at a conference, meeting, or event for the legislative adoption of one or more model acts. In order to discuss fully the merits of an amendment to this bill, a hearing should be held by an interim study committee because the amendment is intended to replace the entire bill. It deserves a public hearing. **Vote 19-0.**

HB 589-FN, relative to prohibited coercion of political contributions. **INEXPEDIENT TO LEGISLATE.**

Rep. James Gray for Election Law. This bill would clarify the language in existing law as it relates to coercion of political contributions. After testimony that no violations of this statute have been prosecuted in recent years, the committee believes that the existing law should remain unchanged. **Vote 19-0.**

HB 659-FN-L, allowing all voters to vote by absentee ballot. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James Gray for Election Law. This bill would allow any voter to obtain an absentee ballot. The committee heard testimony from parents of small children and caregivers about the major disruption caused by their inability to meet the criteria to obtain an absentee ballot. The committee did not agree with allowing all voters to vote by absentee ballot. However, a majority agreed that we should expand the provision permitting a person to vote by absentee ballot if an employment obligation keeps them from getting to the polls to include people who are caring for children and infirm adults, with or without compensation. **Vote 17-2.**

ENVIRONMENT AND AGRICULTURE

HB 466, relative to the definition of "implement of husbandry." **OUGHT TO PASS WITH AMENDMENT.** Rep. Richard Gordon for Environment and Agriculture. This bill, as amended, allows farm tractor registration and plates to be used on equipment that is designed for construction, if it is solely used for farming operations. The amendment includes a form on which the registrant certifies that he or she uses the equipment only on the farm. Town clerks will not be responsible for making such determinations. **Vote 17-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 294, establishing a commission to develop a strategic plan for New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Jacalyn Cilley for Executive Departments and Administration. This bill establishes a commission of legislators, state agency heads and members of the public to develop a strategic plan for NH. Subcommittee work on this bill has led to several productive conversations with the staff at the Division of Economic Development and the Office of Energy and Planning. The committee is satisfied that the crafting of a strategic plan is well under way and that a new commission is not necessary. **Vote 11-0.**

HB 377, establishing a commission to study the establishment of a state geographic information system office and the position of state geographic information officer. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Harold Parker for Executive Departments and Administration. The intent of this bill as amended is to codify the existing New Hampshire Geographic Information System Advisory Committee. The committee is composed of representatives from a number of state agencies who work to share access and pool geographic information system resources. We anticipate that all participants in the preexisting advisory committee will continue to participate in committee discussions regardless of whether they are appointed as voting members of the new committee. It is important that all participants provide input so that their expertise and knowledge can be used in formulating any future plans or decisions that will be beneficial to the state of New Hampshire. **Vote 11-0.**

FINANCE

HB 562-FN-L, repealing the limitation on the total education grant distributed to a municipality in a fiscal year and reducing the stabilization grants to certain municipalities. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank Edelblut for Finance. The committee recommends that this bill be Inexpedient to Legislate and its contents be placed into SB 227. The bill modifies RSA 198:41, IV(c) and limits stabilization grants. It provides that no stabilization grant shall be distributed to any municipality in which the municipality's education property tax revenues (RSA 76) exceed the total cost of an adequate education; and no stabilization grant shall be distributed to any municipality in which the municipality's Average Daily Membership is zero. **Vote 25-0.**

SB 227, relative to calculating the cost of an adequate education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Weyler for Finance. There were several bills last session affecting the calculation and distribution of the adequate education grants. Some of the language in proposed bills was incorporated into HB 2, but the former bills had to be kept alive while the continuing resolution was in force. Now that the veto of HB 1 and HB 2 has been overridden, some of this language is not needed in separate bills. This bill also incorporates the language of HB 562 by removing adequacy distributions to municipalities that have no students and by having the caps on adequacy expire at the end of this biennium. The amendment takes out what would have been redundant language with HB 2. Many prior amendments were already passed that changed language. The committee amendment incorporated some provisions of HB 562, and changed 2014 to 2017 as the date for removing caps. **Vote 25-0.**

SB 265-FN, establishing the achieving a better life experience (ABLE) savings account program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Tracy Emerick for Finance. This bill, creating the Achieving a Better Life Experience (ABLE) savings account program for those with certain disabilities, is the state adaptation of a federal program of the same name. The bill provides for the launch of an ABLE program as soon as the federal rules are finalized and a third party program administrator can be selected. The bill assigns the responsibility of implementation to the State Treasurer and Executive Director of the Governor's Commission on Disability

so the state and affected communities are represented. The bill stipulates that the state incur no cost to implement the ABLE program. The bill's sponsor concurs with this amended version of the bill. **Vote 25-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 629-FN, relative to induced termination of pregnancy statistics. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bill Nelson for Health, Human Services and Elderly Affairs. As amended, this bill provides statistical information that brings New Hampshire in line with 48 other states. The committee took care to be sure the identity of the patient is confidential and follows the Centers for Disease Control and Prevention (CDC) protocols. All stakeholders agreed to the final version of the bill. **Vote 12-1.**

SB 7, adding duties to the joint health care reform oversight committee. **INEXPEDIENT TO LEGISLATE.**

Rep. James MacKay for Health, Human Services and Elderly Affairs. This bill requires the joint health care reform oversight committee to provide oversight, policy direction, and recommendations for legislation regarding implementation of managed care and the New Hampshire health protection plan. Essentially the duties detailed in this legislation are not needed as they are contained in existing committees. **Vote 13-0.**

SB 67, (New Title) establishing a commission to study opioid misuse in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Joanne Ward for Health, Human Services and Elderly Affairs. This bill sought to create a new commission to study opioid misuse in the state. There is concern and no question that there is a problem with opioids and the escalating number of opioid overdoses. However, the committee believed that commissions exist to study substance abuse. Creating another commission was viewed as duplication and not expedient to providing a solution. **Vote 13-0.**

SB 214-FN, relative to the transfer of skilled nursing facility beds from the Franklin Regional Hospital. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald LeBrun for Health, Human Services and Elderly Affairs. This bill clarifies an exemption to the certificate of need law regarding the transfer of skilled nursing facility beds from Franklin Regional Hospital to other parts of its service area. After testimony and input from various parties, the bill was deemed unnecessary. **Vote 13-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 324, relative to membership in a union. **INEXPEDIENT TO LEGISLATE.**

Rep. Leonard Turcotte for Labor, Industrial and Rehabilitative Services. This bill, as introduced, inaccurately addresses the intent of the sponsor. Rather than make the numerous changes necessary to meet the sponsor's original intent, a new bill will be introduced (in the next session) that accomplishes what the bill's sponsor set out to do. **Vote 14-0.**

HB 465, relative to workers' compensation for domestic employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Tammy Simmons for Labor, Industrial and Rehabilitative Services. After hearing testimony, the Insurance Department added a workers' compensation insurance classification that covers non-professional domestic workers. This new classification allows more affordable coverage for individuals who provide daily living assistance in an individual's residence. As a result, the Labor Committee did not feel a legislative 'solution' was needed. **Vote 14-0.**

HB 477-FN-L, relative to workers' compensation benefits and establishing payment schedules. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Ley for Labor, Industrial and Rehabilitative Services. The primary issue raised in this bill (medical payment schedules) was resolved by legislation passed in 2015 (Ch. 210 Laws of 2015, SB 133). The second issue raised (indemnity payments) may be more effectively addressed in future legislation. **Vote 12-0.**

SB 45, relative to opioid treatment agreements under workers' compensation law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Infantine for Labor, Industrial and Rehabilitative Services. The goal of this legislation was to create rules regarding opioid drug use for employees being treated under a workers' compensation claim. One major item had to do with written contracts between the doctor and patient that would include mandatory drug testing. There are a number of initiatives undertaken in the state to deal with the current opioid drug issues. The committee felt it was more appropriate to amend the bill to study the issue and see

how other proposed changes would come into play with workers' compensation claims. **Vote 14-0.**

LEGISLATIVE ADMINISTRATION

HB 399-FN, establishing a force of state capitol security officers with the authority to carry firearms. **REFER FOR INTERIM STUDY.**

Rep. Richard Hinch for Legislative Administration. For a number of years we have been considering establishing a State Capitol Security Force. The safety and security of the public, employees, and elected officials could someday depend on this positive action. We do not have metal detectors. We do not check citizens entering our buildings. Referring this bill for Interim Study is a sensible first step in the process of ensuring the safety of our institution and the people in it. **Vote 10-0.**

HB 400-FN, relative to the mileage reimbursement rate for legislators and prohibiting deductions from compensation or mileage reimbursement of representatives. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Hinch for Legislative Administration. This bill prohibits deductions of any kind from the compensation or mileage reimbursements paid to state representatives. While we understand the concern of the members who brought this bill forward, the issue has been addressed in the past. It is the Internal Revenue Service code that dictates the withholding of taxes from legislative compensation. The legislature is not in a position to address the issue of what the federal government views as taxable or not taxable, and therefore we believe the recommendation of Inexpedient to Legislate is the correct outcome. **Vote 9-1.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 229, relative to increasing the maximum amount of the optional veterans tax credit. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. This bill would have increased the maximum allowed Veterans' Tax Credit in RSA 72:28, II from \$500 to \$700. The committee believed that the honorarium of \$500 was sufficient to recognize the sacrifice of veterans. **Vote 13-0.**

HB 288-L, relative to the code for energy conservation in new building construction. **INEXPEDIENT TO LEGISLATE.**

Rep. Lawrence Kappler for Municipal and County Government. This legislation is anti-energy conservation. Of all the speakers at both the public hearing and the retained subcommittee meeting, the only person speaking in favor of this legislation was the sponsor. **Vote 13-0.**

HB 295, removing a reference in the housing law to municipal agreements regarding the construction of parking facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James Coffey for Municipal and County Government. The original wording of HB 295 addressed issues related to municipal parking facilities that resulted in negative feedback from affected municipalities. It became quickly obvious that even after retaining this bill and working on it in a subcommittee, it was not going to be acceptable. The committee simply corrected an erroneous reference to a non-existent statute and inserted the correct reference. As amended, the bill continues the original intent and simply corrects the error in current law. It makes no changes with respect to maintenance or construction of municipal parking facilities. **Vote 13-0.**

HB 501, allowing municipalities to grant a veterans property tax credit to residents who served not less than one year active duty in the armed forces. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. This bill provides for the inclusion of veterans who served during non-qualifying periods in the "veteran's tax credit." This tax credit provides for a credit of \$50 to \$500 against the taxes of a qualifying veteran's primary residence. The amount varies based on what each town or city has voted to adopt. Part of the intent with this bill was to capture veterans that served between WWII and Korea, Korea and Vietnam and Vietnam and the first Gulf War. It also adds a one year active duty service requirement. Present law requires a 90 day active duty period during a qualifying (war time) period. Passage of this bill could take away the tax credit from some veterans that presently qualify. While wanting a longer service time before qualifying for the tax credit is a desirable condition to some, removing the earned credit from those receiving it was not. A veteran separated from active duty after 100 days service may not be deemed to have earned the credit while one who was separated due to combat injuries after the same period of time should not be included in the same category. HB 430 extends the tax credit to all honorably discharged veterans without any other criteria being changed, accomplishes part of this bill's intent, was seen as the proper solution by this committee and is also on this calendar. The committee also discussed the possibility of a future bill that could address a

change on the minimum time of active duty served for those serving in the future. **Vote 13-0.**

HB 546, relative to exactions for improvements related to innovative land use controls. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. This bill would have extended the time from six years to ten years for a municipality to expend funds collected by exactions imposed by a planning board for improvements to infrastructure to accommodate a new development. Further, the bill would have established an advisory board to review the amount of the exactions. The committee was not convinced of the necessity of such a board. **Vote 13-0.**

PUBLIC WORKS AND HIGHWAYS

HB 619-FN-L, establishing noise barrier programs and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene Chandler for Public Works and Highways. This bill deals with noise barriers on New Hampshire's highways. While sympathetic to the situation in some areas at the present time, the approved criteria does not allow for an expansion of the so-called Type 1 noise mitigation policy. The Department of Transportation has indicated that they are working on Type 2 criteria which may open the door for more noise mitigation projects to be approved. The results of the new Type 2 regulations should be ready by the time the Ten Year Highway Plan comes up for legislative action this coming year. Additionally, this bill would have funded certain noise mitigation projects using Meals and Rooms Tax monies collected at the Hooksett Welcome Centers. The committee did not feel this was a good idea. **Vote 12-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 143, relative to electric renewable energy classes. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Vose for Science, Technology and Energy. This bill sought to add hydroelectric generation to RPS Class 1. This addition runs the risk of introducing economic uncertainty to the electricity market and potentially destabilizing other RPS classes. The committee felt that while RPS changes may be needed, this change might cause too much disruption to the mix of energy generation sources that RPS currently supports. **Vote 20-0.**

TRANSPORTATION

HB 105, relative to special number plates for members of the Civil Air Patrol. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Smith for Transportation. The committee agreed that members of the Civil Air Patrol deserve a number plate, but could not reconcile the cost. A subsequent bill will allow them to seek recognition on number plates at no cost to taxpayers. **Vote 11-0.**

HB 123, relative to walking disability placards. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Smith for Transportation. This topic is addressed by the Committee to Study Issues Concerning Parking for those with Walking Disabilities created under Chapter 47:1, Laws of 2015, SB 171. **Vote 11-0.**

HB 351, exempting historically significant vehicles from emission control requirements. **OUGHT TO PASS.**

Rep. Thomas Walsh for Transportation. This bill exempts historically significant or exotic vehicles from emission control requirements. These vehicles did not come with an on board diagnostic system (OBD) so there is no way to test them. This may affect an extremely small number of vehicles. **Vote 11-0.**

HB 385-FN, relative to special motorcycle number plates for disabled veterans. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. The contents of this bill were amended to HB 280 making this bill unnecessary. **Vote 14-0.**

HB 388-FN-A, establishing university number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. This bill was initially retained by the committee knowing of the future work on a decal plate bill that will address specialty plates, but it was ultimately not chosen as the vehicle for that work. **Vote 11-0.**

HB 420-FN, relative to limited driving privileges after revocation for certain financial obligations. **INEXPEDIENT TO LEGISLATE.**

Rep. Werner Horn for Transportation. During the public hearing it was determined that this bill's issues

were addressed in current statutes. **Vote 11-0.**

HB 535-FN, relative to signs advising motorists approaching highway emergencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Werner Horn for Transportation. The amendment to HB 535 provides for a method by which public-private partnerships can be conducted for the express purposes of the purchase and installation of signs promoting New Hampshire's "Move Over Law" (RSA 265:37-a). The amendment replaces the original bill, which did not include a funding mechanism. The amendment also provides for which highways these signs are to be posted on and the disposition of the unexpended funds. **Vote 15-1.**

HB 567-FN, establishing breast cancer and pediatric cancer special number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris True for Transportation. The Department of Safety states the cost of this bill would be \$565,700. The committee members were sympathetic to the goal of bringing attention to breast cancer and pediatric cancer. However, the committee felt that the cost of these plates is prohibitive. The committee is working on formulating a decal program that could address this and other issues for special decals to affix onto plates. **Vote 11-0.**

HB 688-FN-L, relative to establishing an agricultural education number plate. **INEXPEDIENT TO LEGISLATE.**

Rep. Werner Horn for Transportation. Different organizations throughout New Hampshire would like to offer special motor vehicle plates for purchase by New Hampshire citizens to raise money for their very worthy causes. In light of the expected solution that may be offered in another bill, this bill is not necessary. The expected solution may contain features including, but not limited to, allowing the Department of Motor Vehicles to issue a special plate with room for a decal, the opportunity for organizations throughout New Hampshire to apply for approval for their own specific decal, and the elimination of possible constitutional issues by allowing these specific organizations to sell the approved decals themselves without state involvement. **Vote 11-0.**

WAYS AND MEANS

CACR 2, Relating to dedicated funds. Providing that funds shall be used solely for the purpose of the fund. **INEXPEDIENT TO LEGISLATE.**

Rep. David Hess for Ways and Means. The intent of this proposed constitutional amendment is to require that revenues from so called "dedicated funds" be spent only on those designated special programs unless the General Court, by two-thirds majorities in both chambers, votes to divert those revenues and spend them on other programs. While this goal is laudable, the committee concluded that adding this provision to our constitution would have a number of anomalous and adverse, unintended consequences. First it would require super majority votes to redirect dedicated funds which had been created in the first instance by simple majority votes. Second it would significantly limit the flexibility of future legislatures to address fiscal crises by temporarily reordering financial priorities. Experience in many other states with constitutionally-mandated super majorities to raise revenues and/or make appropriations has been anything but positive. Finally, were this to be in our constitution, it would require a two-thirds vote to divert funds from a dedicated fund, but allow the legislature to get access to the same funds by a simple majority vote eliminating the fund. **Vote 19-0.**

HB 386-FN-A, reducing the rate of the business profits tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Gallagher for Ways and Means. The intent of this bill is to reduce the rate of the Business Profits Tax (BPT) from 8.5% to 7%. On Sept. 16, 2015 the legislature approved HB 1, HB 2 and SB 9, which enacted a timeline for reductions to the BPT. Thus the committee feels HB 386 is unnecessary and moot at this point in time. **Vote 19-0.**

HB 569-FN-A, including certain nonprofit charitable enterprises under the business enterprise tax and reducing the rate of the tax. **REFER FOR INTERIM STUDY.**

Rep. Gary Azarian for Ways and Means. The subcommittee process through the fall raised many more questions in regards to the subject that will hopefully be answered through additional study. **Vote 17-0.**

HB 571-FN-A, relative to taxation of trusts under the interest and dividends tax. **INEXPEDIENT TO LEGISLATE.**

Rep. David Hess for Ways and Means. This bill was introduced to serve as a "place keeper" in the event of confirmation that the recent statutory change applicable to the taxation of income and dividends from trusts results in a substantial reduction in tax revenue for FY 2015. The substantial increase in interest and dividends revenue in FY 2015 over FY 2014 indicated no such causal connection. Consequently this

legislator, the bill's sponsor, requested that it be voted Inexpedient to Legislate. **Vote 18-0.**

HB 585-FN-A, relative to fines for violation of alcoholic beverage laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Karrick for Ways and Means. Abuse and misuse of alcohol and resulting negative behavior, including domestic violence and criminal activity, imposes substantial costs on the state, businesses, communities, and families. There is presently a penalty assessment for violations of the liquor statutes when adjudicated by a court but no assessment when the Liquor Commission levies fines. The amendment makes the penalty assessment at the commission level equal to the court level and corrects statutory references. The added revenue is split equally three ways between the victims' assistance, domestic violence, and alcohol abuse prevention and treatment funds. **Vote 19-0.**

HB 668-FN, relative to expense deductions under the business profits tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Gallagher for Ways and Means. This bill allows a business organization to calculate increased expense deductions as defined by IRS code section 179, but not to exceed \$100,000, per calendar year under the Business Profits Tax. Testimony was received from CPA firms and the Department of Revenue Administration that the impact to business would be very difficult to measure. The additional concern expressed by accounting firms was that few businesses could potentially be economically impacted. The Department of Resources and Economic Development suggested that many business entities would not take advantage of the opportunity and that this incentive would not significantly impact important business decision making. **Vote 19-0.**

SB 144, relative to carry-over cover-all bingo. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick Abrami for Ways and Means. The carry-over coverall bingo game is currently in the statutes and is being played in NH. This game is allowed to be played once a day in bingo establishments. The object is to cover all card numbers within 49 draws. If there is no winner, then the prize money carries over to the coverall game the next week. The object is to attract more players with the ever growing jackpots that are carrying over week after week. With more players another result will be increased sales of Lucky Seven tickets. Bingo halls are able to stay in business because of the Lucky Seven sales, since bingo on its own is a losing proposition for the halls. This bill as passed by the Senate was a concept lacking sufficient detail. The amendment supports the concept of commercial halls and charitable organizations increasing the potential jackpots even more by allowing them to conduct shared carry-over coverall bingo games. Any commercial hall or charitable organization may apply to become a host hall with the Lottery Commission. They in turn would secure participating halls. Host halls and participating halls all must possess an existing bingo license from the commission. The host hall will be responsible for implementing the technology to be able to simulcast the coverall bingo games. The Ways and Means Committee supported the concept of shared carry-over coverall bingo which will help NH charities as well as help fund the Education Trust Fund. **Vote 18-0.**

WEDNESDAY, JANUARY 6 REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 266, establishing a committee to study removing child custody cases which involve abuse or neglect from the jurisdiction of the family court and probate court divisions. **INEXPEDIENT TO LEGISLATE.**

Rep. James Gray for Children and Family Law. The majority of the committee believes that the Family Court and Probate Court divisions should have jurisdiction in the cases this bill would study, therefore making this study unnecessary. **Vote 13-2.**

HB 513, relative to complaint investigation procedures of the guardian ad litem board. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Paul Ingbertson for the **Majority** of Children and Family Law. The amendment to this bill rearranges for clarity the language of RSA 490-C:4, I (g) regarding complaint investigations procedures against guardians ad litem (GAL) and separates out the complaint dismissal part into its own section (h). The amendment also puts into statute a requirement that the GAL Board inform complainants of the options regarding the resubmission of complaints at the conclusion of a trial or hearing. This language was written with the help of the GAL Board which supports the changes. **Vote 9-7.**

Rep. Patrick Long for the **Minority** of Children and Family Law. The minority recognizes consequences with the language proposed in paragraph (g) of the amendment. Changing "shall" to "may" opens the door

for parties involved in divorce proceedings to challenge their complaints of appointed guardians ad litem if the GAL Board decided there was not good cause shown while the case is still pending. The Children and Family Law Committee has consistently vetted proposed changes in statute as to its relation with adding conflict to an already conflicted court procedure for both parties. The minority believes this simple change does add conflict.

HB 515-FN, relative to oversight of guardians ad litem by the guardian ad litem board. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alethea Froburg for the **Majority** of Children and Family Law. It is estimated that this bill will increase state expenditures by approximately \$40,000 in FY 2016, with greater increases in each subsequent year. The Guardian Ad Litem Board does not have the time or resources necessary to analyze data to be collected in approximately 2,600 questionnaires per year. More importantly, even with the current funding, there are not enough guardians ad litem to meet current needs in low-income cases. **Vote 12-4.**

Rep. Daniel Itse for the **Minority** of Children and Family Law. During the review of the Guardian Ad Litem Board audit it became apparent that there is no general assessment of GAL performance. Given the impact that GAL's can have on the well-being of children and families, the minority of the committee thinks that a method of performance review must be developed.

COMMERCE AND CONSUMER AFFAIRS

HB 128, authorizing individuals and certain businesses to purchase health insurance from out-of-state companies. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This is a classic case of "the devil is in the details." This legislation sounds like a great idea. Unfortunately, no insurance company is interested in engaging in the business model proposed. The legislation is based on the premise that other states may have less expensive health insurance premiums than those available in NH. This may have been true prior to the passage of Obamacare, when other states allowed health insurance companies to set premiums based on the health status of the insured and NH did not. With the passage of Obamacare, all states rate premiums just like NH does. All health insurance policies have guaranteed issue, and premiums are the same within age bands to ensure that everyone pays at the same rate regardless of the person's preexisting health issues, so the major cost difference anticipated by this legislation no longer exists. Mandates could account for some differences in state premium levels, but, at best, health insurance mandates account for less than 5% of the premium and the vast majority of them are also part of the Obamacare law. So, again, there is not much savings there. The most significant flaw of this legislation is that health insurance companies need to negotiate reimbursement rates with the doctors and hospitals and create networks. An out-of-state insurance company is going to need thousands of customers to have the critical mass to even begin negotiating with the hospitals. No out-of-state insurance company is going to invest the capital required for this without becoming an in-state insurance company. In addition, all insurance companies are regulated by their home state. This legislation requires the NH Insurance Department to generate rules to regulate some aspects of an out-of-state insurer's business. This is beyond the scope of the authority of the Insurance Department. Further, no insurance company is going to want to be partially regulated by the department. Without full regulation, the out-of-state insurance company would be exposed to litigation under the Consumer Protection Act, exposing them to triple damages. The minority of the committee argued that there is no harm in passing this legislation and that other states have passed similar legislation. Currently, no insurance company has taken advantage of the other states' laws. The majority of the committee felt that the Insurance Department should not spend time and resources developing rules when no insurance company is interested in the legislation. **Vote 16-4.**

HB 131, relative to renewal of health club memberships. **INEXPEDIENT TO LEGISLATE.**

Rep. Bart Fromuth for Commerce and Consumer Affairs. The sponsor of this bill sought to end the practice of automatic membership renewals at health clubs. Currently, health clubs are able to offer a 12-month initial membership, but they are prohibited from automatically renewing that membership for more than 1 month at a time. Under this legislation, each gym would be required to have each member come into the facility at the end of the 12 months and physically sign a subsequent agreement. Furthermore, the Consumer Protection Division of the Attorney General's office reported less than 5 complaints regarding gym cancellations over the last 2 years. To the vast majority of Commerce Committee members, this seemed to be an unwarranted and unwelcome burden on both the customer and the business. **Vote 19-1.**

HB 197-FN, relative to sales and samples provided by wine manufacturers. **OUGHT TO PASS WITH**

AMENDMENT.

Rep. Bart Fromuth for Commerce and Consumer Affairs. This bill as amended allows wine manufacturers to set up 2 additional “off site” tasting rooms throughout the state, in which patrons can sample and purchase the manufacturer’s fine domestic product. At present, a wine manufacturer may not set up their own permanent store front away from their manufacturing site. For many of our cherished wine makers not located in or around heavy population centers of the state, it means that they have little opportunity to showcase their brand outside of traffic at their main facility. With this proposed change, a manufacturer in the western part of the state might opt to have store fronts in Portsmouth and North Conway, reaching new customers, hiring new employees, and generating new revenues. This legislation is a true win-win for business and the state. **Vote 15-5.**

HB 601-FN, relative to cash dispensing machine requirements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. As originally submitted, this bill would have removed any notification to the Banking Department for privately owned and operated cash dispensing machines. As amended, it will continue to require registration of such machines, but will reduce the renewal fee to just \$5 annually. The Banking Department has stated that this reduced fee will cover the cost of filing the basic reports of ownership, address and contact information. **Vote 18-2.**

SB 75, relative to unfair trade practices targeting veterans. **REFER FOR INTERIM STUDY.**

Rep. John Bordenet for Commerce and Consumer Affairs. This bill prohibits a business from charging veterans an unreasonable fee for aid or services and makes such conduct a violation of the Consumer Protection Act. While the Commerce Committee has a favorable opinion of this bill, we believe it is not ready to be passed in its present form. We would also like to gather additional material before making this bill law. **Vote 13-4.**

SB 110-FN, establishing the administrative supervision act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. The primary and fundamental responsibility of the NH Insurance Department is to ensure that NH “domestic” insurance companies are solvent and able to make the payments owed to consumers. Under New Hampshire insurance law, the Insurance Commissioner is the one who rehabilitates or liquidates a financially impaired domestic insurance company. This happens under court supervision. This bill is designed to give the commissioner a tool to address a company in financial peril, which is less interventionist than rehabilitation or liquidation. It is called administrative supervision, and it is based on a model law developed by the National Association of Insurance Commissioners that has been passed, in one form or another, in 30 states. Under current law, the NH Insurance Department regularly audits our domestic companies and if it becomes clear to the department that the insurance company is under distress, the department has the option to put the company under formal rehabilitation or liquidation or to enter into an agreed administrative order under which the company remains in control of its operation but is subject to certain operating restrictions necessary to improve its financial position. The new administrative supervision process, outlined by this bill, allows the Insurance Department to work confidentially with the insurer so as to avoid liquidation or having a judge run the company under court supervised rehabilitation, but only with the insurance company’s expressed written agreement. Therefore this statute can only be used if the insurance company chooses to do this. The benefit to the insurance company is that this legislation sets out the ground rules to protect the insurance company’s rights by stating the structure in which the Insurance Department implements administrative supervision. This bill establishes standards for what has historically been an ad hoc process. The other benefit to the insurance company is that this process is non-public to avoid market disruption. Insurance companies rarely survive court rehabilitation, in part because of the inevitable loss of consumer confidence in the company. In reality, a nonpublic process is sometimes the only way to be successful in improving the company’s financial position. Importantly, this law will only be used under limited circumstances and is based on the Insurance Department’s determination that the insurance company can make good on its obligations. The amendment, which was a request of the minority, states that the Insurance Department’s immunity is limited to actions that are within the scope of its’ powers and duties under this chapter that are performed in good faith and not in a wanton or reckless manner. **Vote 13-6.**

SB 155-FN-A, establishing a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Gidge for Commerce and Consumer Affairs. This bill establishes a process for restitution assistance for victims of the Financial Resources Mortgage (FRM) fraud. The committee as a whole had

several work sessions, where there were a lot of discussions of the disclosures of errors in judgment, and the perceived attempts to hide those errors. The committee amendment will set up a fund whereby donations can be accumulated for the victims of the FRM scandal and the bankruptcy. Since state funds are limited, there is no appropriation in this amendment. The committee has some hope that there are investment advisors who could see this as an opportunity to present their reputations and experience not only to the FRM investors, but also to the general public. By creating this fund, under the authority of an agent chosen by a legislative committee, the committee believes that there will be sponsored activity that will bring donations to this monitored fund. **Vote 16-3.**

SB 178, relative to optometrist participation in vision insurance plans. **INEXPEDIENT TO LEGISLATE.** Rep. George Hurt for Commerce and Consumer Affairs. This bill prohibits insurers who provide benefits for medical or hospital expenses for eye care from requiring an optometrist to participate in a separate vision plan as a condition for serving as a participating provider in the insurer's network. The majority of the committee determined that interfering in a private legal contract between two assenting parties would send the wrong message and set a bad precedent for the legislature. Furthermore, the US Supreme Court declared in *Dartmouth v. Woodward*, (17 U.S. 518) that "no state legislature shall make any law impairing the obligation of contracts." **Vote 13-6.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 240, prohibiting law enforcement agencies from using a drone to collect evidence. **OUGHT TO PASS.**

Rep. Arthur Barnes for Criminal Justice and Public Safety. This bill prohibits the use of drones to obtain evidence unless authorized in certain circumstances. The first exception is to counter a high-risk of a terrorist attack. The second exception is where a law enforcement agency first obtains a search warrant. The third exception is where a law enforcement agency has reasonable suspicion that swift action is needed to prevent imminent danger to life, serious danger to property, forestall the imminent escape of a suspect or destruction of evidence, or to facilitate the search for a missing person. **Vote 15-2.**

HB 512, prohibiting confiscation of firearms, ammunition, or firearms accessories during a state of emergency. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill amends RSA 4:46, I-a which prohibits confiscation of firearms during a state of emergency and adds firearms accessories and procedures for return of such items when illegally confiscated. It also protects a law enforcement officer from disciplinary action for refusing an order to confiscate weapons and establishes a cap on damages for violations of the statute. The amendment adds a definition of "law enforcement officer" to the current statute. **Vote 9-8.**

HB 582-FN, repealing the license requirement for carrying a concealed pistol or revolver. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for the **Majority** of Criminal Justice and Public Safety. As amended, the bill extends the license renewal period from 4 years to 5 years, saving time for both citizens and police departments. The bill codifies in New Hampshire statute precisely what criteria should be used by police departments when issuing a license. This change proactively addresses the concern that police departments have a perceived liability for issuing a license to someone who would misuse a firearm. The changes to the statutes in no way prohibit the police from running background checks to verify that the person is legally able to own and possess a firearm. The bill makes the license to carry concealed optional for those who are currently able to purchase and/or own a firearm and can already carry openly without a license. Lastly, the bill clarifies the process on how New Hampshire develops reciprocal agreements with other states regarding carry licenses. All of the changes in the bill are in compliance with Part 1, Art. 2-a, of the New Hampshire Constitution, protecting a person's right to keep and bear arms, while also recognizing law enforcement's requests to prohibit certain persons from obtaining a license. The committee heard significant testimony about the current abuses within the existing licensing system. Over the last few months, there have been several court cases where law abiding citizens, "suitable" citizens, were denied a license renewal over misinterpretations of the current law. The cases involved issues such as the police chief asking for reference phone numbers; something that is prohibited by statute. Another case was that the chief did not like the particular references who were selected. In each of these cases, the citizens spent thousands of dollars in legal fees to get their renewal completed. In other cases, chiefs are denying people due to the ambiguity in the law about who can have a license. There was also a recent New Hampshire Supreme Court case involving *Mark Doyon v. Hooksett Police Department* that altered the standards which were being used by police departments to grant licenses. Current New Hampshire statute requires that upon application, the police "shall issue a license to such applicant authorizing the applicant to carry a loaded

pistol or revolver in this state and that the applicant is a suitable person to be licensed.” The issue at hand is that there is no definition in statute for the term “suitable.” This ambiguity had been addressed for over a decade by the backside of the application form which read: “Applicants not prohibited under federal or New Hampshire law from possession of a firearm shall be deemed suitable persons and the license shall be issued unless the applicant is so prohibited from possessing a firearm. The burden is on the licensing entity to prove by clear and convincing proof that the applicant is so prohibited from possessing a firearm.” The bill updates the language in current statutes to the following clear definition for use by police departments when issuing a license: “Unless the applicant is prohibited by New Hampshire or federal statute from possessing a firearm.” The majority of the committee felt that the language changes in the amendment balanced the need for public safety while protecting the rights of citizens. The committee also heard testimony regarding the historic racial profiling and anti-union roots of this legislation from the early 1900s. **Vote 9-8.**

Rep. Geoffrey Hirsch for the **Minority** of Criminal Justice and Public Safety. The minority is opposed to the repeal provisions contained in this bill. New Hampshire’s current concealed carry permitting law has worked well for nearly a century; the Granite State is one of the safest states in the nation. Our concealed weapons permitting system gives an important oversight role to local law enforcement while allowing for appeals through appropriate channels. Law enforcement and public safety officials oppose removing the licensing process. This process helps ensure that potentially dangerous individuals are not allowed to carry hidden weapons. The ability of states to appropriately regulate the concealed carry of firearms has been reaffirmed in its constitutional soundness time and time again by the United State Supreme Court. New Hampshire law already allows for the open carry of handguns without a permit, and it also ensures that an appeal process is in place when a permit is denied. States that currently allow concealed carry of firearms without a permit have far stricter regulations at the point of original purchase than New Hampshire does, including more vigorous background checks. In his book *Live Free or Die*, Governor Mel Thomson said that the current permitting process for concealed carry is “a sensible handgun law that leaves the issuance of handgun permits to the discretion of [local law enforcement].” For these reasons, the minority urges common sense and opposes this bill.

HB 605-FN, repealing mandatory minimum sentences. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Martin for Criminal Justice and Public Safety. This bill as introduced would have eliminated all mandatory minimum sentences. After subcommittee review, the bill was determined to be overbroad and unwieldy, particularly in relation to provisions regarding major drug offenses and sex offenses. The amendment repeals only provisions relating to armed career criminals, habitual offenders, and driving after revocation or suspension. **Vote 14-3.**

HB 617-FN-A, requiring state police to wear a camera when interacting with the public. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert Cushing for Criminal Justice and Public Safety. Over the course of the past 2 legislative sessions, the Criminal Justice and Public Safety Committee has devoted a lot of time considering legislation and studying issues regarding the deployment of Body-Worn Cameras (BWCs) used by law enforcement. The committee heard testimony and received input from representatives of a number of law enforcement agencies, the offices of the Attorney General and the Commissioner of Safety, civil liberties advocates, defense attorneys, advocates for crime victims, representatives of media organizations, representatives of vendors of cameras and data storage systems, as well as members of the public. There is a general consensus amongst stakeholders that the use of BWCs can be a benefit to public safety, foster better interactions between police and members of the public, protect members of law enforcement, promote accountability and assist in investigations. The amendment to HB 617 recommended by the committee represents a synthesis of best practices and a balanced approach to the use of BWCs that is appropriate for New Hampshire. The use of BWCs will be voluntary. For agencies that choose to use them, HB 617 requires that officers can only use BWCs issued by their departments, all recordings are the property of their police department, all images and sound from a BWC recording are for law enforcement purposes only, all officers using BWCs must be trained, BWCs must be activated on arriving at the scene of a call for service or when engaged in any law enforcement-related activity, recordings must be specific to an incident and not cover an entire patrol, officers must inform individuals they are being recorded, and, except for emergencies, officers can only use while in uniform. BWCs may not be used to record certain events, including intimate body searches, an interview with a crime victim, unless the victim consents, interaction with a person wishing to report a crime anonymously, when engaged in personal activities, in locations where an individual has an expectation of privacy such as a residence or restroom. Once activated, the BWC must

remain on until the event is completed and all recordings must be securely stored according to FBI standards and no one may alter, erase, copy, share or otherwise distribute except as provided in the law. BWC records are exempt from the Right to Know Law, except when the recordings show any restraint or use of force by an officer, excluding portions that constitute an invasion of privacy, or the discharge of a firearm, or a felony-level arrest, excluding any portion that constitutes an invasion of privacy. The committee believes that the bill as amended represents an appropriate balance between public safety and individual liberty. **Vote 14-3.**

EDUCATION

HB 218-FN, relative to additional funding for third grade proficiency in mathematics. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mel Myler for the **Majority** of Education. This bill provides differentiated aid for students not proficient in math. Along with students not reaching this proficient level in reading, math is now made available to local school districts to assist lower achieving students. This bill recognizes that both reading and math are foundations for education. **Vote 14-6.**

Rep. Christopher Adams for the **Minority** of Education. It is the opinion of the minority that while the bill has the best interests of the students affected in mind, it is considered to be flawed in several areas. At the time of this vote, it is unknown as to what extent of the student population will be subject to this legislation due to their having not met proficiency on the newly implemented state assessment. Based upon known results from states that have seen results from these new tests, it can be expected that the number of students not meeting proficiency will rise substantially. Accountability for the directed funds is not assured by this legislation, and in fact may provide a disincentive to perform well in these efforts. To date, little evidence of success in improving reading achievement can be attributed to the original legislative attempt. If it is the intent of the committee to improve overall funding for an adequate education, then the committee and legislature should consider a more holistic bill in place of a piecemeal approach to funding of public education.

HB 231, relative to applications for school building aid. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary Gile for the **Majority** of Education. This bill as amended states that a school district which initiated and completed a locally funded school renovation project to remedy a safety condition identified by the state fire marshall on or before June 30, 2017, shall be eligible to include any corrected safety condition in a subsequent application for school building aid submitted by the school district after June 17, 2017. Projects approved must contribute to operational cost efficiencies, consolidation or reduced property tax, and must contribute to the improvement of educational services. **Vote 13-7.**

Rep. John Balcom for the **Minority** of Education. The minority felt this was a community expense and should be funded locally.

HB 242, relative to the statewide improvement and assessment program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. The amendment replaces the bill as introduced with the requirement that differentiated aid currently provided to school districts for pupils not proficient in reading on the statewide assessment be extended to also include those pupils not proficient in mathematics. New Hampshire has a higher percentage of partially or non proficient third grade students in mathematics than in reading. Statewide testing results from FY 14 identify 30% of third grade students partially or not proficient in mathematics, while 23% of third grade students are partially or not proficient in reading. Mathematics is a key content area in which elementary school students should experience success and have the proper foundation for middle school, high school, and later careers. **Vote 17-3.**

HB 253, relative to the requirements for filing a charter school application. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Shaw for Education. The Department of Education determines the criteria and percentages for charter school applications. The applications are thoroughly examined and all criteria is weighed and analyzed with strong emphasis on mission statement and data to support that statement. **Vote 14-6.**

HB 301, allowing a parent to elect not to include their child in the unique pupil identification system or other information database maintained by the department of education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill as amended creates a study committee to further examine the student unique pupil identifier and state department of education databases. Given

concerns about transparency and use of personal information, further review is needed. In addition, the committee is to study local school database security and privacy policies. Although legislation has been passed in recent years, there are additional areas that need to be examined especially at the local school level. **Vote 12-7.**

Rep. Mary Heath for the **Minority** of Education. The minority believes the establishment of a study committee to study New Hampshire's statewide longitudinal data system is unnecessary. The design of the information collected is specified in state and federal laws and rules. The New Hampshire House has spent long hours delineating what can and cannot be collected. Testimony from local, state and federal representatives over numerous years has provided volumes of input and suggestions. A dictionary of data and terms is an example of such testimony and is now available. The New Hampshire Department of Education clearly posts all aggregated data. For these reasons, the minority believes this bill is not needed.

HB 471, relative to the powers of the state board of education and the duties of school boards. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill as amended further defines the responsibilities of local school boards. Local school boards shall be responsible for curriculum and courses. It further establishes that local boards are responsible for their education standards – as long as they believe the standards meet or surpass state standards. This addresses local concerns about Common Core being mandatory. In addition, if at any point statewide assessments are not given in each grade 3 through 8, the local board will be responsible for assessing students in those years. **Vote 12-8.**

Rep. Mary Heath for the **Minority** of Education. The minority believes that the bill is simply what is currently the responsibility of a local school district and local school boards. There is no need to establish a new law for something that already exists in rules and statute. It is currently the role of the local school board to establish the structure, advocacy, and delivery of instruction, curricula, courses taught, the adoption of educational standards that meet or exceed state minimum standards, and the assessment thereof. For these reasons, the minority believes that this bill is unnecessary.

HB 527, establishing guidelines for school districts relative to the use of school resource officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph Boehm for Education. This bill states that school districts that have a school resource officer must have a memorandum of understanding (MOU) with their local police department. The amendment removes all requirements from what should be in the MOU. Different school districts and their towns have different requirements. This bill only notifies towns and school districts, for their own safety, that an MOU needs to be done. **Vote 14-6.**

HB 538-FN-L, relative to the implementation of new statewide education annual assessments. **REFER FOR INTERIM STUDY.**

Rep. Mel Myler for Education. The committee spent considerable time in reviewing the need to allow school districts ample time to transition to new educational standards and the attending student assessment process. There was confusion on the impact of a proper transition period and the need for additional study to fully conclude the transition period necessary that can support local school districts. The committee felt there was more time needed to study the issue of transition time. **Vote 11-9.**

HB 549-FN-A-L, allowing school building aid grants for certain authorized projects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. The continued moratorium on state funding for new school construction and renovation projects is having a negative impact on communities throughout New Hampshire. Well over 50% of New Hampshire's schools (476 buildings total) are over 50 years old. Some buildings have been closed due to declining enrollments, but a large number of school boards are questioning and dealing with the many issues plaguing older buildings that include: life/safety codes, technology requirements, instructional space for the sciences, security issues, special purpose areas for the arts and tutoring, media research centers, and more. There have been a number of projects during the moratorium cycle where communities undertook expensive renovation or new construction without the benefit of state school building aid (SBA) grants. In one year alone, construction bonds to local school districts cost \$176,252,000. These districts did not receive the average SBA contribution of 30% that pre moratorium communities had received. This bill proposes that school building aid be annually set at no less than \$50M. In addition, amending language reduces all percentages within the school building aid formula by 5%. The projected costs of estimated building aid projects for 14/15 approximated \$206.5 million. The state's share under current law would equal \$67.8M. Including debt payment, and if \$50M is funded, the state would have approximately \$10M for new projects. Combined with a 5% formula reduction, funds may enable another

smaller project. The absence of state funding for school building aid is serious and counter productive to maintaining quality education throughout New Hampshire. **Vote 17-2.**

HB 611-FN, requiring legislative approval of all agreements, contracts, grants, or waivers involving the department of education or the state board of education. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Wolf for Education. This bill calls for approval of agreements and contracts by the entire House and Senate. There are differing levels of oversight through the Finance committees, Joint Legislative Committee on Administrative Rules, and the Executive Council. The committee was concerned that grant money could be lost and the work by the Department of Education could be greatly hindered. **Vote 14-5.**

HB 625-FN-A, relative to public charter schools. **REFER FOR INTERIM STUDY.**

Rep. John Balcom for Education. The Education Committee was in favor of charter schools, but the approval process is flawed and needs a potential change in the process. The bill needs additional work and input from school expertise which could prevent the past failures of approved charter schools. **Vote 11-8.**

SB 157-FN, (New Title) relative to encouraging high school students to take and pass a United States citizenship test. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Shaw for Education. The bill as amended requires that a locally developed assessment based upon the nature, structure, function, and history of our government, to include the rights and responsibilities of citizens and noteworthy government and civic leaders, be administered as part of the high school history and government course. Students who attain a passing grade on this assessment as determined by the school shall be eligible to receive a certificate of recognition. To comply with this bill, a school may design or use any assessment to measure student competence of elements identified in the bill, including use of the United State Citizenship and Immigration Service Test. Due to the fact that this assessment is much like any other locally designed test given within the required high school course, there is no expense to the district and no oversight required by the Department of Education. This bill establishes a program that recognizes civic minded students who are ready to understand and participate in our system of government. **Vote 14-5.**

ELECTION LAW

HB 183, relative to voter registration forms. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick Christie for the **Majority** of Election Law. This bill strikes the language on the voter registration form that requires the registrant to register a motor vehicle and apply for a driver's license within 60 days as per the Supreme Court decision. **Vote 13-6.**

Rep. Wayne Moynihan for the **Minority** of Election Law. On May 15, 2015, the NH Supreme Court ordered that it was a violation of the fundamental right to vote, as protected by the NH Constitution, to include the following words, among others, as a part of the Voter Registration Form issued by the Secretary of State's office: "In declaring New Hampshire as my domicile, I am subject to laws of the state of New Hampshire which apply to all residents..." See, *Guare v. State of NH* affirming order of Superior Court issued on 9/24/2012. In compliance with the court's order, the Secretary of State has removed all such language from the Voter Registration Form. Despite the court's clear ruling on the illegality of this language, with the adoption of this bill those very same words would be restored to RSA 654:7, and to the voter registration form. After retaining the bill last session, an Election Law subcommittee reviewed it in two meetings. The subcommittee had every reason to suspect that it would be illegal to restore these words to the form. At noon on October 20, 2015, the bipartisan subcommittee voted unanimously to recommend to the full committee that the bill be sent to interim study because additional and more definitive information needed to be researched and considered. One hour later, in the executive session of the committee, the bill was called. Without even hearing or considering the subcommittee report, a motion was made to recommend the bill as Ought to Pass. With little new information or discussion, a majority of the committee voted to recommend that the House adopt the bill. For the House to follow the mistaken recommendation of the committee majority would be unfair to NH voters, unwise with regard to known information and the law, apparently contemptuous of the Supreme Court's order, and reckless public policy.

ENVIRONMENT AND AGRICULTURE

HB 372, relative to certain private employers under workers' compensation. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John O'Connor for the **Majority** of Environment and Agriculture. This bill solves a problem for small

entrepreneurial farmers who find the need to use occasional or casual labor a few hours a week, perhaps on a weekend, to perform tasks such as overseeing a U-pick plot, harvesting remaining fruit, or picking up pumpkins. Currently, they are required to purchase yearly workers compensation insurance for such labor. This bill allows the farmer/owner to be exempted from this requirement, provided the farmer/owner has an aggregated payroll of less than \$10,000 per year and is covered by a liability insurance policy of not less than \$300,000 and medical payment coverage of not less than \$5,000. **Vote 15-2.**

Rep. Christy Bartlett for the **Minority** of Environment and Agriculture. This bill would allow Employers Liability (EL) in place of Workers' Compensation (WC) for small farmers. The issue is whether EL provides adequate coverage for an injured employee in a hazardous job, for which all agree that many farm operations include. EL requires that the injured employee prove negligence on the part of the employer, which could require the hiring of an attorney by the employee. The insurance carrier only represents the interests of the employer and has a limit of liability coverage, above which there would be no additional coverage. WC provides no-fault coverage for medical costs, loss of income, a survivor and death benefit, and re-training if necessary. The insurance carrier handles the claim with the injured employee from the time of notice. Farm operations have many tasks, some of which can be very hazardous and some employees could be quite young. Handling of large animals such as swine, horses, and cows are included in the classification. Operating farm machinery may also be done without a great deal of training for occasional employees. Even small farms have tractors and other equipment, and many small farms do not own new equipment with modern safety features. In addition, there are no monoline Employers Liability insurance carriers. Coverage would only be obtainable as part of a farmowner policy; which, again, is a very limited market in NH with few insurance companies writing this coverage. Many small farmers are unlikely to purchase a farmowners policy due to the increased cost. For little, if any, premium savings, this bill would not adequately protect an injured employee. The limits of an Employers Liability policy may also not protect the assets of the employer/farmer.

HB 499, permitting New Hampshire farmers to sell certain farm raised animals directly to the public. **OUGHT TO PASS WITH AMENDMENT.**

Rep. George Saunderson for Environment and Agriculture. This bill as amended would enable farmers who raise bison, a species exempt from US Department of Agriculture (USDA) inspection requirements, to put the animal down at the farm, have it butchered at a federally inspected custom exempt facility, and then directly sell the meat to consumers at his or her farm, farm stand, farmers' markets, or to restaurants. Keeping in mind the importance of food safety, the committee thoroughly studied this issue and crafted an amendment that adequately protects the consumers of New Hampshire, while at the same time encouraging the production and accessibility of local food within the state. **Vote 15-2.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 475, prohibiting the state from engaging in acts of civil forfeiture. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J.R. Hoell for Executive Departments and Administration. Civil forfeiture allows police to seize — and then keep or sell — any property they allege is involved in a crime. Owners need not ever be arrested or convicted of a crime for their cash, cars, or even real estate to be taken away permanently by the government. The intent of the civil forfeiture laws was to cripple large-scale criminal enterprises by diverting their resources and ensuring that criminals do not profit from their crimes. Unfortunately, this authority has been abused and has left citizens with legal costs to recover their property when they have done nothing wrong. The initial language of the bill required all public servants who engage in the act of civil forfeiture to be punished and lose their jobs. The committee thought the drafting was overly broad and unenforceable. Furthermore, last spring the ED&A Committee retained the bill with the impression that the other civil asset forfeiture bill filed in 2015 (HB 636) would be going forward. Unfortunately, both HB 475 and HB 636 were retained and nothing was accomplished this past year to correct the issues that we heard about in committee. A subcommittee was formed to investigate the issues associated with civil forfeiture and requests were made of the Attorney General to document what guidelines were being used within the state. The Attorney General's office did not provide this information to the subcommittee. After further work over the summer and fall, the House Judiciary Committee has given a positive report to HB 636. To ensure that the issue of civil asset forfeiture is properly addressed and that some changes to the statutes are made, the committee decided to recommend amending the bill to create a legislative study committee. The committee thought it wise to keep the bill alive in case HB 636 stalled for any reason. **Vote 11-0.**

HB 488, relative to an abusive work environment and the health and safety of public employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill establishes a commission to develop a policy for NH state agencies to prevent abusive work environments. Governor Hassan adopted a 'Respect in the Workplace Initiative' in May 2015 designed to ensure that disrespectful behavior is addressed immediately when it is detected. The sponsor and the committee agree that employee conduct is more appropriately addressed by internal policies rather than legislation. Therefore, all agree that this bill is not necessary. **Vote 12-0.**

HB 533, relative to arc-fault circuit-breaker protection in residential construction. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. J.R. Hoell for the **Majority** of Executive Departments and Administration. The bill as amended will allow an exception to the electrical code under certain circumstances. Arc fault circuit interrupter (AFCI) devices are designed to disable an electrical circuit that is experiencing electrical arcs. These sensitive devices frequently trip when no fault exists, leading to homeowner frustration or worse, the disabling of critical or life-safety equipment. Unlike ground fault interrupter (GFI) devices, AFCIs can trip when a motor turns on (refrigerator, vacuum, medical equipment, etc.). This bill will grant an exception to the building code in that it allows an electrician to replace an AFCI circuit breaker with a standard breaker when the homeowner is experiencing problems. Replacement can occur only after the integrity of the circuit has been confirmed and the possibility of faults have been eliminated. The bill does not remove the requirement for the installation of AFCI devices from the code, but allows their removal only when problems are being experienced. The bill requires code enforcement officials to be notified when an AFCI device has been removed. **Vote 6-5.**

Rep. Peter Schmidt for the **Minority** of Executive Departments and Administration. This bill deals with a very difficult and subtle issue: how to protect the general public while still allowing for an exception from code requirements in appropriate cases, when working with modern safety developments in electrical technology. The case in point involves the arc-fault circuit interrupter (AFCI), a relatively new electric circuit protection device currently required in new construction in NH. The ED&A Committee heard persuasive testimony relative to an elderly NH resident with severe respiratory problems requiring her to use an oxygen generator, i.e. a clear life-safety issue. Her oxygen device caused frequent nuisance tripping of the AFCI in her bedroom circuit, which resulted in onerous and unacceptable conditions for her to reset the AFCI and continue use of her oxygen generator. As introduced, this bill was unacceptably wide-ranging in the committee's view, but the matter required remediation, as well. An ED&A subcommittee met some 10 times with stakeholders from affected sectors. The minority recognizes the good work of all involved, but believes the issue is best left in the hands of the oversight boards of the relevant trades, which can act with much faster and more expert remedial steps.

HB 602-FN, relative to the use of drones. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Proulx for Executive Departments and Administration. Drones have a number of very reasonable and beneficial uses for the purposes of commerce, law enforcement and government. They are also becoming increasingly popular among hobbyists. In fact, it is estimated that 1 million drones will be sold during the holiday season this year. This bill as amended is the first step in codifying some basic drone regulation at the state level. The bill is designed to establish sensible standards for public and private drone users that balance the many social and economic benefits with the need to protect public and private property and individual privacy rights. **Vote 12-0.**

HB 661-FN, relative to record keeping for sold or transferred animals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MAJORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Christie for the **Majority** of Executive Departments and Administration. This bill deals with reporting requirements for animal shelters and for animals transported into NH. As originally presented, the bill would have required very detailed records to be kept on each transferred animal. It met with a great deal of opposition as that level of detail was felt to be unnecessary and burdensome by those in the industry. Over the summer, a subcommittee worked on the bill and got agreement by all interested parties that NH would use a standard grid sheet for reporting as is used in many other states. The amendment adds this to the law and also places the responsibility for the custody and storage of reports submitted to the state with the Department of Agriculture, Markets and Food as part of the license renewal process. **Vote 6-5.**

Rep. J.R. Hoell for the **Minority** of Executive Departments and Administration. The committee amendment rewrites the bill in its entirety and now addresses animals going into and out of shelters. The

second and third sections of the amendment also make clerical corrections to RSA 437:1 and 437:10. However, the committee amendment does not address the fact that the current law is so broad that a family which ends up with a pregnant animal, and subsequently a litter of dogs or cats, cannot sell them to good homes without breaking the law. The minority believes that if we are going to make changes to RSA 437, we should correct the overly broad definitions and write the statute so that it covers those in the business of raising and selling animals and does not prohibit the family who finds themselves with a pregnant animal, or who wants to breed their animal to have some additional pets.

SB 58, relative to the United States flag worn as a patch. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mark Proulx for the **Majority** of Executive Departments and Administration. This bill prohibits the uniforms of all state and local law enforcement, fire and first responder personnel in New Hampshire from wearing a “reverse image” of the US flag on their uniforms. The “reverse image” flag patch was adopted by the US Army as a symbol of respect for the flag. The Army uniform guide requires a flag patch on the right shoulder sleeve of a uniform to be worn so that the star field faces forward giving “the effect of the flag flying in the breeze as the wearer moves forward.” This is meant to ensure that the flag always appears to be advancing rather than retreating. Although the US Flag Code requires specific orientations for a flag in public display, it does not specify how it must be oriented when affixed to a military, fire, or police uniform. The committee is not aware of any analysis of the number of flag patches that would have to be replaced if this bill is adopted. **Vote 8-3.**

Rep. J.R. Hoell for the **Minority** of Executive Departments and Administration. The bill simply sets a standard for the wearing of flags by state and municipal personnel. The minority of the committee finds the use of a backward American flag on military uniforms to be contrary to, and in violation of the US Flag Code, Title 4, Subsections 7, 8 and 10. Under these sections, the display of the flags is meticulously outlined and never allows for the symbol of our country to be displayed backward anywhere. Furthermore, we believe that in 2005 the Secretary of the Army overstepped his authority in ordering the display of a backward flag to be affixed to the US Army uniform. While adding a true representation of the American flag to a military uniform is allowed under the Flag Code, a backward flag is not. Under US Constitution, article 10 (States Rights), NH has the authority to make laws that state employees wear the proper American Flag on their uniform. This complies with state law since we adopted the US Flag Code, sections 1-10 as the state Flag Code in 2011 (RSA 3-E). Lastly, the state has the authority to set basic guidelines for uniforms that are worn by state and municipal employees. This bill does not impact the private citizens of the state in any manner and therefore the argument that this bill violates First Amendment rights is unfounded.

FINANCE

HB 376-FN-A, appropriating funds to the department of environmental services for the purpose of funding eligible and completed drinking water, wastewater, and landfill closure projects under the state aid grant program. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Tracy Emerick for Finance. This bill was intended (a) to replace funds for eligible and completed drinking water, wastewater and landfill closure projects under the state aid grant program that the Department of Environmental Services removed from their budget to meet the Governor’s cuts in FY 2015 budget and (b) to provide funding for the FY 2016-FY 2017 biennium. HB 1 included full funding for such projects for FY 2016 and FY 2017, plus a footnote was written on that line to prohibit the Governor from raiding that line to pay for other programs, thus ensuring that towns would get their FY 2016 and FY 2017 allocation. The Governor did not choose to budget replacement money for the FY 2015 cuts. However, those cuts did not eliminate funding; instead municipalities eligible for the grants remain on the list and are to receive the grants in the current FY 2016-FY 2017 budget period. When the Governor cut the monies from FY 2015, it extended the life of the payments as opposed to reducing the amount owed. The committee recommends Inexpedient to Legislate for two reasons: it is unnecessary because the majority of the monies were budgeted in the passed version of HB 1, and if Ought to Pass it would require retroactive opening of the last budget to restore the monies cut from FY 2015. Because municipalities will eventually get all monies owed to them, the committee decided to support the Governor’s decision not to retroactively pay the FY 2015 monies. **Vote 15-10.**

FISH AND GAME AND MARINE RESOURCES

HB 500, repealing the prohibition on the use of silencing devices for taking wildlife. **MAJORITY:**

OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. James Spillane for the **Majority** of Fish and Game and Marine Resources. This bill brings New Hampshire in line with the hunting laws in a majority of the states, as 37 states currently allow the use of suppressors when hunting. Maine has just joined the ranks of those allowing use. This bill will allow hunters to prevent irreparable hearing damage and cut down on noise complaints. **Vote 7-5.**

Rep. Jonathan Manley for the **Minority** of Fish and Game and Marine Resources. Many groups are against this bill including the Department of Fish and Game, NH Timberland Owners Association, NH Guides Association, and many landowners. Those who favor it claim it would help protect hearing, but there are other devices that can adequately serve this function.

HB 505, relative to baiting for game birds and game animals by persons with a disability. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Douglas Long for the **Majority** of Fish and Game and Marine Resources. It was determined after many subcommittee work sessions and much discussion that the wording of the bill is insufficient and unclear. Specifically, the existing definition within the Fish and Game laws of “person with a disability” would be given too broad a meaning. **Vote 10-2.**

Rep. James Spillane for the **Minority** of Fish and Game and Marine Resources. This bill attempts to close a loophole that discriminates against disabled people who are not in a wheelchair and do not have veteran status. An equal playing field in the baiting and hunting of deer for all disabled people is all the bill is seeking to accomplish.

HB 518, relative to authority to establish fees for licenses issued by the fish and game department. INEXPEDIENT TO LEGISLATE.

Rep. James Spillane for Fish and Game and Marine Resources. This bill no longer has any purpose as its intended consequence, to authorize the Fish and Game Department to establish license and permit fees, has already been adopted into law through passage of HB 212 last session. **Vote 7-5.**

JUDICIARY

CACR 5, relating to legal actions. Providing that taxpayers have standing to bring actions against the government. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul Berch for the **Majority** of Judiciary. This CACR proposes a major change as to who can take a matter to court, namely the standing to sue. It would allow any resident taxpayer to challenge any and all revenue bills passed, or intended to pass into law by our state, county and municipalities, whether or not the person suing is affected by the tax imposed. In common language, CACR 5 would change the requirement that the person bringing the suit “have skin in the game.” In 2010 and 2014, the New Hampshire Supreme Court clarified that the State Constitution requires this concept of standing. CACR 5 seeks to amend the New Hampshire Constitution to allow a taxpayer to sue a governmental body for a declaratory judgment (a type of court action that challenges the validity of the law) without any claim of personal harm beyond his or her status as a taxpayer. This would allow a court to judge the legality of each and every revenue bill and even to impose injunctive relief and stop a revenue expenditure until the suit makes its way through the court system. The delay could be months or years. Members of the Judiciary Committee understood and were sympathetic regarding the issues involved in requiring traditional standing and looked at alternatives in considerable detail. Ultimately, the committee found that CACR 5 suffered from both conceptual and practical flaws. CACR 5 would allow the courts to take on an improper supervisory role over much of the activities of the co-equal branches of government and by changing the fundamental role of the Judicial Branch in our balanced system of government, CACR 5 would decrease the authority of the Legislative and Executive Branches, while greatly increasing the power of the Judicial Branch. The committee also found many practical problems with this proposed legislation – from definition of terms to lack of clarity of who is covered by the amendment; it would allow people who have no relation to an action to intervene or possibly appeal actions already settled by the parties; it could result in increases in costs to citizens and governmental bodies as well as delays in resolution of issues between citizens and their government; it could result in an increase in “drive-by” litigation, some potentially harassing or vindictive in nature. A significant increase in the caseload of the Judicial Branch could reasonably be expected. For the above reasons, the bipartisan majority of the committee cannot recommend passage of CACR 5. **Vote 16-2.**

Rep. Kurt Wuelper for the **Minority** of Judiciary. This CACR intends to restore the ability of citizens to have a court declare whether government actions are unlawful by giving them “standing” (even though the party taking action has not shown to be damaged) which the New Hampshire Supreme Court has denied

them for the last several years. These so called “taxpayer suits” have been in our courts at least since 1863. The New Hampshire Supreme Court in 1952 ruled “it is plain that every taxpayer of a town has a vital interest in and a right to the preservation of an orderly and lawful government regardless of whether his purse is immediately touched,” and again in 1974 ruled “it is well settled in this state that plaintiffs, as taxpayers, have standing to seek redress for the unlawful acts of their public officials.” But, in 2010, that court restricted that “well settled” right to taxpayers whose “rights are impaired or prejudiced,” excluding anyone who has not suffered a direct financial loss. To correct that misreading of RSA 491:22, in 2012, the General Court added language specifically restoring the right to sue if taxpayers were not personally injured. But, in 2014, the Supreme Court declared that restoration unconstitutional, prompting introduction of CACR 5. The minority believes that citizens should have the right to a “lawful and orderly” government and that access to the courts without being damaged should be a primary means of constraining government to lawful actions. In addition, any unlawful government action violates that right, so CACR 5 empowers taxpayers to sue over “conduct in violation of law, ordinance or constitutional provision,” extending the “lawful and orderly” requirement to every level of government in New Hampshire. The majority fears the courts would be deluged with lawsuits under CACR 5 delaying the implementation of a law or municipal ordinance and giving the Judicial Branch excessive power over the other two branches, but the minority believes history has shown otherwise. CACR 5 continues the General Court’s attempt to restore the right New Hampshire citizens had between 1863 and 2010 to sue for lawful government and provides important protection for all New Hampshire taxpayers.

HB 636-FN, relative to forfeiture of property. **MAJORITY: OUGHT TO PASS WITH AMENDMENT.**

MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Paul Berch for the **Majority** of Judiciary. Forfeiture, under federal and state law, is a legal tool that allows law enforcement to seize contraband and property on suspicion that it is involved in criminal activity and which seizure is subject to final approval by the courts. The purpose of this legislation is to modernize and clarify New Hampshire forfeiture laws. This bill as amended does so in four ways. First, unless the person is unavailable, such as due to death or incapacity, a criminal conviction or agreement of the parties is required for forfeiture to occur. Second, the burden of proof on the State is clarified to be “clear and convincing” evidence. Third, the rights of an innocent owner to return of property and the procedure to be used is set forth. Finally, disposition of forfeited property is to the Department of Administrative Services and forfeited currency is to the General Fund, after payment of liens and any court-ordered non-personnel expenses. The committee discussed at some length the question of whether forfeited funds should be kept in part by the local department which handled the police work as well as the Attorney General’s Office or whether the fund should more properly be part of the state treasury. Although the sums are very small (\$50-60,000 overall and less than half of that to all local police departments combined), it was felt that it was important for the public to perceive and believe that the police solely act on the needs of law enforcement and not for purposes of their own revenue enhancement. By having any forfeited funds go to the General Fund, the question of conflict of interest is eliminated. **Vote 14-5.**

Rep. Timothy Horrigan for the **Minority** of Judiciary. Under existing law, the proceeds from civil forfeiture are placed in a Drug Forfeiture Fund, pursuant to RSA 318-b:17-c. The minority concluded that it would be unwise to eliminate this fund, which helps local agencies fight the opioid epidemic. Each of our communities has unique needs to combat drug addiction. The dedicated drug fund would allow the best use of the funds in meeting the needs specific community needs.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 203-FN, relative to review of eligibility for workers' compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tammy Simmons for Labor, Industrial and Rehabilitative Services. The goal of the original bill and the impact it would have on a small number of injured workers with very unique situations was understood by the Labor Committee. However, it was felt that the bill would have had too broad of a negative impact on the ability of insurance carriers to close indemnity claims after 4 years and instead carriers would have to continually re-open cases. After hearing extensive testimony, the bi-partisan committee amendment changes the bill to prospectively address cases where medical treatment is purposely postponed for the medical benefit of the injured worker and allows the injured worker to appeal claims for indemnity. A floor amendment will be offered to address the effective date. **Vote 14-0.**

SB 238-FN, relative to the workers' compensation appeals board. **OUGHT TO PASS.**

Rep. Leonard Turcotte for Labor, Industrial and Rehabilitative Services. Both the House (HB 521) and

Senate introduced nearly identical versions of this bill. After much internal discussion and minor amendments by both the House and Senate we believe the Senate version of the bill is appropriate. A floor amendment will be offered to address the effective date. **Vote 14-0.**

LEGISLATIVE ADMINISTRATION

SB 136, (2nd New Title) establishing a committee to review constitutional amendments pending in Congress regarding the Citizens United decision and related cases that have been introduced in the United States Supreme Court. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Richard Hinch for the **Majority** of Legislative Administration. This bill establishes a legislative committee to review the impact of the Citizens United decision and constitutional amendments relating to this decision that are currently pending in Congress. As written, the committee is required to file a report on November 1, 2015, which is just over two weeks after the date of the executive session. The majority of the committee believed that by sending this bill to Interim Study, the issue of whether a study committee remains necessary can and will be debated, and recommendations for future legislation can be filed based on those findings, if necessary. **Vote 7-3.**

Rep. Lucy Weber for the **Minority** of Legislative Administration. SB 136, in its current form, simply establishes a four member, bipartisan committee to review all constitutional amendments pending in Congress on the subject of the Citizens United decision. The review committee would then communicate its recommendations, if any, for further action to both the NH legislature and the NH congressional delegation. Members of the minority are of the opinion that further study of the language of the bill, as opposed to the study of the actual issue, is unnecessary, unproductive and a waste of time and resources. It is clear that NH citizens want the issue of campaign financing to be addressed, preferably sooner rather than later. Putting any action off for another election cycle simply fails to address the problem. The floor amendment simply extends the time for the committee to report, adding an interim report by June 1, 2016 and a final report by November 1, 2016.

MUNICIPAL AND COUNTY GOVERNMENT

HB 226, allowing municipalities to borrow from any fund controlled by such municipality under certain conditions. **INEXPEDIENT TO LEGISLATE.**

Rep. James Coffey for Municipal and County Government. This bill would allow a municipality to borrow from existing funds that have been set aside for particular purposes for future expenditures. While using funds which have been set aside and are not currently in use is like borrowing from one's own savings account sounds like a great idea, looking deeper into it brought out some unintended pitfalls. Despite a constructive attempt to alter the original bill with an amendment, a bi-partisan majority of the Municipal and County Government Committee believes that potential problems still exist. The bill allows the governing body of a municipality to borrow beyond its current fiscal year with a 2/3 vote of the legislative body. This means that for a town it could only be accomplished at an annual meeting and would resemble a self-funded bond issue. It would also require a higher percentage to pass in SB 2 municipalities which normally require a sixty percent vote. The idea of reducing municipal costs by safe use of a temporary surplus in another fund should be explored further, but this bill could create more problems than it resolves. **Vote 10-3.**

HB 430, relative to extending the veterans' property tax credit to all honorably discharged veterans. **OUGHT TO PASS.**

Rep. Francis Chase for Municipal and County Government. This bill was one of three that concerned veterans' issues and was considered, by the committee, to be the most deserving. Municipalities vote to set the maximum amount of a tax credit given to eligible veterans between \$50 and \$500.. There is a gap in the eligibility period at the end of the Korean War and the beginning of the Vietnam conflict where veterans who served, regardless of where, are not eligible. This causes a veteran who may have served in a combat area to be denied the credit while a veteran serving in the States during another period is eligible. The current statute does not address where one served as much as when. Some veterans were getting the credit but lost it when some municipalities realized there was a gap in the eligibility period. This bill removes that gap and treats all veterans serving during the entire period the same without discrimination. The subject of making this enabling was not considered seriously by the committee as it would have created different classes of veterans between municipalities. **Vote 13-0.**

SB 146, relative to accessory dwelling units. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James Belanger for Municipal and County Government. This bill is much improved since its inception. A bipartisan subcommittee received substantive input from planning and zoning experts, municipal officials, and private industry representatives as well as several governing bodies. The resulting bill responds to overwhelming consumer demand for housing diversity and affordability, while at the same time, minimizing the potential for unintended consequences with careful wording. The bill allows accessory dwelling units to be established in the predominantly residential areas of all New Hampshire communities. This will help serve the needs of our state's aging and disabled populations, and will help address the desire of our younger residents to remain here to live and work by providing more affordable housing options. The bill includes several carefully drafted safeguards that ensure important municipal controls. Such controls include the ability to adopt conditional use or special exception requirements, the ability to require the "look and feel" of single family homes, incorporation of the accessory dwelling unit into the primary dwelling, and sizing and setback regulations that address well-grounded concerns about overburdening and unreasonable impacts upon neighbors and residential neighborhoods. The legislation also clarifies that municipalities may allow detached accessory dwelling units, but they are not required to do so. Finally, the bill allows municipalities to count qualifying accessory dwelling units toward their required fair share under the state's workforce housing law. The amended bill is an effective compromise that addresses almost every concern that was raised before the committee, and it contains numerous safeguards that will protect municipal interests while also helping to meet the needs of our changing population and allowing all homeowners fuller use of their property. **Vote 11-2.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 297, protecting individual customer data from disclosure by a public utility. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Glen Aldrich for the **Majority** of Science, Technology and Energy. The purpose of this bill is to protect utility customer's personal data and to streamline the exchange of customer complaint data between the Public Utilities Commission and the office of consumer advocate. No evidence surfaced that utility customers' data was in any way at risk. In fact all utilities stated they took great pains to protect this data. It seems this bill was a solution looking for a problem. The PUC said that it already has the authority to share customer complaint data with the Consumer Advocate making this bill unnecessary. **Vote 12-8.**

Rep. David Borden for the **Minority** of Science, Technology and Energy. Although the NH executive branch is one of the least expensive in the nation on a per capita basis, there are processes which are overly bureaucratic and wasteful. The minority feels that it is the role of the Legislature to streamline processes thus lowering the cost of government. The Public Utilities Commission requested this bill as a way to improve the flow and usefulness of customer information while also protecting privacy rights.

HB 334, relative to the sale of personally identifiable information by Internet service providers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert Backus for Science, Technology and Energy. This bill, as amended, establishes a committee to study ways of requiring internet service providers to keep the personal information of customers confidential. It would establish a committee of 5 members, 3 members of the House and 2 members of the Senate. The Study Committee is to issue its report by November 1, 2016. As originally presented, the bill would have defined personally identifiable information, internet service provider, and require a customer to "opt in," rather than "opt out," before personally identifying information could be shared. While the committee generally shared the sponsor's concern about securing the privacy of personally identifiable information from unwanted disclosure to third parties, it became clear that this was a subject that required more time and expertise than was readily available to the committee or the sponsor. With the agreement of the sponsor, the bill was then amended to provide for a study committee so that necessary legal and technical assistance could be brought to bear to help assure effective legislation may be introduced as a result. **Vote 14-6.**

HB 626-FN-A, authorizing energy infrastructure development and designating energy infrastructure corridors. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Herbert Vadney for the **Majority** of Science, Technology and Energy. This bill sought to establish energy infrastructure corridors along existing transportation rights-of-way, particularly Interstate's 89, 93, 95, and Route 101. The NH Department of Transportation testified that infrastructure developers could request the siting of transmission lines on this land today. Department spokespeople further testified that these highway corridors did not always offer disturbed soil as proponents advocated. This bill was patterned

off similar legislation in Maine, but added underground burial as a preference, where Maine's law never mentioned underground installation. The bill would have required a utility to move, at its own expense, any buried line should the highway itself be moved. No developer/utility showed up to support this bill. **Vote 11-9.**

Rep. Howard Moffett for the **Minority** of Science, Technology and Energy. This bill sets in place a process by which the Site Evaluation Committee in conjunction with the Department of Transportation can approve energy infrastructure development in established infrastructure corridors including Interstates 89, 93, and 95, and Route 101 between Manchester and Interstate 95. Project developers will have the option to apply to use these energy infrastructure corridors for all or part of any energy transmission project. These corridors along, within, and under major state-owned transportation routes can offer project developers an option for siting energy infrastructure projects, and can provide the state with revenue from the leasing of the corridors. Knowing that the current designated corridors are limited, the bill also sets up a commission to study the establishment of additional energy infrastructure corridors in the state.

SPECIAL COMMITTEE ON PUBLIC EMPLOYEE PENSION PLANS

HB 369-FN-A-L, establishing a defined contribution retirement plan for public employees. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank Edelblut for the **Majority** of Special Committee on Public Employee Pension Plans. The committee recommends Interim Study to allow further exploration of "stacked hybrid" plans using this bill as a framework. Stacked plans return a component of a defined benefit plan (DB) up to a certain wage level with a defined contribution plan (DC) above that level. **Vote 8-5.**

Rep. Jeffrey Goley for the **Minority** of Special Committee on Public Employee Pension Plans. The reason for referring this bill for Interim Study was to use it as a vehicle to look at and study stacked hybrid plans. We believe the committee already has the ability to look at and study any plan without the need of legislation. There have already been numerous study commissions that have looked at the retirement system, including the subject addressed in this bill, which is establishing a defined contribution plan. If legislation is needed going forward, there is already a bill that has been introduced for the upcoming session dealing with cash balance plans that can be used. Therefore, the minority of the committee believes this legislation is not needed.

HB 556-FN-L, establishing a cash balance plan for public employees in the retirement system. **REFER FOR INTERIM STUDY.**

Rep. Gary Azarian for Special Committee on Public Employee Pension Plans. The majority of the committee recommended Interim Study for this bill for the following reason. 1) This bill, as presented, is a bare bones approach to moving the system towards a cash balance plan. The complexities to move New Hampshire to a cash balance plan modeled after the successful plans of Nebraska and Kansas merit a true Interim Study, so that successful legislation can be brought forward for the benefit of the state, those employees currently in the system, and those who will join the system. **Vote 9-4.**

TRANSPORTATION

HB 280, establishing a committee to study the feasibility of placing medal decals on special number plates for veterans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas Walsh for Transportation. This bill as amended replaces the proposed study committee and creates specialty plates for veterans and non-profit organizations using a decal plate format. The decal plate is acquired from the Department of Motor Vehicles. The decals for military branch, etc. can then be purchased from the State Office of Veterans Services for veterans decal plates, or from the non-profit organizations that are approved (by the Legislature) for standard decal plates. The last part of the bill creates a motorcycle plate for disabled veterans. The requests for these types of plates have had to be denied for years due to cost. This program solves that problem and has the support of the Department of Safety. **Vote 15-0.**

HB 504, relative to online driver education. **INEXPEDIENT TO LEGISLATE.**

Rep. George Sykes for Transportation. HB 504 sought to allow an on-line instructional module, approved by the Department of Safety, to be one method for a person to successfully complete the requirements for classroom instruction found in RSA 263:19, I. Discussion brought up questions of effectiveness, effect on existing driver's education businesses, and if a mix of on-line and in class instruction was the best method, with no clear answers at this time. **Vote 10-7.**

HB 586-FN-L, relative to registration of automobile utility trailers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Werner Horn for Transportation. HB 586-FN establishes a business model under which automobile utility trailer registrations are accomplished via on-line access for out of state and New Hampshire residents. The amendment clarifies operating standards for nongovernmental registering trailer agents and requires the remittance of fees to the applicable town or city clerk for processing resident registrations. **Vote 8-3.**

WAYS AND MEANS

HB 359, allowing municipalities in Carroll county to offer property tax exemptions to foster commercial and industrial construction. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Don Leeman for the **Majority** of Ways and Means. The purpose of this bill is to extend the property tax exemption program in Coos County to municipalities in Carroll County for 5 years. This allows them to offer property tax exemptions to foster commercial and industrial construction. The amendment extends this option to all cities and towns in New Hampshire. **Vote 17-2.**

Rep. Susan Almy for the **Minority** of Ways and Means. The effect of this bill as amended is to remove the existing incentive to draw businesses to Coos County, the poorest county in the state, and to remove the incentive the bill sponsors sought to allow Carroll County to join Coos' program. The incentive has proved inadequate to draw substantial business to counties that are under endowed with adequate transportation and broad band.

HB 552-FN, requiring the state treasurer to develop an implementation plan for the state to accept bitcoin as payment for taxes and fees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. David Karrick for the **Majority** of Ways and Means. While consideration of accepting bitcoin as payment for taxes and fees to the State of New Hampshire is an interesting idea it is felt that if there is a serious problem with bitcoin or other proto currencies it would reflect poorly on the state even if the state was not at risk. **Vote 13-4.**

Rep. Susan Almy for the **Minority** of Ways and Means. This bill was rewritten to ensure that all the risk associated with bitcoin lies where it belongs, with the person who owes taxes or fees to the state and the bitcoin processor whom he contracts with to pay dollars to the state. The Treasurer provided strictures which have been met. The bitcoin concept is highly attractive to many of the young entrepreneurs we need to retain or attract to New Hampshire. The minority does not commit to ever using bitcoin itself, but believes it should be an option as long as the state receives payments only in US dollars and bears none of the risk of this volatile asset.

HB 594-FN-A, establishing keno. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for the **Majority** of Ways and Means. This bill calls for the expansion of Lottery by allowing for the introduction of Keno at establishments that pour liquor as defined by the liquor statutes listed in the amendment. Unlike other states, Keno will not be allowed to be played in convenience stores. There is an annual license fee to the establishment of \$500 which goes to the Education Trust Fund. The licensee will retain 8% of sales. The Department of Health and Human Services retains 1% of the remainder for problem gambling intervention. The Lottery Commission takes 2% of sales for administrative costs. Prize payouts will amount to 70% of sales. The balance of the sales revenue goes to the Education Trust Fund. Within two years of passage revenue is estimated to be approximately between \$8-9 million annually. Towns and cities must vote in the affirmative to allow Keno to be played within their municipality. The game of Keno utilizes the same equipment that is utilized for all the other Lottery games and will be monitored centrally at Lottery headquarters. Lottery has the infrastructure in place to easily accommodate this new Lottery game. It is well known that all the top revenue establishments in Massachusetts that have Keno are along the New Hampshire southern border which are frequented by many NH citizens. By allowing Keno in NH much of this revenue will be brought back to our state. This will be a win for NH restaurants as well as NH veterans' and other social clubs who want to participate, in addition to being a win for the Education Trust Fund. It also provides a way for our Lottery system to grow and to insure sufficient funds continue to flow into the Education Trust Fund. Keno was voted as the House position in 2014 and once again as the House position when it was voted on the House floor to be added to HB 2 in the original FY 2016-17 budget vote. Keno was also in the original FY 2016-17 budget submitted

by the Governor. **Vote 12-7.**

Rep. Mary Cooney for the **Minority** of Ways and Means. This bill would allow Keno to be played in most establishments that hold a liquor license. One problem that arises is that since Keno is considered a lottery game a player must only be 18 to play, but still 21 to drink alcohol. Keno, as it is played today is on video terminals. For some it is very addictive. Because it is electronic, the games offer many different scenarios with jackpots, roll-overs and multipliers. The minority feels that such addictive terminals should not be located in NH restaurants where children dine with their parents. Massachusetts, where Keno is everywhere lottery is sold, and before any casinos were approved, has some of the highest per capita spending on gambling in the country. NH should not want to join Massachusetts in this dubious distinction.

HB 630-FN-A, establishing the New Hampshire video lottery. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Henle for the **Majority** of Ways and Means. This legislation would allow establishments with a liquor license in the state to install and operate up to six video lottery machines (slot machines). This would be an unprecedented expansion of gambling in New Hampshire. It would have all of the negatives associated with casino gambling and very few of the positives. One of the arguments for allowing one or two casinos in the state was that it would promote economic activity in the vicinity of the casino. None of that would happen if this bill is enacted. Nobody is going to build a hotel next to a restaurant just because it has six slot machines. The bill does not create any new jobs; it has the potential to harm tourism; and it offers an inconsistent revenue stream. The issue of problem gambling is exacerbated by the wide distribution of the machines. Restricting the machines to one or two facilities enables both the casino operators and the state to monitor their use and identify problem gamblers early. Interventions can then be made to ward off the dire effects that problem gambling can have on individuals, families and local economies. Under this bill that would not be possible. It would be all too easy for a problem gambler to go undetected until it was too late and irreparable harm had been done. In 2013 and 2014 the House rejected bills that would have allowed video lottery machines in six locations. It has shown no interest in spreading this kind of gambling willy-nilly around the state. **Vote 12-7.**

Rep. Joseph Lachance for the **Minority** of Ways and Means. This bill expands the NH Lottery to include video lottery machines. On-premise liquor licensees (restaurants, bars, clubs, etc.) would be able to license up to six machines per location and machines must be kept in a room not visible or accessible to those under 21. The machines are centrally monitored at all times by the Lottery Commission's computers. There is a per-machine license fee which pays for the Lottery's expenses and, with a proposed amendment, a treatment fund for problem gambling. There is also a 67% tax on net after-prize income, which is directed to reducing the State Education Property Tax. The expected \$217 million of annual revenue would cut the \$363 million State Education Property Tax more than in half, for a 5% reduction in the typical property tax bill. This is gambling that works with existing small businesses, not against them. Like the original NH Lottery, it is a home-grown system and is not being promoted by lobbyists. Video lottery is very popular in Oregon and South Dakota, the two states with similar systems. In both states video lottery coexists with casinos, so one does not preclude the other. The amendment also provides for the same local opt-in and opt-out as we have for the rest of the NH Lottery. The committee also discussed a possible amendment. This amendment would allow for video lottery terminals to be in veterans and private social clubs only. No action was taken on that amendment at the executive session.

HB 634-FN-A, relative to applying the interest and dividends tax to trusts, increasing exemptions, and extending the tax to capital gains; and relative to homeowners property tax relief. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bill Ohm for the **Majority** of Ways and Means. This bill creates a new tax on capital gains that applies to individuals. While individual exemptions are increased, the tax is expected to raise approximately \$90 million. New Hampshire has no income tax on wages, and the majority feels that one effect of the bill is to extend an income tax on seniors, those who have built up a nest egg of stocks, bonds and CD's for retirement income. The committee did adopt an amendment that removed the application of the proposed tax to trusts but the majority is opposed to new taxes. **Vote 12-7.**

Rep. Richard Ames for the **Minority** of Ways and Means. This bill modifies New Hampshire's existing tax on investment income. It does this by extending to capital gains the existing 5% tax on interest and dividends. With this modification, all forms of individual investment income, i.e., of income derived from the ownership of assets including interest, dividends and capital gains (e.g. stock trades), will be equally taxed. The bill also cuts taxes by increasing exemptions from the 5% tax: the individual exemption allowed in our current tax on investment income will go up from \$2,400 to \$5,000, the combined married couple exemption

will go up from \$4,800 to \$10,000, and additional exemptions for the blind, disabled and elderly will go up from \$1,200 to \$2,500. The bill also includes provisions expanding the reach of the existing Low and Moderate Income Homeowners Property Tax Relief Program. With all of these changes, the fiscal note estimates New Hampshire will realize about \$90 million annually in net new revenue (after accounting for the increase in personal exemptions), collected primarily from relatively high income taxpayers. The capital gains loophole primarily benefits the wealthiest 1% of New Hampshire residents. These are taxpayers who already pay a federal capital gains tax, and by closing this loophole in New Hampshire, they can deduct the state tax off of their federal return and New Hampshire keeps more money in the state rather than sending it to the federal government. Because of the increased exemptions, because most current interest and dividends taxpayers do not receive substantial capital gains income, and because of the changes in the Low and Moderate Income Property Tax Relief Program, roughly 55,000 New Hampshire residents will pay less in taxes if the amended HB 634 becomes law. With the minority amendment, additional direct and indirect property taxpayer and local government tax and budget relief will come from the amended bill's allocation of \$75.2 million of the new revenue to enable the state to begin meeting its responsibilities under several core statutory state aid programs: local revenue sharing, catastrophic special education aid, school building aid, and local employer retirement cost sharing. The bill establishes a new capital gains reserve fund, using a rolling three-year historical average to constrain budgetary reliance on estimated capital gains revenue and establishing a prudential reserve fund system that will set aside excess amounts collected in unexpectedly high revenue years and make those amounts available to cover shortfalls in unexpectedly bad revenue years. Responding to concerns expressed at public hearing, the minority amendment removes all provisions that would have extended the tax on interest, dividends and capital gains to irrevocable trusts.

COMMITTEE MEETINGS

FRIDAY, DECEMBER 18

COMMISSION TO STUDY MENTAL HEALTH IMPLEMENTATION IN NEW HAMPSHIRE (RSA 135-C:63-b), Room 305, LOB **Please note room change.*

10:00 a.m. Regular meeting. Presentation by Dr. Robert MacLeod, CEO, New Hampshire Hospital, regarding current status of the Children's Unit.

11:00 a.m. Committee tour of New Hampshire Hospital. Transportation provided.

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

10:00 a.m. Regular meeting.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, TREATMENT, AND RECOVERY (RSA 12-J:1), Rooms 301-303, LOB

9:30 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

MONDAY, DECEMBER 21

INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E), Room 304, LOB

1:30 p.m. Regular meeting.

NEW HAMPSHIRE VETERANS HOME BOARD OF MANAGERS (RSA 119:3-a), New Hampshire Veterans Home, Tarr South Conference Room, 139 Winter Street, Tilton

9:00 a.m. Regular meeting.

TUESDAY, DECEMBER 22

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 304, LOB

9:30 a.m. Regular meeting.

**COMMISSION TO STUDY THE ECONOMIC IMPACT OF THE ARTS AND CULTURE IN
NEW HAMPSHIRE (RSA 19-A:14), Room 303, LOB**

2:00 p.m. Regular meeting.

TUESDAY, DECEMBER 29

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 304, LOB

9:30 a.m. Regular meeting.

**COMMISSION TO REVIEW CHILD ABUSE FATALITIES (RSA 169-C:39-k), Room 102
LOB**

9:30 a.m. Regular meeting.

MONDAY, JANUARY 4

**COMMISSION TO REVIEW AND CONSIDER ALCOHOLIC BEVERAGE
MANUFACTURING PROCESSES AND RETAIL SALES AT MANUFACTURING
FACILITIES (RSA 175:10), Room 306, LOB**

10:00 a.m. Regular meeting.

**STATE COMMITTEE ON AGING (RSA 161-F:7, I), Department of Health and Human
Services, Brown Building, Room 232, 129 Pleasant Street, Concord**

10:00 a.m. Regular meeting.

TUESDAY, JANUARY 5

**JOINT TASK FORCE FOR THE RESPONSE TO THE HEROIN AND OPIOID EPIDEMIC IN NEW
HAMPSHIRE, Rooms 210-211, LOB**

9:00 a.m. Public hearing.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

2:00 a.m. Full committee meeting.

FRIDAY, JANUARY 8

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Continued meeting.

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

9:30 a.m. Regular meeting.

**TELECOMMUNICATIONS PLANNING AND DEVELOPMENT ADVISORY COMMITTEE
(RSA 12-A:46), New Hampshire Department of Resources and Economic Development,
172 Pembroke Road, Concord**

10:00 a.m. Quarterly meeting.

MONDAY, JANUARY 11

**ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION (RSA 188-E:10-b),
Room 100, SH**

10:00 a.m. Regular meeting.

**COMMISSION TO STUDY THE ECONOMIC IMPACT OF THE ARTS AND CULTURE IN
NEW HAMPSHIRE (RSA 19-A:14), Room 303, LOB**

2:00 p.m. Regular meeting.

NH COURT ACCREDITATION COMMISSION (RSA 490:5-a), NH Supreme Court, One Charles Doe Drive, Concord

1:00 p.m. Regular meeting.

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

1:15 p.m. Regular meeting.

THURSDAY, JANUARY 14**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13), Room 104, LOB**

1:00 p.m. Subcommittee on food services performance audit review.

FRIDAY, JANUARY 15**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB**

9:00 a.m. Regular meeting.

COMMISSION ON RURAL AFFAIRS (RSA 9-A:5), Room 303, LOB

1:00 p.m. Regular meeting.

FRIDAY, JANUARY 22**NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g), Room 201, LOB**

10:00 a.m. Regular meeting.

MONDAY, JANUARY 25**NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q), Room 205, LOB**

1:30 p.m. Regular meeting.

FRIDAY, JANUARY 29**INFORMATION TECHNOLOGY COUNCIL (RSA 21-R:6), Rooms 210-211, 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. Colleagues who so desire may send cards and greetings to Rep. Susan Emerson, c/o General Delivery, Walter Reed Army Medical Center, 8901 Wisconsin Avenue, Bethesda, MD, 20889.

MEMBERS' NOTICES

The following notices are published in the House Record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

The NH House Business Caucus will meet **Tuesday, January 5th at 9 a.m.** in LOB 302. All current pro-business State Representatives are welcome.

Reps. Laurie Sanborn, Patrick Abrami,
Adam Schroadter

Beginning **January 5th**, the House Republican Alliance will meet **Tuesdays at 8:30 a.m.** in LOB 204 to discuss legislation. All Republican Representatives are welcome.

Reps. Carol McGuire, Bill Ohm, Leon Rideout

Sheehan Phinney Capitol Group will be hosting their annual Welcome Back Reception for all House and Senate members and staff on **Wednesday, January 6th** at Tandy's Top Shelf Restaurant, One Eagle Square (directly across the street from the State House) following the close of session, or at 3:00 p.m. should the session end early.

Reps. Gene Chandler and Stephen Shurtleff

Please join the Community College System of New Hampshire, Early Learning New Hampshire, and event partners for a "Granite State Conversation" featuring Dr. Robert Putnam, author of *Our Kids: The American Dream in Crisis* and *Bowling Alone: The Collapse and Revival of American Community* **January 7th from 5:00 – 7:00 p.m.** at Manchester Community College, 1066 Front Street, Manchester NH. Attendance is free but space is limited. Please register at <https://granitestateconversationputnam.eventbrite.com>. Robert D. Putnam is the Peter and Isabel Malkin Professor of Public Policy at Harvard, where he teaches both undergraduate and graduate courses. Professor Putnam is a member of the National Academy of Sciences, a Fellow of the British Academy, and past president of the American Political Science Association. In 2006, Putnam received the Skytte Prize, the world's highest accolade for a political scientist, and in 2012, he received the National Humanities Medal, the nation's highest honor for contributions to the humanities. The event will also feature a panel of experts who will discuss and respond to questions about the growing opportunity gap in New Hampshire and the nation, the consequences to individuals and communities, and the risk it poses to our American democracy.

Rep. Richard Hinch

All legislators and staff are cordially invited to an open house in honor of Deborah O'Loughlin on **January 14th from 12:00 – 4:00 p.m.** at the Upham Walker House, 20 Park Street, Concord. Please join the staff of the New Hampshire Insurance Department in wishing Deb well on her retirement and her eagerly anticipated next adventure in life after 25 years of dedicated service to the state.

Rep. John B. Hunt

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 **2016**. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes. Note that large groups are divided into smaller groups for tours.

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

Virginia J. Drew, Director
Deborah Rivers, Public Information Administrator

DATE	TIME	GROUP	# /GRADE
Jan. 11	9:30/11:00	New Boston Central School	76/4
Jan. 12	9:00	Lakes Region Leadership	25/adults
Jan. 12	9:30	Alton Central School	54/4
Jan. 15	9:30/11:00	Hillsboro – Deering School	115/4
Jan. 21	9:00	Manchester Greater Area Leadership	40/adults

AMENDMENTS
(LISTED IN NUMERICAL ORDER)

Amendment to HB 110
(2015-2395h)

Proposed by the Committee on Election Law - c

Amend the bill by replacing section 1 with the following:

- 1 Placement and Removal of Political Advertising. Amend RSA 664:17 to read as follows:
664:17 Placement and Removal of Political Advertising.

I. No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner's consent. ~~[All political advertising shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary.]~~ Signs shall not be placed on or affixed to utility poles or highway signs. Political advertising may be placed within state-owned rights-of-way as long as the advertising does not obstruct the safe flow of traffic and the advertising is placed with the consent of the owner of the land over which the right-of-way passes.

II. *All political advertising shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary.*

III. No person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to public property or any private property except for removal by the owner of the property, persons authorized by the owner of the property, or a law enforcement officer removing improper advertising. Political advertising placed on or affixed to any public property may be removed by state, city, or town maintenance or law enforcement personnel. Political advertising removed prior to election day by state, city, or town maintenance or law enforcement personnel shall be kept until one week after the election at a place designated by the state, city, or town so that the candidate may retrieve the items.

IV. *On election day, no political advertising shall be placed within the curtilage or parking area of any polling place without the governing body's or moderator's consent.*

2015-2395h

AMENDED ANALYSIS

This bill specifies that political advertising within the curtilage or parking area of any polling place requires the governing body's or moderator's consent.

Amendment to HB 114
(2015-2453h)

Proposed by the Committee on Commerce and Consumer Affairs - c

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

AN ACT establishing beer specialty licenses.

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

- 1 New Section; Beer Specialty License. Amend RSA 178 by inserting after section 19-c the following new section:

178:19-d Beer Specialty License.

I. A beer specialty license may be issued by the commission to any person operating a retail outlet in this state the primary business of which is the sale of beer as defined in RSA 175:1. A beer specialty license shall allow the licensee to sell beverage, wine, and tobacco products directly to individuals at retail on the premises for consumption off the premises; beer may be sold in such barrels, bottles, or other containers as commission may by rule prescribe.

II. Beer specialty licensees shall maintain an inventory of 400 or more selection of beer labels.

New Hampshire.

I understand that to vote in this city/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this city/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

~~[In declaring New Hampshire as my domicile, I am subject to the laws of the state of New Hampshire which apply to all residents, including laws requiring a driver to register a motor vehicle and apply for a New Hampshire's driver's license within 60 days of becoming a resident.]~~

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date _____

Signature of Applicant _____

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

(c) The secretary of state shall prescribe the form of the voter registration form to be used only for voter registrations at the polling place on the date of a state general election, which shall be in substantially the following form:

Date _____

VOTER REGISTRATION FORM

FOR USE AT THE POLLING PLACE ON THE DATE OF THE STATE GENERAL ELECTION

(Please print or type)

1. Name _____

Last (suffix) First Full Middle Name

2. Domicile Address _____

Street

Ward Number

Town or City

Zip Code

3. Mailing Address if different than in 2 _____

Street

Town or City

Zip Code

4. Place and Date of Birth _____

Town or City

State

Date _____

5. Are you a citizen of the United States? Yes ____ No ____

If a naturalized citizen, give name of court where and date when naturalized

6. Place last registered to vote _____

Street

Ward Number

7. Name under which previously registered, if different from above

8. Party Affiliation (if any) _____

9. Driver's License Number _____ State _____

If you do not have a valid driver's license, provide the last four digits of your social security number

My name is _____. I am today registering to vote in the city/town of _____, New Hampshire.

I understand that to vote in this city/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this city/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

~~[In declaring New Hampshire as my domicile, I am subject to the laws of the state of New Hampshire which apply to all residents, including laws requiring a driver to register a motor vehicle and apply for a New Hampshire's driver's license within 60 days of becoming a resident.]~~

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date	Signature of Applicant
If this form is used in place of proof of identity, age, citizenship, or domicile, I hereby swear that such information is true and accurate to the best of my knowledge.	
This form was executed for purposes of proving (applicant shall circle yes or no and initial each item):	
Identity	yes/no _____ (initials)
Citizenship	yes/no _____ (initials)
Age	yes/no _____ (initials)
Domicile	yes/no _____ (initials)
Applicant	Election Official

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

**Amendment to HB 197-FN
(2015-2457h)**

Proposed by the Committee on Commerce and Consumer Affairs - r

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

1 Wine Manufacturer License. Amend RSA 178:8, III to read as follows:

III. Each wine manufacturer shall have the right to sell at retail or wholesale at its winery for off-premises consumption any of its wines. Visitors of legal drinking age at said premises may be provided with samples of wine manufactured on the premises for tasting. Samples may be provided either free or for a fee and shall be limited to one 2-ounce sample per label per person. ***The commission may issue additional licenses to a wine manufacturer to operate no more than 2 additional tasting rooms for both samples and retail sales of its own wine separate and apart from its manufacturing facility, subject to payment of an annual fee of \$420 for each location.*** Pursuant to rules adopted by the commission, a wine manufacturer may transport its products to a farmers' market or a wine festival licensed under RSA 178:31, and may sell such products at retail in the original container.

2 Effective Date. This act shall take effect January 1, 2017.

2015-2457h

AMENDED ANALYSIS

This bill authorizes the wine manufacturer to conduct sampling and retail sales at locations other than

its manufacturing facility.

**Amendment to HB 218-FN
(2015-2441h)**

Proposed by the Majority of the Committee on Education - r

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

AN ACT relative to third grade proficiency in mathematics.

Amend RSA 198:40-a, II-a as inserted by section 1 of the bill by replacing it with the following:

II-a. An additional \$675 for each third grade pupil in the public school's ADMA in the determination year who has not tested at the proficient level or above in the reading ***component or the mathematics*** component of the state assessment and who is not eligible to receive special education, English as a second language, or free or reduced-price meal program funds in the determination year.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2017.

2015-2441h

AMENDED ANALYSIS

This bill provides that additional adequacy aid shall be available for each third grade pupil not testing at the proficient level or above on the reading component or the mathematics component of the statewide assessment.

**Amendment to HB 231
(2015-2509h)**

Proposed by the Majority of the Committee on Education - r

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

AN ACT relative to the criteria for evaluating school building aid applications.

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

1 School Building Aid; Approval of Plans. Amend RSA 198:15-c, II(b)(8) to read as follows:

(8) *A school district which initiated and completed a locally funded school renovation project to remedy a safety condition identified by the state fire marshal on or before June 30, 2017 shall be eligible to include any corrected safety condition in a subsequent application for school building aid submitted by the school district after June 30, 2017. This subparagraph shall not apply to a school district or a school that received state emergency funding or other state aid to remedy the safety condition on or before June 30, 2017.*

(9) *The project contributes to operational cost efficiencies, consolidation, or reduced property taxes.*

(10) *The project contributes to improvement of educational services.*

(11) Any other criteria that the state board of education may determine are necessary.

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

2015-2509h

AMENDED ANALYSIS

This bill adds new criteria for the evaluation of a school building aid application.

**Amendment to HB 242
(2015-2455h)**

Proposed by the Committee on Education - r

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

1 Statewide Education Improvement and Assessment Program. Amend RSA 193-C:3, IV(i)-(j) to read as follows:

(i) At the end of grade 3, to determine if pupils are [reading] at grade level ***in reading and mathematics*** on a standardized [reading] test to be developed by the department as part of a statewide assessment [system] ***program***.

2 Effective Date. This act shall take effect July 1, 2017.

2015-2455h

AMENDED ANALYSIS

This bill requires third grade pupils to demonstrate proficiency in the reading and mathematics components of the statewide assessment.

**Amendment to HB 280
(2015-2556h)**

Proposed by the Committee on Transportation - r

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

AN ACT authorizing multi-use decal plates, multi-use veterans decal plates, and relative to special motorcycle number plates for disabled veterans.

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

1 New Chapters; Multi-Use Decal Plates. Amend RSA by inserting after chapter 261-A the following new chapters:

CHAPTER 261-B
MULTI-USE DECAL PLATES

261-B:1 Multi-Use Decal Plates Authorized. The department of safety shall issue multi-use decal plates. The design shall provide an area 3 inches by 3 inches for the placement of a decal representing an organization authorized under RSA 261-B:3. Except as otherwise provided in this chapter, multi-use decal plates shall have the same effect and be issued in the same manner as other number plates. Multi-use number plates shall retain the "live free or die" logo.

261-B:2 Decals.

I. Decals shall be made of nonreflectorized material and manufactured to maintain their visibility for a minimum of 36 months.

II. Decals may only be placed on multi-use decal plates issued pursuant to this chapter.

III. Decals shall be distributed by organizations authorized under RSA 261-B:3.

IV. Decals shall include a unique sequence number.

V. The authorized organization may collect a fee for the decal.

261-B:3 Authorized Organizations.

I. Organizations that have been granted and continue to hold tax exempt status under 26 U.S.C. section 501(c)(3) are eligible to participate in the multi-use decal number plate program. To issue decals under this chapter, an organization shall file an annual report with the director of motor vehicles, in a format and time established by the director, containing the following:

(a) Address of the organization's headquarters.

(b) Name, address, and telephone number of the coordinator of the organization's decal program.

(c) A sample of the decal to be issued.

(d) A statement verifying that the images used in the decals do not infringe on any other person's intellectual property or a release from the owner authorizing the use of the images.

(e) A list of persons receiving decals from the organization and the sequence number assigned to each person.

(f) Fees received by the organization and their distribution.

(g) Verification of the organization's continuing status as a tax-exempt organization under 26 U.S.C. section 501(c)(3).

(h) A statement that the organization will continue to participate in the program.

II. An organization may end its participation in the multi-use decal number plate program by written notification to the director of motor vehicles and filing a final annual report within 30 days of the notification.

III. Participation in the multi-use decal number plate program shall terminate automatically if the organization fails to file its annual report under paragraph I or files a report that does not include the statement required by subparagraph I(h).

IV. A person displaying the decal of an organization that is no longer participating in the program on a multi-use decal number plate may continue to display the decal until the next expiration of the vehicle's registration.

V. Organizations shall allow a purchaser of a decal to purchase a new decal no less frequently than every 36 months.

261-B:4 Issuance and Renewal; Fees.

I. The fee for multi-use decal number plates shall be \$15 per year per set, which shall be in addition to any other registration and number plate fees. This fee shall not be prorated.

II. The commissioner of the department of safety shall deposit \$5 from each fee collected under paragraph I in the department of safety inventory fund established by RSA 228:25. The remainder shall be deposited in the highway fund.

261-B:5 Vehicles Eligible. Multi-use decal number plates may be used on passenger motor vehicles and recreation vehicles.

261-B:6 Misuse of Decals. Only decals issued by organizations authorized under this chapter may be displayed on multi-use decal number plates. Use of an unauthorized decal shall be a violation punishable by a fine of \$50 plus penalty assessment.

261-B:7 Change of Decals. The holder of a multi-use decal number plate may replace a decal with a decal from a different authorized organization.

261-B:8 Rulemaking. The commissioner of the department of safety shall adopt rules pursuant to RSA 541-A relative to the administration of the multi-use decal number plate program.

CHAPTER 261-C

MULTI-USE VETERANS DECAL PLATES

261-C:1 Multi-Use Veterans Decal Plates Authorized. The department of safety shall issue multi-use veterans decal plates. The design shall provide an area 3 inches by 3 inches for the placement of decals representing branches of service and medals authorized under RSA 261-C:4. Except as otherwise provided in this chapter, multi-use veterans decal plates shall have the same effect and be issued in the same manner as other number plates. Multi-use veterans decal plates shall retain the "live free or die" logo.

261-C:2 Decals.

I. Decals shall be made of nonreflectorized material and manufactured to maintain their visibility for a minimum of 36 months.

II. Decals shall include a unique sequence number.

III. The state office of veterans services may issue decals to eligible veterans and shall collect a fee of \$10 for the decal.

261-C:3 Eligibility. Multi-use veterans decal plates shall be issued only to those veterans defined in RSA 21:50, I(a). Additionally, an individual shall demonstrate to the satisfaction of the director of the state office of veterans services that he or she was a member of a specific branch of service or was awarded the medal represented on the requested decal.

261-C:4 Authorized Decals.

I. The following decals shall be issued in accordance with this chapter:

(a) Branch of service:

- (1) United States Army.
- (2) United States Navy.
- (3) United States Air Force.
- (4) United States Marine Corps.
- (5) United States Coast Guard.

(b) Medal for Valor:

- (1) Medal of Honor.
- (2) Distinguished Service Cross.
- (3) Navy Cross.
- (4) Air Force Cross.
- (5) Silver Star.
- (6) Bronze Star.

II. The state office of veterans services shall provide a report annually to the director of the division of motor vehicles. Such report shall contain the names of veterans to whom decal or decals were issued, indicating which decal was issued and its issue number.

III. Eligible veterans shall obtain new decals no less frequently than 36 months from the date of issue.

261-C:5 Vehicles Eligible. Multi-use veterans decal number plates may be used on passenger motor vehicles and recreation vehicles.

261-C:6 Misuse of Decals. Only decals authorized under this chapter may be displayed on multi-use veterans decal number plates. Use of an unauthorized decal shall be a violation punishable by a fine of \$50 plus penalty assessment.

261-C:7 Rulemaking. The commissioner of the department of safety in consultation with the director of the state office of veterans services shall adopt rules pursuant to RSA 541-A relative to the administration of the multi-use veterans decal number plate program.

2 Disabled Veterans; Motorcycle Plates. Amend RSA 261:86, II to read as follows:

II. Plates furnished pursuant to subparagraphs I(a)-(c) shall be issued without charge. Plates furnished pursuant to subparagraphs I(d) and (e) shall be issued without the \$4 per plate fees under RSA

261:75 but shall require payment of the regular registration fee. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-(e) shall not be entitled to free parking privileges for disabled veterans~~[-except that]~~. A person who qualifies for special plates pursuant to **subparagraph I(a) or** subparagraph I(d) may be issued an additional plate for a motorcycle.

3 Effective Date. This act shall take effect July 1, 2016.

2015-2556h

AMENDED ANALYSIS

This bill authorizes multi-use decal number plates and participation by the tax-exempt organizations to issue decals.

This bill authorizes multi-use veterans decal number plates and the issuance of decals by the state office of veterans services.

This bill allows a person who is eligible for a special number plate for disabled veterans to be issued an additional special number plate for a motorcycle.

Floor Amendment to HB 280

(2015-3029h)

Proposed by Reps. Steven Smith, T. Walsh, Sykes, M. O'Brien - r

Amend RSA 261-B:1 as inserted by section 1 of the bill by replacing it with the following:

261-B:1 Multi-Use Decal Plates Authorized. The department of safety shall issue multi-use decal plates. The design shall provide an area 3 inches by 3 inches for the placement of a decal representing an organization authorized by statute to issue decals. Except as otherwise provided in this chapter, multi-use decal plates shall have the same effect and be issued in the same manner as other number plates. Multi-use number plates shall retain the "live free or die" logo.

Amend RSA 261-B:2, III as inserted by section 1 of the bill by replacing it with the following:

III. Decals shall be distributed by organizations authorized by statute.

Amend the introductory paragraph of RSA 261-B:3, I as inserted by section 1 of the bill by replacing it with the following:

I. Organizations that have statutory authority to issue decals shall have been granted and continue to hold tax exempt status under 26 U.S.C. section 501(c)(3) to participate in the multi-use decal number plate program. To issue decals under this chapter, an organization shall file an annual report with the director of motor vehicles, in a format and time established by the director, containing the following:

Amend RSA 261-B:6 as inserted by section 1 of the bill by replacing it with the following:

261-B:6 Misuse of Decals. Only decals issued by organizations authorized by statute may be displayed on multi-use decal number plates. Use of an unauthorized decal shall be a violation punishable by a fine of \$50 plus penalty assessment.

2015-3029h

AMENDED ANALYSIS

This bill authorizes multi-use decal number plates which may bear decals issued by tax-exempt organizations authorized by statute.

This bill authorizes multi-use veterans decal number plates and the issuance of decals by the state office of veterans services.

This bill allows a person who is eligible for a special number plate for disabled veterans to be issued an additional special number plate for a motorcycle.

Amendment to HB 295

(2015-2387h)

Proposed by the Committee on Municipal and County Government - c

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

AN ACT correcting a reference in the housing law to municipal agreements regarding the construction of parking facilities.

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

1 Municipal Agreements Regarding Parking Facilities. Amend RSA 203:8, IX to read as follows:

IX. To enter into agreements with municipalities for the construction of public parking facilities as provided in ~~[RSA 252-A]~~ **RSA 231**, provided, however, that any such agreement shall require that the public parking facilities shall be conveyed to the municipality or its designee upon completion of the project. Any authority may construct such facilities in any area that the municipality shall authorize and shall not be limited to blighted, substandard or slum areas.

2 Municipal Agreements Regarding Parking Facilities. Amend RSA 203:23, XV to read as follows:

XV. Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with a housing authority for the construction of public parking facilities as provided in ~~[RSA 252-A]~~ **RSA 231**; provided, however, that any such agreement shall require that the public parking facilities shall be conveyed to the municipality or its designee upon completion of the project. Any authority may construct such facilities in any area that the municipality shall authorize and shall not be limited to blighted, substandard or slum areas. Any municipality may issue and sell its general obligation bonds or notes as provided by ~~[RSA 252-A]~~ **RSA 231** to raise funds to be granted to a housing authority for the purposes of carrying out such agreements. Municipalities may make assessments as provided by ~~[RSA 252-A]~~ **RSA 231** and may increase motor vehicle permit fees as provided by ~~[RSA 260:27-b]~~ **RSA 261:154** in order to pay the cost of construction of a public parking facility including payment of indebtedness incurred by the issuance of such bonds or notes. Any such indebtedness shall be included in the net indebtedness of the municipality for the purpose of ascertaining its borrowing capacity only to the extent and under the conditions provided in ~~[RSA 252-A]~~ **RSA 231**.

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

2015-2387h

AMENDED ANALYSIS

This bill corrects a reference in a provision relative to municipal agreements regarding the construction of parking facilities.

Amendment to HB 297 (2015-2360h)

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

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

AN ACT protecting individual customer data from disclosure by a service provider.

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

1 New Subdivisions; Public Utilities Commission; Privacy Policies for Individual Customer Data; Confidential Data Filed at Public Utilities Commission. Amend RSA 363 by inserting after section 36 the following new subdivisions:

Privacy Policies for Individual Customer Data

363:37 Definitions.

I. "Individual customer data" means information that is collected as part of providing electric, natural gas, water, or related services to a customer that can identify, singly or in combination, that specific customer, including the name, address, account number, quantity, characteristics, or time of consumption by the customer.

II. "Service provider" means a public utility, as defined by RSA 362:2; a competitive electricity supplier, including aggregators and brokers, under RSA 374-F:7; a rural electric cooperative, as defined by RSA 301:57, suppliers of natural gas under RSA 362:4-b, and any other service provider that receives individual customer data from electric, natural gas, or water consumption.

III. "Primary purpose" means the main reason for the collection, storage, use, or disclosure of individual customer data which is limited to:

(a) Providing or billing for electrical, gas, or water service, including lawful transfers of customer accounts between service providers.

(b) Meeting system, grid, operational, or customer service needs.

(c) Implementing demand response, energy management, net metering projects, or energy efficiency programs.

(d) Providing information to the commission to fulfill its regulatory responsibilities.

363:38 Duties and Responsibilities of Service Providers:

I. No service provider shall:

(a) Share, disclose, or otherwise make accessible to any third party a customer's individual customer data, except as provided in paragraph V or upon the express consent of the customer.

(b) Sell individual customer data for any purpose without the express consent of the customer.

(c) In any way restrict a customer's access to that customer's individual usage data.

II. Service providers shall:

(a) Collect, store, use, and disclose only as much individual customer data as is necessary to accomplish a specific primary purpose.

(b) Use individual customer data solely for specified primary purposes.

(c) Maintain individual customer data only for as long as necessary to accomplish a specific primary purpose.

III. A service provider that allows customer access to electric, natural gas, or water consumption data shall allow customer access to that data without requiring disclosure of that customer's individual customer data to third parties.

IV. A service provider shall use reasonable security procedures and practices to protect individual customer data, including but not limited to encryption of wireless transmission of customer data, from unauthorized access, use, destruction, modification, or disclosure.

V.(a) Nothing in this section shall preclude a service provider from using aggregate customer data for analysis, reporting, or program management after information that identifies an individual customer is removed.

(b) Nothing in this section shall preclude a service provider from disclosing a customer's individual data to a third party for system, grid, or operational needs, or the implementation of demand response, energy management, or energy efficiency programs, provided that the service provider for contracts entered into after January 1, 2015, has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, use, destruction, modification, or disclosure, and prohibit the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the express consent of the customer.

(c) Nothing in this section shall preclude a service provider from disclosing electric, natural gas, or water consumption data required under state law, or which is identified as information subject to a search warrant based on probable cause, or by an order of the commission.

363:39 Complaints to the Commission. When complaints to the public utilities commission are initiated by residential customers, the commission shall provide to the consumer advocate access to the complaint, by paper or electronically, with the customer name blocked out, at the same time as the commission forwards the complaint to the utility in compliance with commission rules.

2 New Paragraph; Access to Governmental Records and Meetings; Exemptions. Amend RSA 91-A:5 by inserting after paragraph IX the following new paragraph:

X. Utility reporting data released by the public utilities commission to the office of the consumer advocate.

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

Amendment to HB 301 (2015-2538h)

Proposed by the Majority of the Committee on Education - r

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

AN ACT establishing a committee to study New Hampshire's statewide longitudinal data system and any other department of education maintained database that contains student level data.

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

1 Committee Established. There is established a committee to study the layout and data elements contained in the statewide longitudinal data system and any other department of education maintained database that contains student level data.

2 Membership and Compensation.

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

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

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

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

3 Duties.

I. The committee shall:

(a) Study the design and layout of each state maintained database that contains student level data.

(b) Review the technical specifications that were given to contractors who designed and built each database regarding the data elements to be stored in each database.

(c) Provide transparency by assembling a dictionary of data elements currently being collected

and maintained in the statewide longitudinal data system and in any other department of education maintained database that contains student level data.

(d) Study the scope, use, and security of school district databases and privacy policies.

II. The committee may solicit advice and testimony from any individual or organization with information or expertise relevant to the purpose of the committee's 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 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2016.

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

2015-2538h

AMENDED ANALYSIS

This bill establishes a committee to study New Hampshire's statewide longitudinal data system and any other department of education maintained database that contains student level data.

Amendment to HB 334

(2015-2359h)

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

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

AN ACT establishing a committee to study ways of requiring Internet entities to keep the personal information of customers confidential.

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

1 Committee Established. There is established a committee to study ways of requiring Internet entities to keep the personal information of customers confidential.

2 Membership and Compensation.

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

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

(b) 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. The committee shall:

I. Define "Internet service providers".

II. Define "personally identifiable information".

III. Establish criteria for protecting the personally identifiable information of New Hampshire residents from being shared by entities that obtain such information by providing Internet service.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2016.

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

2015-2359h

AMENDED ANALYSIS

This bill establishes a committee to study ways of requiring Internet entities to keep the personal information of customers confidential.

Amendment to HB 356

(2015-2534h)

Proposed by the Committee on Commerce and Consumer Affairs - c

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

AN ACT establishing a commission to study cryptocurrency regulation.

1 New Subdivision; Commission to Study Cryptocurrency Regulation. Amend RSA 399-G by inserting after section 24 the following new subdivision:

Commission to Study Cryptocurrency Regulation

399-G:25 Commission to Study Cryptocurrency Established.

I. There is established a commission to study cryptocurrency regulation.

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

(a) Three members of the house of representatives, appointed as follows: one member appointed by the speaker of the house of representatives, one member from the commerce committee appointed by the chair of the commerce committee, and one member of the ways and means committee, appointed by the chair of the ways and means committee.

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

(c) The banking commissioner, or designee.

(d) The director of the bureau of New Hampshire securities, or designee.

(e) One representative of the cryptocurrency industry, appointed by the governor.

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

IV. The commission shall study whether regulation of the cryptocurrency industry is necessary in New Hampshire.

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 first-named house member. 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 annually 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.

2 Repeal. RSA 399-G:25, relative to the commission to study cryptocurrency regulation, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2021.

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

2015-2534h

AMENDED ANALYSIS

This bill establishes a commission to study the regulation of the cryptocurrency industry.

Amendment to HB 359

(2015-2408h)

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 allowing all municipalities to adopt the property tax exemption to foster commercial and industrial construction.

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

1 Property Taxation; Commercial and Industrial Construction Exemption; Change to Statewide.

Amend RSA 72:75, I(b) to read as follows:

(b) "Eligible municipality" shall mean any city or town ~~[in Coos county]~~.

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

2015-2408h

AMENDED ANALYSIS

This bill extends the property tax exemption currently available only in Coos county to all municipalities in the state to foster commercial and industrial construction.

Amendment to HB 377

(2015-2506h)

Proposed by the Committee on Executive Departments and Administration - c

Amendment to HB 377

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

AN ACT establishing a state geographic information system committee.

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

1 Statement of Intent. The intent of this act is to codify the existing New Hampshire geographic

information system committee. The general court intends that all participants in the pre-existing committee continue to participate in committee discussions regardless of whether they are appointed as voting members of the committee. It is important that all participants provide input so that their expertise and knowledge can be used in formulating any future plans or decisions.

2 New Chapter; State Geographic Information System Committee. Amend RSA by inserting after chapter 4-E the following new chapter:

CHAPTER 4-F
NEW HAMPSHIRE GEOGRAPHIC INFORMATION
SYSTEM COMMITTEE

4-F:1 Geographic Information System (GIS) Committee Established.

I. There is established a New Hampshire geographic information system (GIS) committee.

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

(a) The commissioner or agency head of each of the following state agencies, or designee:

- (1) Adjutant general.
- (2) Department of agriculture, markets and food.
- (3) Department of corrections.
- (4) Department of cultural resources.
- (5) Department of education.
- (6) Office of energy and planning.
- (7) Department of environmental services.
- (8) Fish and game department.
- (9) Department of health and human services.
- (10) Department of information technology.
- (11) Department of resources and economic development.
- (12) Department of revenue administration.
- (13) Department of safety.
- (14) Department of transportation.

(b) The director of the University of New Hampshire's Geographically Referenced Analysis and Information Transfer (GRANIT) System, or designee.

(c) A municipal GIS manager, appointed by the New Hampshire Municipal Association.

III. All entities represented on the committee shall share access to geospatial data and resources with the exception of information that is nonpublic, statutorily restricted, or is part of a criminal investigation. Shared information shall be used exclusively for the benefit of the state, the state's political subdivisions, and other relevant parties. No entity represented on the committee shall use data or resources obtained from another entity represented on the committee for pecuniary gain.

IV. The committee shall review the use, development, and coordination of geospatial data and resources by state agencies and municipal governments and shall consider the need for central coordination, storage, and distribution of such data and resources, and suggest an appropriate response. The committee shall also consider GIS activities at public and semi-public agencies and identify avenues where legislation may further efficiencies through enhanced cooperation.

V. The first meeting of the committee shall be called by the commissioner of the department of information technology, or designee, and shall be held within 45 days of the effective date of this section. The members of the committee shall elect a chairperson from among the members at the first meeting and every 2 years thereafter. Nine members of the committee shall constitute a quorum.

VI. The committee shall report annually, beginning November 1, 2016, to the speaker of the house of representatives, the president of the senate, and the governor, on or before November 1. The reports shall describe the activities and findings of the committee and any recommendations for proposed legislation.

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

2015-2506h

AMENDED ANALYSIS

This bill establishes a state geographic information system committee.

**Amendment to HB 378
(2015-2405h)**

Proposed by the Committee on Children and Family Law - c

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

AN ACT establishing a committee to study RSA 461-A, relative to parental rights and responsibilities, and the revised child support guidelines as of 2013.

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

1 Committee Established. There is established a committee to study RSA 461-A, relative to parental rights and responsibilities, and the revised child support guidelines as of 2013.

2 Membership and Compensation.

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

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

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

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

3 Duties.

I. The committee shall review implementation of RSA 461-A, relative to parental rights and responsibilities, and the revised child support formula, adopted pursuant to RSA 458-C, as amended by 2012, 248. The study shall address the following questions:

(a) Did adoption of RSA 461-A meet the legislature's goal of minimizing the adversarial nature of divorce and parenting cases?

(b) Could RSA 461-A and RSA 458-C be amended to further reduce the adversarial nature of such proceedings?

(c) Would specific guidelines for shared and split parenting cases improve outcomes and reduce conflict?

(d) What effect has the loss of state funding for guardians ad litem had on low income cases?

(e) Have changes in the child support guidelines been equitable for both parents and provided adequate and appropriate support for children?

(f) How have changes to the child support guidelines affected low and high income parents?

(g) What criteria is used for the 4-year review of the child support guidelines, required under RSA 458-C:6 and 42 U.S.C. section 667, and would changes to the review's scope or procedures be appropriate?

II. The committee may solicit information and testimony from any individual and organization the committee deems relevant to its study, including:

(a) Family law attorneys.

(b) The department of health and human services, division of child support services.

(c) The New Hampshire Coalition Against Domestic and Sexual Violence.

(d) The New Hampshire Conflict Resolution Association.

(e) Child psychologists.

(f) The university of New Hampshire cooperative extension.

(g) Judges and masters assigned to the circuit court, family division.

(h) Guardians ad litem.

(i) Members of the public who were parties to parenting cases under RSA 461-A or RSA 458-C, including individuals who were satisfied and those who were dissatisfied with the legal process.

4 Chairperson; Quorum. The first-named house member shall serve as chairperson of the committee and shall call the first meeting of the committee. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the chairperson of the house children and family law committee, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2016.

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

2015-2405h

AMENDED ANALYSIS

This bill establishes a committee to study RSA 461-A, relative to parental rights and responsibilities, and the revised child support guidelines as of 2013.

Amendment to HB 466

(2015-2471h)

Proposed by the Committee on Environment and Agriculture - c

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

AN ACT relative to farm tractor plates for certain specialized vehicles.

1 Farm Tractor Plates; Specialized Vehicles. Amend RSA 261:83, II to read as follows:

II. Notwithstanding any provision of law to the contrary, a farm tractor that is fitted with attachments such as cultivators, loaders, or other equipment, specific to the activities of the farm, **or a specialized vehicle such as a backhoe, bulldozer, excavator, grader, or loader**, shall qualify for farm tractor registration rates and number plates, provided that it is being used exclusively for agriculture and farming purposes, and not being used for hire.

III. For a person using a specialized vehicle under paragraph II to be eligible for the issuance of a farm tractor plate, the applicant shall sign the following form which the treasurer of a city or such other official as the city government may designate or the town clerk shall provide. This form shall be provided to the applicant upon request without further evidence from the applicant that the plate shall be used for purposes of this section.

I, the undersigned, fully understand the limitations concerning the use of specialized vehicles such as backhoes, bulldozers, excavators, graders, or loaders registered under RSA 261:83, and hereby certify that my vehicle will be used only for agricultural and farming purposes and uses incidental thereto. Signed:

Date: _____

Copies to:

**Town or City Clerk
Applicant**

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

2015-2471h

AMENDED ANALYSIS

This bill allows certain specialized vehicles used for agricultural purposes to qualify for farm tractor plates.

Amendment to HB 471 (2015-2433h)

Proposed by the Majority of the Committee on Education - r

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

AN ACT relative to the duties of school boards.

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

1 State Board of Education; Duty to Provide Education. Amend RSA 189:1-a, II to read as follows:

II. **In each school operated and governed in its district, the** elected school ~~[boards]~~ **board** shall be responsible for establishing the structure, accountability, advocacy, and delivery of instruction, **the curricula and courses taught, the adoption of educational standards that meet or exceed state minimum standards, and the methods for assessing pupil performance in grades 3-8 for the years in which a statewide assessment is not administered to ensure compliance with the requirements of RSA 193-C** ~~[in each school operated and governed in its district]~~. To accomplish this end, and to support flexibility in implementing diverse educational approaches, **a** school ~~[boards]~~ **board** shall establish, in each school operated and governed in its district, instructional policies that establish instructional goals based upon available information about the knowledge and skills pupils will need in the future.

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

2015-2433h

AMENDED ANALYSIS

This bill amends the specific duties of school boards.

Amendment to HB 475 (2015-2517h)

Proposed by the Committee on Executive Departments and Administration - r

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

AN ACT establishing a committee to study civil forfeiture.

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

1 Committee Established. There is established a committee to study civil forfeiture.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the civil forfeiture statutes in New Hampshire and evaluate the impact on the citizens of our state.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2016.

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

2015-2517h

AMENDED ANALYSIS

This bill establishes a committee to study civil forfeiture in New Hampshire.

**Amendment to HB 499
(2015-2473h)**

Proposed by the Committee on Environment and Agriculture - r

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

AN ACT permitting New Hampshire farmers to sell farm-raised bison directly to the public.

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

1 New Paragraph; Food Service Licensure; Exemption; Bison. Amend RSA 143-A:5 by inserting after paragraph VIII the following new paragraph:

IX. A farm owned or operated by any person, firm, or corporation that raises bison and sells bison for human consumption, and the direct sale within this state of the carcasses, parts, meat, and meat food products of such animals to the consumer from such farm, at the producer's farm stand, and by the producer at farmers' markets and licensed restaurants.

2 New Paragraph; Meat Inspection; Exemption; Bison. Amend RSA 427:16 by inserting after paragraph IV the following new paragraph:

V. The slaughter of bison shall be exempt from the provisions of this subdivision requiring inspection of the slaughter of animals and preparation of the carcasses, parts thereof, meat and meat food products for sale within this state to the public. The slaughter of the bison shall be permitted only:

(a) When the owner of the bison designates a slaughter area on the farm premises.

(b) When the bison is slaughtered humanely under RSA 427:33 by the owner or the owner's full time or seasonal employee.

(c) From September 1 to April 30.

(d) When no more than 12 hours passes from the time of slaughter to the placement of the carcass in a refrigerated facility.

(e) When a veterinarian licensed under RSA 332-B conducts an ante-mortem inspection of each bison on the day of slaughter, witnesses the slaughter, conducts a post-mortem inspection of the carcass, and documents his or her inspection in a report on forms provided by the state veterinarian.

(f) When the veterinarian and owner shall make a report of the slaughter which contains the following:

(1) Name, address, phone number of animal owner.

(2) Identification number on animal (to assure same carcass arrives at butcher).

(3) Date, time, location of examination.

(4) Statement that the examination was visual.

(5) Live animal was examined both at rest and in motion.

(6) Ante-mortem examination stating live animal is free from any observed abnormalities, including but not limited to:

(A) No observed lameness, stiffness, abnormal body positions (e.g. tucked abdomen, arched back, extended neck or tail, etc).

(B) No abnormal discharges or odors.

(C) No blisters or vesicles observed.

(D) No abnormal growths, swellings, enlargements, injuries, loss of hair or other skin lesions, infestations (e.g. maggots), labored breathing, diarrhea.

(E) Animal did not appear abnormally nervous or restless, excessively anxious or upset, depressed, disinterested, blind.

(F) Animal did not stagger, circle, head press, salivate excessively, rub or scratch excessively.

(G) Both eyes present and normal.

(7) Post-mortem examination stating carcass is free from any observed abnormalities, including:

(A) Mouth, tongue, eyes appear normal.

(B) Lymph nodes appear normal.

(C) No observed lumps, bumps, growths.

(D) No abnormal odors or discharges.

(E) No adhesions or ongoing infectious processes.

(8) This statement: "A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made for services rendered in good faith under the provisions of RSA 427:16, V. Such a veterinarian is, therefore, protected from a lawsuit for his or her part in any illness, product quality failure, or other concern resulting from the products of this animal." Liability for any illness or product quality failure shall rest solely and completely with the animal owner.

(9) A certification by the animal owner that this animal is free from antibiotic, dewormer, and chemical residues, and that the label instructions were followed regarding the withdrawal of such substances.

(10) Signature blocks for both the veterinarian and the animal owner.

(g) When such animal is transported to and processed at a facility that is eligible to conduct custom exempt activities as regulated by the United States department of agriculture pursuant to 21 U.S.C. section 23(a) and associated departmental regulations.

(h) When the owner of the bison shall retain the original copy of the report made in subparagraph (f). A copy of such report shall accompany the bison carcass to the processing establishment. The processing establishment shall retain a copy of the report for one year. For purposes of this paragraph, a processing establishment includes professional meat cutters which are open year round.

(i) If bison meat is ground for sale, then it shall be tested by the processing establishment for *Escherichia coli* and *Salmonella* at the bison owner's expense.

3 New Subdivision; Meat from Bison; Labeling. Amend RSA 143-A by inserting after section 17 the following new subdivision:

Meat from Bison

143-A:18 Labeling; Meat from Bison. All packaging containing carcasses, parts, meat, and meat food products of bison exempt from the requirements of RSA 427 sold by a farm shall be clearly labeled to include a description of the product, the name, address, and telephone number of the farm where the product originates, and the date of slaughter.

143-A:19 Purchase of Uninspected Bison by Licensed Restaurants.

I. A licensed restaurant may purchase uninspected, processed, bison from bison producers exempt from the requirements of RSA 427. All packaging containing uninspected bison shall be clearly labeled to include, but not be limited to, the following information: the name and address of the farm where the product originates and the date of slaughter.

II. For at least 90 days from the date of each purchase, the licensed restaurant shall keep on file the receipt of purchase to include the product purchased, the date of purchase, the name of the producer, the name and address of the farm, and phone number.

III. The licensed restaurant shall clearly label any menu item containing uninspected bison with the following statement: "This product has been raised and processed on a New Hampshire farm and is exempt from state and federal inspection."

4 New Subdivision; Meat from Bison; Labeling. Amend RSA 427 by inserting after section 59 the following new subdivision:

Meat from Bison

427:60 Labeling; Meat from Bison. All packaging containing carcasses, parts, meat, and meat food products of bison exempt from the requirements of RSA 427 sold by a farm shall be clearly labeled to

include a description of the product, the name, address, and telephone number of the farm where the product originates, and the date of slaughter.

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

2015-2473h

AMENDED ANALYSIS

This bill allows the sale of bison meat and meat food products to the public.

This bill also describes the inspection process for sellable bison meat.

Amendment to HB 512

(2015-2379h)

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

Amend RSA 4:46, I-a as inserted by section 1 of the bill by inserting after subparagraph (e) the following new subparagraph:

(f) For the purposes of this paragraph, "law enforcement officer" includes, but is not limited to, state, local, and county officials, federal agents, members of the National Guard, members of the United States Armed Forces, private security persons, United Nations troops, and United Nations Armed Forces.

Amendment to HB 513

(2015-2001h)

Proposed by the Majority of the Committee on Children and Family Law - r

Amend the bill by replacing section 1 with the following:

1 Guardian Ad Litem Board; Complaint Investigation Procedures. RSA 490-C:4, I(g) is repealed and reenacted to read as follows:

(g) Investigate and resolve complaints against certified guardians ad litem, and against formerly certified guardians ad litem who are claimed to have engaged in acts or omissions prohibited when certified. In acting on complaints, the board may resolve complaints by agreement and may refer a complaint to the appropriate court for investigation, resolution, or other action. Such referral may be made regardless of whether the allegation or complaint relates to a case which is then pending in court and may be made in lieu of or in addition to any investigatory or disciplinary procedures that the board may itself be authorized to pursue.

(h) Dismiss complaints against certified guardians ad litem without prejudice when the complaint relates to a trial or judicial proceeding in progress, unless the board for good cause votes to proceed immediately with such complaint. When the board dismisses a complaint because the complaint relates to a trial or judicial proceeding in progress, the board shall inform the complainant that he or she may bring the complaint to the attention of the court that appointed the guardian ad litem and that the complainant may resubmit the complaint to the board at the conclusion of the trial or judicial proceeding.

2015-2001h

AMENDED ANALYSIS

This bill make changes in the investigation and dismissal procedures of the guardian ad litem board.

Amendment to HB 527

(2015-2381h)

Proposed by the Committee on Education - r

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

AN ACT requiring school districts employing school resource officers to adopt a written agreement.

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

1 New Paragraph; State Board of Education; School Resource Officers. Amend RSA 186:11 by inserting after paragraph XXXVI the following new paragraph:

XXXVII. School Resource Officers. Require each school district in the state to which a school resource officer (SRO) is assigned to develop and implement a policy governing the use of a SRO. A school district policy shall include, at a minimum, a requirement for a signed memorandum of understanding between the school district and the law enforcement agency from which the SRO is deployed.

2 Effective Date. This act shall take effect January 1, 2017.

2015-2381h

AMENDED ANALYSIS

This bill requires school districts employing a school resource officer to adopt a written agreement.

Amendment to HB 533 **(2015-2515h)**

Proposed by the Majority of the Committee on Executive Departments and Administration - r

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

AN ACT relative to installation requirements for arc-fault circuit interrupters.

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

1 New Section; New Hampshire Building Code; Installation of Arc-Fault Circuit Interrupters; Exception. Amend RSA 155-A by inserting after section 3-b the following new section:

155-A:3-c Installation of Arc-Fault Circuit Interrupters (AFCI); Exception. Notwithstanding any provision of the state building code or state fire code requiring the installation of arc-fault circuit interrupters, after repeated tripping of an AFCI device and determination the branch circuit is not causing the AFCI to trip, an AFCI device may be replaced with one without AFCI protection in accordance with this section.

I. All receptacle outlets supplied by the branch circuit without AFCI protection shall be marked "No AFCI Protection."

II. Incident reports shall be filed by registered letter or email with a read receipt requested:

(a) By the property owner to all occupants as applicable; and

(b) By the electrician with the electricians' board if he or she is performing the replacement.

III. The time periods for the AFCI device replacement and incident reporting shall be as follows:

(a) The device without AFCI protection shall be permitted to remain in place for the period of time it takes for the manufacturer to resolve the matter.

(b) The incident report shall be postmarked within 5 working days or by email with an electronic read receipt request within 5 working days of replacing the AFCI device.

2 Effective Date. This act shall take effect January 1, 2017.

2015-2515h

AMENDED ANALYSIS

This bill permits an arc-fault circuit interrupter (AFCI) device to be replaced with a device without AFCI protection in certain circumstances.

Amendment to HB 535-FN **(2015-2547h)**

Proposed by the Committee on Transportation - c

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

1 New Section; Signs Advising Motorists Approaching Emergency Vehicles in the Breakdown Lane; Fund Established. Amend RSA 265 by inserting after section 37-b the following new section:

265:37-c Signs Advising Motorists Approaching Emergency Vehicles in the Breakdown Lane; Fund Established.

I. There is established a nonlapsing revolving fund to be known as the emergency vehicle warning sign fund in the department of transportation which shall be funded by moneys paid through public-private agreements to post signs on the following highways, advising motorists to give one lane of clearance to emergency vehicles in the breakdown lane:

(a) I-93 Northbound, one sign at the Massachusetts border, one sign between Salem and Manchester, and 2 signs between Concord and the Vermont border.

(b) I-93 Southbound, one sign at the Vermont border, one sign between the Vermont border and Concord, and 2 signs between Concord and the Massachusetts border.

(c) I-89 Northbound, 2 signs between Concord and the Vermont border.

(d) I-89 Southbound, one sign at the Vermont border and one sign between the Vermont border and Concord.

(e) Rte. 101 Eastbound, one sign at the intersection with I-93 and one sign between the intersection with I-93 and Hampton.

(f) Rte. 101 Westbound, one sign at Hampton and one sign between Hampton and the intersection with I-93.

II. The moneys in the fund shall be expended solely for the purpose of posting the signs in paragraph I. When all such signs have been posted, any balance in the fund shall lapse to the general fund.

2 New Subparagraph; State Treasurer and State Accounts; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (331) the following new subparagraph:

(332) Moneys deposited in the emergency vehicle warning sign fund established in RSA 265:37-c.

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

2015-2547h

AMENDED ANALYSIS

This bill establishes a fund in the department of transportation, funded by payments from public-private agreements, for the sole purpose of posting signs advising motorists to give one lane of clearance to emergency vehicles in the breakdown lane.

This bill also specifies locations for those signs.

Amendment to HB 536

(2015-2523h)

Proposed by the Committee on Education - c

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

1 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1) to read as follows:

(b)(1) Except as provided in subparagraph (2), for a chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition pursuant to RSA 198:40-a, ***I, II, and II-a*** plus an additional grant of \$2,000 directly to the chartered public school for each pupil who is a resident of this state in attendance at such chartered public school. ***The state shall pay amounts required pursuant to RSA 198:40-a, III directly to the resident district.***

2 Chartered Public Schools; Funding. Amend RSA 194-B:11, IV to read as follows:

IV. ~~[Any]~~ Federal or other funding available in any year to a sending district shall, to the extent and in a manner acceptable to the funding source, be directed to a chartered public school in a receiving district on an eligible per pupil basis. This funding shall include, but not be limited to, funding under federal Chapters I and II of Title II, and Drug-Free Schools, in whatever form the funding is available in any year. ***This paragraph shall not apply to funding available to school districts under the federal Individuals with Disabilities Education Act.***

Amendment to HB 549-FN-A-LOCAL

(2015-2514h)

Proposed by the Committee on Education - r

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

AN ACT relative to school building aid grants.

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

1 School Building Aid; Grant for School Construction. Amend RSA 198:15-a, IV to read as follows:

IV. Beginning July 1, ~~[2013]~~ **2016**, and every fiscal year thereafter, school building aid grants for construction or renovation projects approved by the department of education shall ~~[not exceed]~~ ***not be less than*** \$50,000,000 per fiscal year ~~[less any debt service payments owed in the fiscal year, unless otherwise provided by an act of the general court]~~. ***In addition, each fiscal year, there is hereby appropriated to the department of education for the purpose of making school building aid grants pursuant to this chapter, an amount equal to the difference between \$50,000,000 and the state operating budget appropriation for building aid-education, account 06-56-56-561010-6019-77. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.*** School building aid grants shall be funded from appropriations in the state operating budget and no state bonds shall be authorized or issued for the purpose of funding such school building aid grants.

2 School Building Aid; Amount of Grant. Amend RSA 198:15-b, I(a)(1) to read as follows:

(a)(1) For construction authorized by a school district on or before July 1, 2013, the amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, any receiving district operating an area school as defined in RSA 195-A:1, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be a sum equal to ~~[30]~~ **25** percent of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district, joint maintenance agreement, or receiving district, heretofore or hereafter incurred, for the cost of construction or purchase of school

buildings and school administrative unit facilities, or for the cost of acquiring, developing, or renovating any municipally-owned land, buildings, or facilities to be used for school district purposes, to the extent approved by the department of education, provided that any school district may receive an annual grant in the amount of ~~[40]~~ **35** percent for the construction of an educational administration building for a school administrative unit, and provided that the amount of the annual grant in the case of a cooperative school district, a joint maintenance agreement, a receiving district operating an area school, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be ~~[40]~~ **35** percent plus 5 percent for each pre-existing district in excess of 2 and each sending district in excess of one, and provided further that no cooperative school district, joint maintenance agreement, or receiving district operating an area school, shall receive an annual grant in excess of ~~[55]~~ **50** percent.

3 School Building Aid; Amount of Grant. Amend RSA 198:15-b, I(a)(2)(C) to read as follows:

(C) The amount of the grant to any chartered public school established in accordance with RSA 194-B:3-a shall be ~~[30]~~ **25** percent of the eligible cost of construction.

4 School Building Aid; Alternative School Building Aid Grants. Amend RSA 198:15-v, II(b) to read as follows:

(b) For projects approved after July 1, 2013, the amount of the grant to any school district, city, cooperative school district, joint maintenance agreement, or receiving district shall be a sum equal to the percentage of all approved costs for construction or purchase of school buildings according to the following table:

Building Aid Factor Building Aid Grant

0-59 ~~[60]~~ **55** percent

60-69 ~~[55]~~ **50** percent

70-89 ~~[45]~~ **40** percent

90-114 ~~[40]~~ **35** percent

115 or greater ~~[30]~~ **25** percent

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

2015-2514h

AMENDED ANALYSIS

This bill requires a general fund appropriation equal to the difference between the statutory maximum school building aid grant amount of \$50,000,000 and the state operating budget appropriation for building aid. The bill also amends the percentage of approved project costs for which the state will reimburse a school district.

Amendment to HB 552-FN

(2015-2554h)

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

Amend the bill by replacing section 1 with the following:

1 Implementation Plan for the State to Accept Bitcoin as Payment for Taxes and Fees.

I. The state treasurer, in consultation with the commissioner of the department of revenue administration and the commissioner of the department of administrative services, shall develop an implementation plan for the state to accept bitcoin as payment for taxes and fees beginning July 1, 2017. The plan shall address accounting, valuation, and management issues relative to the acceptance of bitcoin, shall include any terms or conditions the state treasurer deems to be in the best interest of the state, and shall identify an appropriate third party payment processor.

II. The third party payment processor shall:

(a) Process bitcoin transactions at no cost to the state.

(b) Assume any currency risk associated with the acceptance of bitcoin.

(c) Exchange bitcoin to United States dollars on behalf of the state. At no point in the transaction shall the state hold bitcoin rather than United States dollars.

(d) Transmit all settlement funds to the state treasurer within 48 hours of receipt, provided that funds received on a weekend or bank holiday may be settled the next business day.

(e) Ensure that, if the payment processor defaults or if the value of converted bitcoin is less than the amount of the fee or tax owed, the taxpayer or original party responsible for payment of the fee shall be responsible for the deficiency.

III. On or before January 1, 2017, the state treasurer shall submit the plan, including identification of an appropriate third party payment processor, to the governor, the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, and the state library.

**Amendment to HB 582-FN
(2015-2399h)**

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

Amend RSA 159:6 as inserted by section 1 of the bill by replacing it with the following:

159:6 License to Carry.

I.(a) The selectmen of a town, the mayor or chief of police of a city or a full-time police officer designated by them respectively, the county sheriff for a resident of an unincorporated place, or the county sheriff if designated by the selectmen of a town that has no police chief, upon application of any resident of such town, city, or unincorporated place, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose~~[-, and that the applicant is a suitable person to be licensed]~~, ***unless the applicant is prohibited by New Hampshire or federal statute from possessing a firearm.*** Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued.

(b) The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for [4] **5** years. When required, license renewal shall take place within the month of the ~~[fourth]~~ **fifth** anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the town or city granting said licenses; the fee for licenses granted to out-of-state residents shall be \$100, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. ***The form shall require no more information than was required on the state of New Hampshire application for pistol/revolver license, form DSSP 85, as revised in December 2009.*** No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

II. No photograph or fingerprint shall be required or used as a basis to grant, deny, or renew a license to carry for a resident or nonresident, unless requested by the applicant.

III. The availability of a license to carry a loaded pistol or revolver under this section or under any other provision of law shall not be construed to impose a prohibition on the unlicensed transport or carry of a firearm in a vehicle, or on or about one's person, whether openly or concealed, loaded or unloaded, by a resident, nonresident, or alien if that individual is not otherwise prohibited by statute from possessing a firearm in the state of New Hampshire.

**Amendment to HB 585-FN-A
(2015-2403h)**

Proposed by the Committee on Ways and Means - c

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

AN ACT relative to penalty assessments.

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

2 New Subparagraph; General Revenue Exceptions. Amend RSA 6:12, I(b) by inserting after subparagraph (330) the following new subparagraph:

(331) Moneys received pursuant to RSA 179:64, which shall be deposited in accordance with RSA 179:64, IV.

3 New Section; Penalty Assessment; Waiver of Penalty. Amend RSA 179 by inserting after section 63

the following new section:

179:64 Penalty Assessment; Waiver of Penalty.

I. The commission shall levy a penalty assessment of \$12 or 24 percent, whichever is greater, on each fine or penalty imposed by the commission for a violation of RSA title XIII.

II. If multiple offenses are involved, the penalty assessment shall be imposed on the total fine.

III. If a fine is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

IV. The commission shall collect all penalty assessments and shall transmit the amount collected under paragraphs I-III to the state treasurer for deposit in the following funds. The state treasurer shall deposit 33 1/3 percent of the amount collected in the victims' assistance fund, 33 1/3 percent of the amount collected in the special fund for domestic violence programs, and 33 1/3 percent of the amount collected in the alcohol abuse prevention and treatment fund.

V. If it is determined by the commission that the payment of all or any part of a penalty assessment would work a hardship on the person convicted or on such person's immediate family, the commission may suspend the payment of all or any part of the assessment.

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

5 Penalty Assessments. Amend RSA 188-F:31, I to read as follows:

I. Every court shall levy a penalty assessment of [~~\$2~~] **\$12** or 24 percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense **or violation of law**, including any fine or penalty for a violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked. Notwithstanding any law or rule to the contrary, the penalty assessment shall be levied in addition to the amount of the fine or penalty imposed by the court.

6 Effective Date. This act shall take effect July 1, 2016.

2015-2403h

AMENDED ANALYSIS

This bill establishes a penalty assessment for violation of alcoholic beverage laws. This bill also modifies penalty assessments under RSA 188-F:31.

**Amendment to HB 586-FN-LOCAL
(2015-2485h)**

Proposed by the Committee on Transportation - r

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

2 New Subdivision; Registrations by Nongovernmental Registering Trailer Agents. Amend RSA 261 by inserting after section 74-s the following new subdivision:

Registrations by Nongovernmental Registering Trailer Agents

261:74-t Registrations by Nongovernmental Registering Trailer Agents.

I. Automobile utility trailer registrations may be issued, renewed, or transferred through nongovernmental registering trailer agents appointed in accordance with this subdivision. Trailer agents shall be residents of and have a verified business address in this state. The director is authorized to limit the number of nongovernmental registering trailer agents appointed under this subdivision based on resource limitations, provided that at least 3 trailer agents are appointed and provided that any limitation established shall not be the basis for revoking any appointment previously made.

II.(a) Each applicant for appointment as a trailer agent shall furnish the following to the department:

- (1) Whether the application is an original, renewal, or change of location;
- (2) Corporate or business name;
- (3) Trade name, if applicable;
- (4) Legal address;
- (5) Mailing address;
- (6) Telephone number;
- (7) Business hours;
- (8) Name, address, and date of birth of at least one owner, partner, or officer, and title, if applicable;
- (9) Name of the person who will be responsible for filing monthly reports;
- (10) An agreement to notify the department of any change of ownership, address, or corporate or trade name; and

(11) Signature and title of the person identified in subparagraph (8) and date signed.

(b)(1) Upon submission of an application that is incomplete or might indicate lack of fitness or qualification for appointment as a trailer agent, the director or his or her designee shall require an applicant to appear for an interview.

(2) The director or his or her designee shall inform the applicant in writing of the interview. The written notice shall include the date, time, and location of the interview.

(3) At the interview, the director or his or her designee shall:

(A) Explain any discrepancy or concerns to the applicant.

(B) Answer any questions that the applicant may have about the process.

(C) Allow the applicant to make corrections to the application or address any concerns expressed.

(4) If an applicant refuses or neglects to appear for a scheduled interview, the director shall deny his or her application.

(5) If an applicant fails to explain any discrepancy or concerns at the interview, the director shall deny his or her application.

(c) In order to be appointed as a trailer agent by the director, each applicant shall:

(1) Complete the application.

(2) Complete the training requirements.

(3) Complete an interview if applicable.

(4) Obtain a surety bond.

(5) Agree to allow the director or his or her designee to enter the agent's premises during business hours for the purposes of auditing or verifying compliance with the terms and conditions of this section.

(6) Agree to keep current with forms and software as determined by the department.

(d) Trailer agents:

(1) Shall furnish registration information concerning vehicle information as the director may require.

(2) Collect fees.

(3) Issue registrations.

(4) Submit monthly reports to the department and to each city and town clerk for which municipal permit fees are collected and remitted by the manner and in the form as the director may prescribe.

(e)(1) Each trailer agent shall maintain a record of all trailer registration certificates issued by him or her, including:

(A) Date of registration.

(B) Full name of the registrant.

(C) Identifying number.

(D) Address and phone number of record.

(2) The trailer agent shall maintain all records for a period of 15 years.

(f)(1) Prior to being appointed as a trailer agent, each applicant shall complete a training program conducted at the division of motor vehicles, or such other location as the department shall determine.

(2) The training program shall include the following instruction:

(A) Completing a trailer registration using either online equipment furnished by the department or offline equipment including forms and tables furnished by the department.

(B) Filing monthly reports.

(C) Collecting trailer registration and municipal permit fees.

(D) Maintaining records.

(E) Retaining the agent fee.

(F) Posting office hours.

(g)(1) If a trailer agent is deficient in any area, the department shall request the trailer agent to undergo retraining.

(2) Depending upon the areas of deficiency, retraining shall consist of one or more of the following:

(A) Repeat the training program.

(B) Repeat any portion of the training program.

(C) Undergo further training, the substance of which shall be determined by the

department.

(h) Before any appointment shall become effective, each trailer agent shall file a surety bond with the department, pursuant to RSA 41:6.

(i)(1) Each trailer agent shall mail a monthly report to the tax collector of all municipalities where a New Hampshire resident lives that registered a trailer with that agent. The trailer agent shall send a copy of the monthly report to the department.

(2) Each trailer agent shall mail a monthly report of nonresident registrations to the department containing:

- (A) The physical address and telephone number where the trailer agent is located;
- (B) Period the report begins and ends;
- (C) Number of trailers registered; and
- (D) Amount of registration fee collected.

(3) The monthly reports shall be submitted along with all fees due to the department or the municipality in the form of a check or money order.

(j) Whenever a trailer agent's office is closed or unattended, all decals, stamps, and other registration materials shall be placed in a locked file cabinet or other secure container.

II. A nonresident may register an automobile utility trailer in this state through a nongovernmental registering trailer agent, even if the trailer is not garaged exclusively in this state in accordance with RSA 261:46. Registrations of nonresidents for automobile utility trailers that are not garaged exclusively in this state shall bear the address of the owner's residence and the address of the nongovernmental registering trailer agent.

261:74-u Fees; Multiyear Registrations.

I. A nongovernmental registering trailer agent may collect and retain a fee for each registration processed as compensation for processing the registration.

II. The nongovernmental registering trailer agent shall collect and remit to the department the registration fee established in RSA 261:141, III(j). Automobile utility trailers owned by nonresidents of New Hampshire registered under this subdivision shall not require a municipal permit for registration and shall not be subject to any municipal fees. When a trailer agent processes a registration for a New Hampshire resident, the agent shall collect and forward to the applicable town or city clerk the registration permit fee under RSA 261:153, I due for that year.

III. Persons may register automobile utility trailers for up to 10 years through a trailer agent. Multiyear registrations for automobile utility trailers shall be subject to the following discounted fees:

- (a) One year: no discount.
- (b) Two years: 2 times the annual fee.
- (c) Three years: 2.75 times the annual fee.
- (d) Four years: 3.25 times the annual fee.
- (e) Five years: 4.25 times the annual fee.
- (f) Ten years: 8 times the annual fee.

261:74-v Revocation of Agency Status.

I. If the director determines that a trailer agent has not continued to fulfill the requirements of RSA 261:74-t or has violated any of the rules adopted pursuant to RSA 261:74-w, the director shall commence the procedure established in paragraph II.

II. Any trailer agent whose appointment is sought to be revoked shall be afforded the opportunity of a hearing before the director or designee prior to such revocation. Following the hearing, the director may revoke the appointment as a trailer agent upon satisfactory evidence that the provisions of this subdivision have been violated and that the revocation is in the best interest of the state. A written statement outlining the evidence and violations shall accompany the revocation.

III. Upon the revocation of such agency, the person shall surrender to the department or its authorized agent all materials issued by the state under the provisions of this subdivision and all records pertaining to all matters authorized by this subdivision.

IV. Whenever an authorized auditor of the department, with the approval of the commissioner, determines that the public interest requires immediate action, the director may issue a temporary order suspending the authority of a nongovernmental registering trailer agent to issue, renew, or transfer registrations, pending a hearing.

261:74-w Rulemaking. The director shall adopt rules pursuant to RSA 541-A relative to application forms for appointment as a nongovernmental registering trailer agent.

3 Surety Bonds. Amend the introductory paragraph of RSA 41:6, I to read as follows:

I. Town treasurers, trustees as provided in RSA 31:22 and [23] ***RSA 31:23***, trustees as provided in RSA 53-B:8-a, I, library trustees including alternate library trustees, if any, town clerks, tax collectors and their deputies, agents authorized to collect the boat fee, ***nongovernmental registering trailer agents appointed under RSA 261:74-t***, and persons delegated treasury functions under RSA 41:29, VI shall be bonded by position under a blanket bond from a surety company authorized to do business in this state. The bond shall indemnify against losses through:

4 Effective Date. This act shall take effect July 1, 2016.

2015-2485h

AMENDED ANALYSIS

This bill:

I. Authorizes registration of automobile utility trailers through nongovernmental agents of the department of safety.

II. Authorizes multiyear registrations through those agents.

III. Provides discounts on fees for multiyear registrations.

IV. Allows registrations through the agents by nonresidents for automobile utility trailers not garaged exclusively in this state.

Amendment to HB 594-FN-A

(2015-2481h)

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

Amend RSA 284:45, VI as inserted by section 1 of the bill by replacing it with the following:

VI. To be eligible for licensure under this subdivision an applicant shall:

(a) Document that it is one of the following:

(1) A restaurant or hotel holding a valid liquor license under RSA 178:20, II, RSA 178:21, II(a) or (b), or RSA 178:22, V(q).

(2) A brew pub holding a valid liquor license under RSA 178:13.

(3) A ballroom holding a valid liquor license under RSA 178:22, V(c).

(4) A veterans' club, private club, or social club holding a valid liquor license under RSA 178:22, V(h).

(5) A convention center holding a valid liquor license under RSA 178:22, V(i).

(6) A hotel holding a valid liquor license under RSA 178:22, V(k).

(7) A racetrack holding a valid liquor license under RSA 178:22, V(n).

(8) A sports recreation facility holding a valid liquor license under RSA 178:22, V(v).

(b) Document that the keno games will only be operated in towns and cities that have voted to allow the operation of keno games pursuant to RSA 284:51.

(c) Maintain a current list of employees.

Amend RSA 284:45 as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. Any suspension or revocation of a liquor license shall result in the immediate suspension of the keno license issued under this chapter.

Amend RSA 284:51 as inserted by section 1 of the bill by replacing it with the following:

284:51 Local Option.

I. Any town or city may allow the operation of keno games according to the provisions of this subdivision, in the following manner:

(a) In a town, the question shall be placed on the warrant of an annual town meeting under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative body may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen, aldermen, or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be substantially as follows: "Shall we allow the operation of keno games within the town or city?"

II. If a majority of those voting on the question vote "Yes," keno games may be operated within the town or city.

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph I at the next annual town meeting or regular municipal election.

IV. A municipality that has voted to allow the operation of keno games may consider rescinding its action in the manner described in paragraph I of this section.

V. The lottery commission shall maintain a list of municipalities where keno is available.

**Amendment to HB 601-FN
(2015-2527h)**

Proposed by the Committee on Commerce and Consumer Affairs - r

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

1 Notice; Cash Dispensing Machines. Amend RSA 399-F:3, I(b) to read as follows:

(b) Fee of \$50 payable to the state of New Hampshire [~~in certified funds~~].

2 Notice; Cash Dispensing Machines. Amend RSA 399-F:3, II to read as follows:

II. Commencing in the calendar year following an operator's compliance with paragraph I, the operator shall provide annually before July 1 to the commissioner a notice and fee in accordance with the provisions of [subparagraphs] **subparagraph I(a) [and I(b)] and a renewal fee of \$5 payable to the state of New Hampshire.**

3 Notice; Cash Dispensing Machines. Amend RSA 399-F:3, V to read as follows:

V. The operator of a cash dispensing machine who fails to completely and accurately abide by this section shall not legally establish or operate such cash dispensing machine until [section] **paragraph I** is fully complied with, except that a fee of \$100, [~~rather than \$50,~~] shall be paid.

4 Repeal. RSA 399-F:5, II, relative to fees collected for the operation of cash dispensing machines, is repealed.

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

2015-2527h

AMENDED ANALYSIS

This bill sets a renewal fee for operators of cash dispensing machines.

**Amendment to HB 602-FN
(2015-2493h)**

Proposed by the Committee on Executive Departments and Administration - r

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

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

CHAPTER 644-A

DRONES

644-A:1 Definitions. In this chapter:

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

II. "Automated surveillance" means surveillance employing a mechanical or electronic device, computer or software, including but not limited to facial recognition technology, that functions continuously without continuous input from a human operator.

III. "Commercial purpose" means to exchange for money, goods or services or to exchange with the intention of directly or indirectly benefiting any business or other undertaking intended for profit.

IV. "Critical infrastructure" means a petroleum or chemical production, transportation, storage or processing facility; a chemical manufacturing facility; a pipeline and any appurtenance thereto; a wastewater treatment facility; a water treatment facility; a power generating station, plant or substation and any appurtenance thereto; any transmission line that is owned in whole or in part by a utility regulated under state law; a telecommunications central switching office; a flood control, hydroelectric power generation or water supply dam or reservoir; a county, city, or town jail or detention facility, police station or fire station; and any prison, facility, or institution under the control of the department of corrections. The term shall not include any facility or infrastructure of a utility that is located underground.

V. "Drone" means a powered, aerial vehicle, excluding a geosynchronous satellite, that:

(a) Does not carry a human operator;

(b) Uses aerodynamic forces to provide vehicle lift;

(c) Can fly autonomously or be piloted remotely; and

(d) May be expendable or recoverable.

VI. "Government" means the federal government, the state government and any political

subdivisions thereof, and state and municipal agencies and departments, including employees and agents.

VII. "Image" means a record, including a photograph, of thermal, infrared, ultraviolet, visible light, or other electromagnetic waves; sound waves; odors; or other physical phenomena which captures conditions existing on or about real property or an individual located on that property.

VIII. "Imaging device" means a mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting an image.

IX. "Individual" means a living human being.

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

XI. "Law enforcement agency" means a lawfully established state, county, or municipal agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of the criminal laws.

XII. "Law enforcement officer" means a duly sworn employee of a law enforcement agency who is invested with the power of arrest or the detection of crime.

XIII. "Person" means individuals, partnerships, limited liability companies, corporations and any other organizations, including for-profit and not-for-profit entities, but excluding government.

XIV. "Surveillance" means the willful act of tracking or following, while photographing, taking images of, listening to, or making a recording of: (a) a recognizable individual or a group of individuals, including their movements, activities or communications, or (b) motor vehicles identifiable by their license plates. The term does not include such activities on real estate in which a person has a legal interest.

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

I. Except as provided in paragraph II:

(a) No government shall use a drone, or obtain, receive, use, or retain information acquired by or through a drone, to engage in surveillance, to acquire evidence, or to enforce laws;

(b) No government shall use a drone equipped with an imaging device to record an image of an identifiable individual on privately-owned real property in violation of such individual's reasonable expectation of privacy without his or her consent. For purposes of this subparagraph, an individual is presumed to have a reasonable expectation of privacy on privately-owned real property if he or she (i) is within an enclosed structure or (ii) is not observable by individuals located at ground level in a public place where they have a legal right to be, regardless of whether he or she is observable from the air; and

(c) No government shall operate a drone at a height of less than 250 feet over privately-owned real property unless it has the consent of its owner.

II.(a) Notwithstanding the provisions of paragraph I, a government may use a drone, or obtain, receive, use or retain information acquired by or through a drone, for law enforcement purposes under the following conditions only:

(1) If surveillance is undertaken, with the prior consent of the person who is the subject of surveillance and the owner or lessee of the property which is the subject of the surveillance.

(2) If a government first obtains a search warrant signed by a judge and based on probable cause or the use of a drone is pursuant to a legally-recognized exception to the warrant requirement. A search warrant authorizing the use of a drone shall specify the period for which operation of the drone is authorized, which period shall not exceed 10 days unless subsequently renewed by a judge.

(3) If a government possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life or serious damage to property, or to forestall the imminent escape of a suspect, or the destruction of evidence, or to assist in locating missing, abducted or lost individuals, hunters or hikers, or to rescue persons in natural disasters, injured persons or persons in need of medical assistance.

(4) To counter a high risk of a terrorist attack or incident by a specific individual or organization which the United States Department of Homeland Security determines that credible intelligence indicates that there is such a risk.

(5) To increase situational awareness in understanding the nature, scale, and scope of an incident which has occurred and for planning and coordinating an effective and legal response, provided the incident is limited geographically and in time.

(6) To support the tactical deployment of law enforcement personnel and equipment in emergency situations.

(7) To document a specific crime scene, traffic crash scene or other major incident scene, such as a disaster caused by natural or human activity, provided such documentation is conducted in a geographically confined and time-limited manner.

(8) For purposes of training law enforcement officers or others in the proper, safe, and legal use of drones.

(b) A government which uses a drone, or obtains, receives, uses or retains information acquired by or through a drone, pursuant to paragraph II may do so only if (i) specifically authorized by the chief law enforcement officer of a law enforcement agency, or a supervisor designated by the chief law enforcement officer, (ii) is not operated in an unsafe manner and (iii) is not operated in violation of United States Federal Aviation Administration regulations.

(c) The use of a drone by a government under subparagraphs II(a)(4) shall be limited to a period of 48 hours of its initial use after which a search warrant or other court order signed by a judge shall be required. The use of a drone by a government under subparagraphs II(a)(5)-(8) shall be limited to a period of 48 hours of its initial use after which reauthorization shall be required

(d) Within 5 business days of the initiation of the use of a drone under paragraph II(a), the government shall report in writing the use of a drone to the attorney general who shall annually post such reports on the department of justice website in a searchable format.

III. Unless the fact of a violation is being disputed, information obtained by a government in violation of paragraphs I and II shall, within 12 hours after the discovery of the violation, be permanently and irretrievably destroyed, shall not be transferred to another government or person, shall not be admissible in any judicial or administrative proceeding and shall not be used to establish reasonable suspicion or probable cause to believe that an offense has been committed.

IV. Images of identifiable individuals obtained by a government pursuant to paragraphs I or II shall be blurred, deleted or otherwise de-identified as soon as practicable but in any case within 30 days after being obtained unless such images may be evidence in a criminal investigation.

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

VI. Notwithstanding paragraph V, a law enforcement agency may use a drone to disperse lachrymatory agents to quell a violent mass civil disorder or riot as defined in RSA 644:1 where:

(a) The purpose of the use of the chemical agent is to disperse the crowd and the use of other lesser forms of force have been exhausted, are unavailable, or would be clearly ineffective;

(b) The agency has obtained a court order authorizing its use or there is such an imminent or ongoing threat to life, serious bodily injury, arson, ongoing looting, or substantial damage to property that exigent circumstances require immediate action to prevent further serious harm that would be reasonably likely to occur in the time that it would take to obtain a court order;

(c) The crowd has ignored, failed, or refused to disperse after being given a lawful order to disperse or withdraw given immediately prior to the use of the chemical agent;

(d) The wind speed and direction and other climatic conditions are such that it is likely the dispersion of the chemical agent will be confined to the immediate area of the riot or illegal gathering, time has been provided for the crowd to disperse, and the effect of chemical agent on uninvolved persons who might experience an abnormally adverse reaction to the agent is taken into consideration; and

(e) The dispersal method used by a drone is restricted to powder or aerosol form and shall not include tear gas projectiles, canisters, or barricade piercing projectiles fired into rioters from the air.

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

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

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

I. No person shall use a drone to engage in automated surveillance.

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

III. No person shall use a drone equipped with an imaging device to record an image of an identifiable individual on privately-owned real property in which the person does not have a legally-recognized interest in violation of such individual's reasonable expectation of privacy without his or her consent. For purposes of this subparagraph, an individual is presumed to have a reasonable expectation of

privacy on privately-owned real property if he or she (i) is within an enclosed structure or (ii) is not observable by individuals located at ground level in a public place where they have a legal right to be, regardless of whether he or she is observable from the air.

IV. No person shall:

(a) Operate a drone within a horizontal distance of 500 feet or a vertical distance of 400 feet from critical infrastructure without the written consent of the owner of the critical infrastructure;

(b) Allow a drone to make contact with critical infrastructure facility, including any individual or object on the premises of or within the critical infrastructure; or

(c) Allow a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility or its occupants.

V. No person shall own, use, or exercise control over a drone that is equipped with any kind of lethal or non-lethal weapon. This prohibition shall not apply to a person who is a federal government military contractor using or exercising control over a drone which is equipped with a non-lethal weapon and which is flying over real property in which the person has a legal interest.

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

VII. No person shall use a drone to harass or stalk another person.

VIII. No person shall operate a drone at a height of less than 250 feet over privately-owned real property unless the person has the consent of its owner.

644-A:4 Airport Prohibition. No government or person shall operate a drone within 5 miles of any airport in this state in a manner that does not comply with relevant federal law and Federal Aviation Administration regulations and guidelines in effect at the time.

644-A:5 Identification. Each owner of a drone shall identify the drone with the owner's name, address and telephone number in permanent ink in a font size not less than 12 picas.

644-A:6 General Prohibition. Except as otherwise provided in this chapter, no government shall use an imaging device to record an image of an identifiable individual on privately-owned real property in violation of such individual's reasonable expectation of privacy without his or her consent, nor shall any person use an imaging device to record an image of an identifiable individual on privately-owned real property in which the person does not have a legally-recognized interest in violation of such individual's reasonable expectation of privacy without his or her consent. For purposes of this subparagraph, an individual is presumed to have a reasonable expectation of privacy on privately-owned real property if he or she (i) is within an enclosed structure or (ii) is not observable by individuals located at ground level in a public place where they have a legal right to be, regardless of whether he or she is observable from the air.

644-A:7 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply.

644-A:8 Construction. This chapter shall be construed to provide the greatest possible protection of the privacy of the people of this state. Nothing in this chapter shall be construed to impose liability in connection with newsgathering activity.

644-A:9 Penalties.

I. A government employee or agent who violates RSA 644-A:2, other than the reporting requirements in 644-A:2, II(c) and 644-A:2, VIII, shall be guilty of a class A misdemeanor. A government employee or agent who violates the reporting requirements in RSA 644-A:2, II(c) or 644-A:2, VIII shall be guilty of a violation for a first offense and a misdemeanor for any subsequent offense.

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

III. A person who suffers damages or injury caused by a government's use of a drone pursuant to this chapter may bring a civil action to recover actual damages which shall be limited to medical expenses, treatment, and rehabilitation, property damage, permanent physical impairment, court costs, and reasonable attorney's fees from the government. No claim for pain and suffering, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of companionship, services, or consortium, or other non-pecuniary losses shall be compensable under this chapter. This paragraph shall not be construed as a waiver of the sovereign immunity of the state.

IV. A person who violates RSA 644-A:3, I-VII shall be guilty of a class A misdemeanor.

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

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

2 Effective Date. This act shall take effect July 1, 2016.

2015-2493h

AMENDED ANALYSIS

This bill regulates the use of drones by government agencies and individuals. It establishes criminal penalties and civil remedies for violations of the law.

Amendment to HB 605-FN (2015-2427h)

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 mandatory minimum sentences.

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

1 Pistols and Revolvers; Armed Career Criminals. Amend RSA 159:3-a, II to read as follows:

II. Any person who violates paragraph I shall be guilty of a felony and, notwithstanding RSA 651:2, II, shall be sentenced to a ~~[minimum mandatory term of 10 years imprisonment and a]~~ maximum term of imprisonment of not more than 40 years and shall be fined not more than \$25,000.

2 Habitual Offenders; Penalty. Amend RSA 262:23 to read as follows:

262:23 Penalty.

I. It shall be unlawful for any person to drive any motor vehicle on the ways of this state while an order of the director or the court prohibiting such driving remains in effect. If any person found to be an habitual offender under the provisions of this chapter is convicted of driving a motor vehicle on the ways of this state while an order of the director or the court prohibiting such operation is in effect, he or she shall be guilty of a felony and sentenced, notwithstanding the provisions of RSA title LXII, to imprisonment for not ~~[less than one year nor]~~ more than 5 years. No ~~[portion of the minimum mandatory sentence shall be suspended, and no]~~ case brought to enforce this chapter shall be continued for sentencing; provided, however, that any sentence or part thereof imposed pursuant to this section may be suspended in cases in which the driving of a motor vehicle was necessitated by situations of apparent extreme emergency which required such operation to save life or limb. Any sentence of one year or less imposed pursuant to this paragraph shall be served in a county correctional facility. The sentencing court may order that any such offender may serve his or her sentence under home confinement pursuant to RSA 651:19 based on the rules and regulations of the county correctional facility where the sentence is to be served ~~[for the minimum mandatory term or any portion thereof]~~, provided the offender first serves 14 consecutive days of imprisonment prior to eligibility for home confinement. Habitual offenders shall only be eligible for the home confinement program once per lifetime. Any sentence of more than one year imposed pursuant to this paragraph shall be served in the state prison.

II. For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle while his license, permit or privilege to drive is suspended or revoked, or is charged with driving without a license, the court before hearing such charge shall determine whether such person has been held an habitual offender and by reason of such holding is barred from driving a motor vehicle on the ways of this state. For the purposes of this section, in determining whether the person has been held an habitual offender and by reason of such holding is barred from driving a motor vehicle on the ways of this state, a certified copy of the individual's motor vehicle record on file with the division shall be as competent evidence in any court within this state as the original record would be if produced by the director as legal custodian thereof.

III. ~~[Notwithstanding paragraph I, any person who qualifies under RSA 259:39 shall not be subject to the minimum mandatory provisions of paragraph I if, and only if, that person's certification was not based on any conviction under RSA 265-A:2, I or any misdemeanor or felony motor vehicle conviction pursuant to RSA title XXI, and that person has not been convicted of any such offense, or any reasonably similar offense in any jurisdiction within the United States and Canada, since the date of the certification; provided, however, that any such person shall be guilty of a class A misdemeanor and may be sentenced to one year or less.]~~ Any person incarcerated upon the effective date of this paragraph, pursuant to certification as an habitual offender under RSA 259:39, who does not have a conviction under RSA 265-A:2, I involving a vehicle or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, may apply immediately to the superior court for sentence review and reduction.

3 License Suspension and Revocation; Driving After Revocation or Suspension. Amend RSA 263:64, IV to read as follows:

IV. Any person who violates this section by driving or attempting to drive a motor vehicle or by operating or attempting to operate an OHRV or snowmobile in this state during the period of suspension or revocation of his or her license or driving privilege for a violation of RSA 265:79 or an equivalent offense in another jurisdiction shall be guilty of a misdemeanor. Any person who violates this section by driving or attempting to drive a motor vehicle or by operating or attempting to operate an OHRV or snowmobile in this state during the period of suspension or revocation of his or her license or driving privilege for a violation of RSA 265-A:2, I, RSA 265-A:3, RSA 630:3, II, RSA 265:82, or RSA 265:82-a or an equivalent offense in another jurisdiction shall be guilty of a misdemeanor and shall be sentenced to imprisonment for a period not less than 7 consecutive 24-hour periods to be served within 6 months of the conviction, shall be fined not more than \$1,000, and shall have his or her license or privilege revoked for an additional year. ~~[No portion of the minimum mandatory sentence of imprisonment shall be suspended by the court.]~~ No case brought to enforce this paragraph shall be continued for sentencing for longer than 35 days. ~~[No person serving the minimum mandatory sentence under this paragraph shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by title LXII or any other provision of law.]~~

4 Effective Date. This act shall take effect January 1, 2017.

2015-2427h

AMENDED ANALYSIS

This bill eliminates certain mandatory minimum sentences.

Amendment to HB 617-FN-A

(2015-2522h)

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

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

1 New Chapter; Body-Worn Cameras. Amend RSA by inserting after chapter 105-C the following new chapter:

CHAPTER 105-D

BODY-WORN CAMERAS

105-D:1 Definitions. In this chapter:

I. "Body-worn camera" or "BWC" means an electronic camera system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings that may be worn about the person of a law enforcement officer.

II. "Community caretaking function" means a task undertaken by a law enforcement officer in which the officer is performing an articulable act unrelated to the investigation of a crime. It includes, but is not limited to, participating in town halls or other community outreach, helping a child find his or her parents, providing death notifications, dealing with individuals asking for directions or other assistance, and performing in-home or hospital well-being checks on the sick, elderly, or persons presumed missing.

III. "In uniform" means a law enforcement officer who is wearing any officially authorized uniform designated by a law enforcement agency, or a law enforcement officer who is visibly wearing articles of clothing, a badge, tactical gear, gun belt, a patch, or other insignia that he or she is a law enforcement officer acting in the course of his or her duties.

IV. "Law enforcement officer" or "officer" means any person employed by a law enforcement agency.

V. "Law enforcement agency" or "agency" means a state, county, municipality, special district, security service or police of the community college system of New Hampshire and the university system of New Hampshire, security service of the legislative or judicial branch, unit of local government police department or any other entity authorized by law to employ law enforcement officers or exercise police authority.

VI. "Law enforcement-related encounters or activities" include, but are not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, non-community caretaking interactions with an individual while on patrol, or any other instance in which the officer is enforcing the laws of the municipality, county, or state. The term does not include:

(a) Activities when the officer is completing paperwork alone or is in the presence of another law enforcement officer or officers; or

(b) Community caretaking functions.

VII. "Minor traffic offense" means a petty offense or a violation under the New Hampshire motor vehicle code or a similar provision of a municipal or local ordinance.

VIII. "Petty offense" means conduct that constitutes a class B misdemeanor or a violation.

IX. "Recording" means the process of capturing data or information stored on a recording medium.

X. "Recording medium" means any recording medium for the retention and playback of recorded audio and video including, but not limited to, VHS, DVD, hard drive, cloud storage, solid state, digital, flash memory technology, or any other electronic medium.

XI. "Subject of the recording" means any law enforcement officer or any suspect, victim, detainee, conversant, injured party, witness, or other similarly situated person who appears on the recording, and shall not include people who only incidentally appear on the recording.

105-D:2 Use of Body-Worn Cameras.

I. This chapter shall apply to any law enforcement agency that elects to equip its law enforcement officers with body-worn cameras. All BWCs shall be operated in a manner consistent with the provisions of this chapter. Every law enforcement agency that elects to equip its officers with BWCs shall adopt policies and procedures relating to the use of BWCs and the retention and destruction of data consistent with this chapter.

II. Officers shall only use BWCs issued by their respective law enforcement agencies. BWC equipment and all data, images, and video captured, recorded, or otherwise produced by the equipment are the property of the officer's law enforcement agency and shall be subject to the restrictions in this chapter.

III. Officers who are assigned BWCs shall successfully complete an agency-approved training program to ensure proper use and operations.

IV. Officers shall only use BWCs while in uniform.

V. Officers shall activate the video and audio components of BWCs and start recording upon arrival on scene of a call for service or when engaged in any law enforcement-related encounter or activity; provided, however, that in those cases set forth in subparagraphs VII(d), (e), and (h) and paragraph X in which an individual has a right not to be recorded, officers shall inform an individual of this option. If a citizen then declines to be recorded, the officer shall deactivate the audio and video functions. The officer shall document the reason why the camera was not activated in the associated police report. If exigent circumstances exist which prevent the BWC from being activated as set forth above, the device must be turned on as soon as practicable.

VI. Recordings shall be specific to an incident. Officers shall not indiscriminately record entire duties or patrols.

VII. A BWC shall not be used to record any of the following:

(a) Communications with other police personnel except to the extent such communications are incidental to a permissible recording.

(b) Encounters with police personnel or individuals whom the officer knows are acting in an undercover capacity or as confidential informants respectively, unless expressly directed to be included as part of the investigation.

(c) Intimate searches, when otherwise permitted by the agency's strip-and-body-cavity search policy, or nudity.

(d) An interview with a crime victim unless his or her express consent has been obtained before the recording is made. Any recording obtained shall be consistent with the New Hampshire attorney general's model protocol for response to adult sexual assault cases, the New Hampshire attorney general's domestic violence protocol for law enforcement, the New Hampshire attorney general's stalking protocol for law enforcement, and the New Hampshire attorney general's child abuse and neglect protocol, as applicable. This subparagraph may be waived upon approval of the head of the law enforcement agency when the parent or legal guardian is the subject of the investigation to which a juvenile is a victim or witness.

(e) Interactions with a person seeking to report a crime anonymously. In such an instance, the law enforcement officer shall, as soon as practicable, ask the person seeking to remain anonymous if the person wants the officer to use the officer's BWC. If the person responds negatively, the law enforcement officer shall deactivate the audio and video functions.

(f) While on the grounds of any public, private, or parochial elementary or secondary school, except when responding to an imminent threat to life or health or a call for service.

(g) When on break or otherwise engaged in personal activities.

(h) In any location where an individual has a reasonable expectation of privacy, such as a residence, a restroom, or a locker room.

(i) In any instance when it is believed that an explosive device may be present and electrostatic interference from the BWC may trigger the device.

IX. Except in emergency situations, officers shall inform an individual that he or she is being recorded. When notification is not made, the recording officer shall note the reason for non-notification within the associated report.

X. In locations where an individual has a reasonable expectation of privacy, such as a residence, a citizen may decline to be recorded unless the recording is being made while executing an arrest warrant, or a warrant issued by a court, or the officer is in the location pursuant to a judicially-recognized exception to the warrant requirement. Officers shall inform an individual of this option. If a citizen then declines to be recorded, the officer shall deactivate the audio and video functions. The officer shall document the reason why the camera was not activated in the associated police report.

XI. Once activated, the BWC shall remain activated until the event is completed in order to ensure the integrity of the recording.

XII. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated as part of the associated police report.

XIII. Except as authorized in this section, no person, including without limitation officers and their supervisors, shall edit, alter, erase, delete, duplicate, copy, subject to automated analysis or analytics of any kind, including but not limited to facial recognition technology, share, display, or otherwise distribute in any manner any BWC recordings or portions thereof.

XIV. Recorded images and sound made from an agency-issued BWC shall be for law enforcement purposes only. All access to this data shall be audited to ensure that authorized users only are accessing the data for law enforcement purposes only. All access to BWC data shall be authorized by the head of the law enforcement agency and only for the purposes set forth in this chapter.

XV. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other use of deadly force, the agency may limit or restrict an officer from viewing the video file.

XVI. All recordings shall be securely stored no later than the end of each shift in conformity to the most recent security policy of the Criminal Justice Information Services (CJIS) of the criminal justice information services division of the Federal Bureau of Investigation of the United States Department of Justice. Recordings shall not be divulged or used by a law enforcement agency for any commercial or other non-law enforcement purpose. Where a law enforcement agency authorizes a third party to act as its agent in storing recordings, the agent shall not independently access, view or alter any recording, except to delete videos as required by law or agency retention policies. Neither the agency nor its agent shall subject any recording to analysis or analytics of any kind, including without limitation facial recognition technology and data mining.

XVII. Recordings made by a BWC shall be permanently destroyed by overwriting or otherwise every 180 days, except that such recording shall be retained by the law enforcement agency that employs the officer whose BWC made the recording, or an authorized agent thereof, for up to 3 years if:

(a) The recording captures images involving any of the following:

- (1) Any action by a law enforcement officer that involves the use of deadly force or restraint.
- (2) The discharge of a firearm.
- (3) Death or serious bodily injury.
- (4) An encounter that results in an arrest for a felony-level offense.
- (5) An encounter about which a complaint has been filed with the police department within

180 days after the encounter.

(b) The recording is being retained by the law enforcement agency as evidence in a civil or criminal case or as part of an internal affairs investigation or as part of an employee disciplinary investigation.

XVIII. Notwithstanding the provisions of paragraph XVII:

(a) If there is any other legal requirement for retaining the recording, including but not limited to litigation, a pending criminal case, or a valid court order, then the recording shall be retained only as long as is legally required; and

(b) The chief law enforcement officer of the agency may designate the recording as a training tool, provided that that a person's image and vehicle license plate numbers shall first be permanently deleted, distorted, or obscured. A recording so designated and prepared may be viewed solely by officers for training purposes only.

XIX. Any recording undertaken in violation of this chapter or any other applicable law shall be

immediately destroyed and shall not be admissible as evidence in any criminal or civil legal or administrative proceeding.

2 New Subparagraph; Wiretapping and Eavesdropping; Exceptions. Amend RSA 570-A:2, II by inserting after subparagraph (l) the following new subparagraph:

(m) A law enforcement officer to make a body-worn recording pursuant to RSA 105-D.

3 New Paragraph; Access to Governmental Records, Exemptions. Amend RSA 91-A:5 by inserting after paragraph IX the following new paragraph:

X. Video and audio recordings made by a law enforcement officer using a body-worn camera pursuant to RSA 105-D except where such recordings depict any of the following:

(a) Any restraint or use of force by a law enforcement officer; provided, however, that this exemption shall not include those portions of recordings which constitute an invasion of privacy of any person or which are otherwise exempt from disclosure.

(b) The discharge of a firearm.

(c) An encounter that results in an arrest for a felony-level offense, provided, however, that this exemption shall not apply to recordings or portions thereof that constitute an invasion of privacy or which are otherwise exempt from disclosure.

4 Effective Date. This act shall take effect January 1, 2017.

2015-2522h

AMENDED ANALYSIS

This bill:

I. Regulates a law enforcement agency's use of body-worn cameras.

II. Exempts such recordings from the wiretapping and eavesdropping statute and, under certain circumstances, from the right-to-know law.

Amendment to HB 626-FN-A (2015-2326h)

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

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

1 Statement of Purpose. The legislature recognizes that high and volatile energy costs increasingly threaten the competitiveness of New Hampshire's businesses and industries and the financial resources of its electric ratepayers, and that new low-cost sources of energy are needed in order to stabilize and lower wholesale and retail electric rates in New Hampshire and New England. At the same time, as the state's citizens have become more aware of the value, to themselves and others, of New Hampshire's scenic natural landscapes, clean air, and unspoiled environment, it has become increasingly difficult to site and develop large-scale above-ground energy transmission lines from lower-cost neighboring regions. Such projects often face unacceptably high development costs, regulatory delays, and public opposition resulting from their potential adverse impacts on the state's most scenic natural landscapes, the value of adjoining and nearby private properties, and the comfort, health, and safety of adjacent homeowners. The general court therefore finds that it is in the public interest for the state to designate certain "energy infrastructure corridors" along, within, and under major state-owned transportation routes, for the underground collocation of major energy transmission lines necessary to promote balanced economic growth, reduce or mitigate high energy prices, and contribute to a cleaner and more natural environment, while providing the state highway fund with market-based revenues from private energy transmission companies in return for the use of such designated energy infrastructure corridors.

2 New Chapter; Energy Infrastructure Development and Corridors. Amend RSA by inserting after chapter 162-Q the following new chapter:

CHAPTER 162-R

ENERGY INFRASTRUCTURE DEVELOPMENT AND CORRIDORS

162-R:1 Definitions.

I. "Energy infrastructure" includes high voltage DC or AC electric transmission facilities of 115 kV or greater, natural gas transmission lines, carbon dioxide pipelines, petroleum pipelines, and other energy transport pipelines or conduits.

II. "Energy infrastructure corridor" means an existing state-owned transportation right-of-way within which energy infrastructure could potentially be sited underground.

III. "Developer" means a person or legal entity that can demonstrate to the state the financial, technical, and managerial capability to engage in the development and construction of energy infrastructure.

IV. "Project" means the development or construction of energy infrastructure subject to site evaluation committee jurisdiction under RSA 162-H within an energy infrastructure corridor.

V. "Site evaluation committee" means the site evaluation committee established in RSA 162-H:3.

VI. "State-owned transportation right-of-way" means a highway or railroad right-of-way on land owned in fee by the state or a state agency or state authority.

VII. "Sufferance" means that the owner of energy infrastructure has no real property interest in the right-of-way, but merely occupies and uses the public right-of-way subject to terms and conditions established by the New Hampshire department of transportation.

162-R:2 Energy Infrastructure Corridors Designated.

I. In accordance with RSA 236:18, the state has the exclusive rights, insofar as they do not conflict with any federal statute, rule, or regulation, to build, lease, or utilize for any public purpose the space adjacent to (excluding the median) and below the toll highways and the interstate system highways within the state.

II. The following areas, owned by the state, are designated as energy infrastructure corridors:

(a) I-89 (between the intersection of I-93 and the Vermont border).

(b) I-93 (between the Massachusetts border and the Vermont border, excepting approximately 1.7 miles located in the White Mountain National Forest north of Franconia Notch state park).

(c) I-95 (between the Massachusetts border and the Maine border).

(d) NH Route 101 (between the intersection of I-93 and the intersection of I-95).

III. Nothing in this chapter shall require a developer of energy infrastructure to site or propose to site an energy infrastructure project, or any part thereof, within an energy infrastructure corridor designated under this chapter.

162-R:3 Energy Infrastructure Proposal Application Process.

I.(a) To initiate the application process, a developer shall file with the department of transportation, a request for a preliminary conceptual feasibility study, including such project-specific information as the department may specify in accordance with the department's Utility Accommodation Manual.

(b) The developer shall be responsible for all reasonable costs incurred by the department in the preparation of such conceptual feasibility study, including reimbursement for the time of department employees and contractors and all reasonable expenses.

(c) Within 30 days after such study request is filed, the department shall provide written notice to the developer, with a copy to the site evaluation committee, either accepting such study request as sufficiently complete to allow the department to evaluate the conceptual feasibility of the proposal and submit its recommendation to the committee, or specifying the additional information needed to complete its evaluation. The notice shall include an estimate of the department's costs to complete the requested conceptual feasibility study.

(d) Upon notice to the developer that the study request is deemed sufficiently complete for its purposes under subparagraph (a), and payment by the developer of 1/2 of the estimated cost of the study to the department, the department shall have 60 days to determine whether and to what extent the proposed project route would be conceptually feasible within the applicable state-owned transportation right-of-way or rights-of-way, based on department standards and regulations.

(e) Within 60 days after notice to the developer that its submission has been deemed complete, the department shall submit its report on the conceptual feasibility of the project to the developer and the site evaluation committee, specifying any concerns or issues it believes the committee should consider in its review of the application, and shall invoice the developer for the balance of the actual costs of the conceptual feasibility study, as determined by the department.

II.(a) The site evaluation committee shall take no action on an application to develop and construct energy infrastructure within an energy infrastructure corridor unless and until it and the developer have received a report from the department of transportation indicating whether and to what extent the proposed project is conceptually feasible within the proposed transportation right-of-way or rights-of-way, and specifying any concerns or issues the department believes the committee should consider.

(b) Upon receipt of a report from the department indicating that the proposed project is conceptually feasible within the applicable transportation right-of-way or rights-of-way, in whole or in part, and that the department has received from the developer payment in full for the actual cost of the department's completed feasibility study, the developer may file an application for the project with the site evaluation committee.

(c) The committee shall determine whether the application is complete, and shall proceed to

review a completed application under RSA 162-H.

162-R:4 Energy Infrastructure Proposal; Decision Criteria.

I. The site evaluation committee shall evaluate and render a decision on an energy infrastructure proposal under RSA 162-H, giving preference wherever practicable to proposed routing within energy infrastructure corridors.

II. The site evaluation committee may approve an energy infrastructure proposal for a project to be sited in whole or in part within one or more energy infrastructure corridors only if it finds that the project meets the criteria set forth in RSA 162-H:16, IV(a)-(e), including the public interest standard set forth therein.

III. In determining whether an energy infrastructure project proposed to be sited within an energy infrastructure corridor is in the public interest, the committee shall, at a minimum, consider the extent to which the proposal:

(a) Materially enhances or at least does not harm transmission opportunities for energy generation facilities located within the state;

(b) Provides economic benefits for the state, including but not limited to direct financial benefits, employment opportunities, and the potential for economic development;

(c) Provides for efficient use of designated energy infrastructure corridors through collocation of energy infrastructure, collaboration between energy infrastructure developers, and the preservation of options for future uses;

(d) Minimizes conflicts with the public purposes for which the state-owned land or asset is or is likely to be used and any management plans for the land or asset within the corridor, and, when necessary, mitigates unavoidable impacts;

(e) Limits and mitigates the effects of energy infrastructure on the landscape, using underground installation;

(f) Increases the energy reliability, security, and independence of the state; and

(g) Contributes to the potential reduction of greenhouse gases, compared to alternative fossil-fueled energy sources.

162-R:5 Use of Energy Infrastructure Corridors; Requirements. Development and construction of energy infrastructure within an energy infrastructure corridor are governed by this section. No person shall engage in development or construction of energy infrastructure within an energy infrastructure corridor, unless such person is in compliance with applicable state and federal laws, rules, and regulations. Any development, construction, maintenance or use of energy infrastructure within an energy infrastructure corridor shall be at the sufferance of the department of transportation. All costs associated with installation, alteration, relocation (whether or not required by the department), and/or protection of energy infrastructure within an energy infrastructure corridor shall be the responsibility of the energy infrastructure developer or owner.

162-R:6 Revenues.

I. The department of transportation, right-of-way (ROW) appraisal bureau section, shall identify an initial estimate of the range of value for the use of state-owned land or assets within a designated energy infrastructure corridor. The actual and final value shall be established by the long range capital planning and utilization committee.

II. All revenues generated from the use of state-owned land or assets within energy infrastructure corridors designated under this chapter shall be deposited in the highway fund for use solely in state transportation programs funded in whole or in part by the Federal Highway Administration or other federal agencies and included in the state's 10-year transportation plan. Nothing in this section shall be deemed to affect the responsibility of a developer to pay separately to the site evaluation committee the fees required under RSA 162-H.

162-R:7 Commission to Study the Designation of Additional Energy Infrastructure Corridors.

I. There is established a commission to study and recommend a process for the designation of energy infrastructure corridors in addition to the statutory corridors designated in this chapter. Among other questions, the commission shall consider the practicability, and the potential means, if any, of designating energy infrastructure corridors along highway or railroad rights-of-way used by the state for highway or other transportation purposes, although not owned by the state.

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

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

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

- (c) The commissioner of the department of transportation, or designee.
- (d) The director of the office of energy and planning, or designee.
- (e) The chairman of the site evaluation committee, or designee.

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

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

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2016.

3 Repeal. RSA 162-R:7, relative to the commission to study energy infrastructure corridors, is repealed.

4 Effective Date.

I. RSA 162-R:7, as inserted by section 2 of this act, shall take effect upon its passage.

II. Section 3 of this act shall take effect November 1, 2016.

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

2015-2326h

AMENDED ANALYSIS

This bill establishes procedures for approval of proposals for energy infrastructure development and designates energy infrastructure corridors. The bill also establishes a commission to study the designation of additional energy infrastructure corridors.

Amendment to HB 629-FN (2015-2551h)

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

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

1 New Section; Annual Report Required. Amend RSA 126-A by inserting after section 4-h the following new section:

126-A:4-i Induced Termination of Pregnancy; Annual Report.

I. In this section:

(a) "Aggregate summary" means compilation of the information received by the department of health and human services on induced terminations of pregnancy.

(b) "Department" means the department of health and human services.

(c) "Division" means the division of vital records administration, department of state.

(d) "Facility" or "medical facility" means any public or private hospital, clinic, center, medical school, medical training institution, health care facility, physician's office, infirmary, dispensary, ambulatory surgical treatment center, or other institution or location wherein medical care is provided to any person.

(e) "Health care provider" means any individual licensed to provide health care under RSA 326-B:18 or RSA 329 and who provides induced terminations of pregnancy.

(f) "Identification number for health care provider of facility" means a confidential identifier for a health care provider or a facility including the location of the health care provider or the facility by city, town, or county.

(g) "Induced termination of pregnancy" means an intervention performed by a licensed clinician, including a physician, nurse, midwife, nurse practitioner, or physician assistant, that is intended to terminate an ongoing pregnancy.

(h) "Patient confidential identification code or number" means a confidential identifier for a patient including primary residence by state and city, town, or county.

(i) "Procedure" means the process by which an induced termination of pregnancy occurs.

II.(a) The division shall collect non-identifying confidential data on induced termination of pregnancy occurring within the state of New Hampshire using the New Hampshire Vital Record Information Network (NHVRIN) electronic system or any modified or replacement electronic system under the jurisdiction of the division. The division shall bear all responsibility for maintaining the confidentiality of these records. These data shall be stored using only the confidential number of the health care provider assigned by the department to the provider prior to the submission of the form. Provider names or other

identifying data shall not be stored in the division or department data systems. These data shall only be released to the department as authorized by this section. Each health care provider or facility shall use an electronic form for such purpose. The electronic form shall be made available by the department to each health care provider or facility. The form shall only require disclosure of information required under this section. The department shall assign a confidential number to each health care provider and facility required to submit the electronic form under this section. The confidential number, or any other personally identifiable information, obtained under this paragraph shall be for statistical purposes only and therefore be exempt from disclosure under RSA 91-A.

(b) The electronic form shall be completed by the health care provider or the facility and securely transmitted to the division on or before the 15th day of each month for all induced terminations of pregnancy occurring within the previous month. The electronic form shall only be submitted if induced terminations of pregnancy were performed in the preceding month.

(c) The department shall have sole responsibility for the analysis of the data and the preparation and distribution of the aggregate summary.

(d) The department shall publish an annual report, commencing on November 1, 2017, to be posted on the department's Internet website, based on an aggregate summary of the information obtained pursuant to this section. No data may be released by the department that would have the capacity to personally identify either the health care provider who performed the induced termination of pregnancy or the patient on whom it was performed.

III. The electronic form provided by the department shall include the following data:

(a) The confidential identification number for the health care provider or facility.

(b) The patient's confidential identification code or number.

(c) The patient's use and, if applicable, type of contraception.

(d) The patient's age.

(e) The estimated gestational age of the fetus as determined by the health care provider using as a reference the 2014 American College of Obstetricians and Gynecologists guidelines or any subsequent editions thereto.

(f) The county or municipality if the population of the municipality exceeds 20,000 based on the United States Census Bureau of the address of the patient. If the patient is a resident of another state, then indicated as out-of-state.

(g) Date of termination by month and year.

(h) Method of termination as follows:

(1) Curettage;

(2) Intrauterine installation;

(3) Medical (nonsurgical); or

(4) Other as specified by the health care provider.

IV. The department's annual report shall provide aggregate data using the following fields:

(a) The county or municipality if the population of the municipality exceeds 20,000 based on the United States Census Bureau of the address of the patient. If the patient is a resident of another state, then indicated as out-of-state.

(b) The patient's use and, if applicable, type of contraception.

(c) Patient age listed in ranges as determined by the department using Centers for Disease Control and Prevention (CDC) guidelines.

(d) Gestational age of the fetus listed in ranges as determined by the department using CDC guidelines.

(e) Method of termination as follows:

(1) Curettage;

(2) Intrauterine installation;

(3) Medical (nonsurgical); or

(4) Other as specified by the health care provider.

V.(a) Notwithstanding RSA 126:28 and except as otherwise provided in this section, information obtained by the department under this section shall be used only for statistical purposes and such information shall not be released in any manner other than that outlined in this section for preparation of the reports. Such release shall not occur in any manner which would lead to or permit the identification of the person on whom the procedure was performed. Any releases of the information obtained shall not disclose or permit the identification of any person filing a report, the facility at which the procedure was performed, or the identity of any health care provider as defined in RSA 126-A:4-i, I(d) who submits a

report to the division under this section. The information obtained by the department in RSA 126-A:4-i, III(a), regarding the confidential identification number for the health care provider or facility, and RSA 126-A:4-i, III(b), regarding the patient's confidential identification code or number, shall only be used for internal auditing and quality assurance purposes by the department.

(b) Excluding any aggregate summary as defined in RSA 126-A:4-i, I(a), the department and division shall purge all data collected and obtained under this section after 3 years.

VI. If any provision of this section, or the application thereof to any person or circumstance, is held invalid, such determination shall not affect the provisions or applications of this section which can be given effect without the invalid provision or application, and to that end the provisions of this section are severable.

2 Effective Date. This act shall take effect January 1, 2017.

2015-2551h

AMENDED ANALYSIS

This bill requires the department of health and human services to publish an annual report consisting of an aggregate statistical summary of all induced terminations of pregnancy performed in New Hampshire. This report shall be available to the public. Data submitted by providers shall be for statistical purposes only and not public records.

Amendment to HB 630-FN-A (2015-2474h)

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

Amendment to HB 630-FN-A

Amend RSA 284-B:3, III as inserted by section 1 of the bill by replacing it with the following:

III. To be eligible for licensure under this chapter an applicant shall:

(a) Document that it is one of the following:

- (1) A restaurant or hotel holding a valid liquor license under RSA 178:20, II, RSA 178:21, II(a) or (b), or RSA 178:22, V(q).
- (2) A brew pub holding a valid liquor license under RSA 178:13.
- (3) A ballroom holding a valid liquor license under RSA 178:22, V(c).
- (4) A veterans' club, private club, or social club holding a valid liquor license under RSA 178:22, V(h).
- (5) A convention center holding a valid liquor license under RSA 178:22, V(i).
- (6) A hotel holding a valid liquor license under RSA 178:22, V(k).
- (7) A racetrack holding a valid liquor license under RSA 178:22, V(n).
- (8) A sports recreation facility holding a valid liquor license under RSA 178:22, V(v).

(b) Document that the video lottery machines will only be operated in towns and cities that have voted to allow the operation of video lottery machines pursuant to RSA 284-B:6.

(c) Maintain a current list of employees.

Amend RSA 284-B:3, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The annual license fee shall be \$900 per video lottery machine. A licensee shall operate no more than 6 video lottery machines. The amount of \$80 from the annual license fee for each machine shall be paid to the state treasurer and credited to the commissioner of the department of health and human services to support programs established by RSA 172 to fund baseline research into the prevalence of problem gambling in New Hampshire prior to the expansion of gaming as authorized by this chapter, to identify and assess the treatment needs of individuals with compulsive and problem gambling disorders, to identify effective programming to prevent and control compulsive and problem gambling, and to examine the connections between gambling disorders and drug and alcohol addiction disorders

Amend the bill by replacing all after section 8 with the following:

9 Local Adoption. Amend RSA 663:7 and RSA 663:8 to read as follows:

663:7 Question; Vote; Results. Upon the petition of 5 percent of the voters of any city or town filed with the secretary of state not earlier than the first Wednesday after the first Tuesday in August and no later than the first Friday in September before a state general election, the appropriate version of the following question shall be submitted to the voters of such city or town at said election: "Shall lottery tickets (continue to) be sold **and video lottery games (continue to be) licensed** in this city or town?" If a majority of those voting vote "yes" on the question, tickets may be sold **and video lottery games continue to be licensed** or continued to be sold **or (continue to be) licensed** by the commission in that city or town. If a majority of those voting vote "no" on the question, the commission shall not sell tickets **or license video**

lottery games in that city or town. No petition that the question prescribed in this section be printed on the ballot at a state general election shall be made within 2 years of a vote on such a question at a previous state general election.

663:8 Application. Unless and until changed pursuant to RSA 663:7, the sales of lottery tickets **and licensing of and video lottery** by the lottery commission under RSA 284 in cities and towns shall be in accordance with the approval or disapproval of such operation as signified by the vote taken at the state general election held in November, 1970.

10 Rehabilitation of Problem Gambling. Amend RSA 172:2-a to read as follows:

172:2-a Program Established. The commissioner shall provide for the scientific care, treatment, and rehabilitation of **gambling**, alcohol and drug abusers, and work towards the prevention of, and assist in the control of, **gambling**, alcohol and drug abuse within the state through education, treatment, community organization, and research.

11 Rehabilitation of Problem Gaming. Amend RSA 172:8 to read as follows:

172:8 Duties of Commissioner. The commissioner shall:

I. Study the problems presented by **gambling**, alcohol and drug abuse, including methods and facilities available for the care, treatment, custody, employment, and rehabilitation of persons who are **problem gamblers**, inebriates, alcohol abusers, drug dependent, or drug abusers.

II. Promote meetings and programs for the discussion of **gambling**, alcohol and drug dependency and abuse for the guidance and assistance of individuals, schools, courts, and other public and private agencies.

III. Conduct, promote and finance, in full or in part, studies, and other appropriate facilities dealing with the physical, psychological, and/or social aspects of **gambling**, alcohol and drug abuse.

IV. Have the authority to accept or reject for examination, diagnosis, guidance, and treatment, insofar as funds and facilities permit, any resident of the state who comes to the commissioner voluntarily for advice and treatment.

V. [Repealed.]

VI. Render biennially to the governor and council a report of his activities including recommendations for improvements therein by legislation or otherwise.

VII. Coordinate community medical resources for the emergency medical care of persons suffering acute mental or physical reaction to **gambling**, alcohol or drugs and of persons suffering from drug dependency.

VIII. Employ such assistants as may be necessary to carry out the purposes of this chapter, in accordance with state personnel regulations, and within available appropriations and funds.

IX. Disseminate information on the subjects of **gambling**, alcohol and drug abuse for the guidance and assistance of individuals, schools, courts and other public and private agencies.

X. [Repealed.]

12 Problem Gaming Added. Amend RSA 172:8-a to read as follows:

172:8-a Confidentiality of Client Records. No reports or records or the information contained therein on any client of the program or a certified **gambling**, alcohol or drug abuse treatment facility or any client referred by the commissioner shall be discoverable by the state in any criminal prosecution. No such reports or records shall be used for other than rehabilitation, research, statistical or medical purpose, except upon the written consent of the person examined or treated. Confidentiality shall not be construed in such manner as to prevent recommendation by the commissioner to a referring court, nor shall it deny release of information through court order pursuant to appropriate federal regulations.

13 Problem Gaming Added. Amend RSA 172:8-b to read as follows:

172:8-b Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to the following:

I. The acceptance, care, and treatment of **gambling**, alcohol or drug dependent persons and alcohol or drug abusers who are clients of the program established under this chapter or a certified substance abuse treatment facility.

II. A fee schedule and collection of fees under RSA 172:14, IV.

III. Certification of **such** substance abuse treatment facilities including, but not limited to:

- (a) Program content;
- (b) Qualifications of program staff; and
- (c) Type of substance abuse treatment offered.

IV. Certification and recertification of **gambling**, alcohol and drug abuse counselors including, but not limited to:

- (a) Peer review of applicants.

- (b) Minimum qualifications and competency.
- (c) Education and continuing education.
- (d) Experience required.
- (e) Required knowledge of **gambling**, alcohol and drug abuse counseling.
- (f) Such other matters as the commissioner may deem necessary to carry out the purposes of this chapter.

V. Voluntary admissions under RSA 172:13.

14 Acceptance of Funds; Treatment of Problem Gamblers. Amend RSA 172:9 to read as follows:

172:9 Acceptance of ~~[Grants]~~ **Funds**. The commissioner ~~[is authorized to]~~ **may** accept in the name of the state special grants or money or services from the federal or state governments or any of their agencies and may accept gifts to carry on the functions provided for in this chapter.

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

2015-2474h

AMENDED ANALYSIS

This bill:

I. Allows video lottery machines in establishments with a liquor license in the state pursuant to an application process.

II. Distributes proceeds of video lottery machines to the education trust fund.

III. Requires the lottery commission to regulate, license, and enforce the provisions for video lottery.

IV. Offsets property tax calculation by the amount deposited into the education trust fund from video lottery profits.

V. Distributes a certain amount from the annual fee per machine to the department of health and human services for programs addressing problem gambling.

VI. Requires municipalities who have voted to allow lottery ticket sales to also allow video lottery machines.

Floor Amendment to HB 630-FN-A

(2015-3035h)

Proposed by Reps. D. McGuire, Lachance and Emerick

Amend RSA 284-B:3, III as inserted by section 1 of the bill by replacing it with the following:

III. To be eligible for licensure under this chapter an applicant shall document that it is one of the following:

(a) A restaurant or hotel holding a valid liquor license under RSA 178:20, II, RSA 178:21, II(a) or (b), or RSA 178:22, V(q).

(b) A brew pub holding a valid liquor license under RSA 178:13.

(c) A ballroom holding a valid liquor license under RSA 178:22, V(c).

(d) A veterans' club, private club, or social club holding a valid liquor license under RSA 178:22, V(h).

(e) A convention center holding a valid liquor license under RSA 178:22, V(i).

(f) A hotel holding a valid liquor license under RSA 178:22, V(k).

(g) A racetrack holding a valid liquor license under RSA 178:22, V(n).

(h) A sports recreation facility holding a valid liquor license under RSA 178:22, V(v).

Amend RSA 284-B:3, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The annual license fee shall be \$900 per video lottery machine. A licensee shall operate no more than 6 video lottery machines. The amount of \$80 from the annual license fee for each machine shall be paid to the state treasurer and credited to the commissioner of the department of health and human services to support programs established by RSA 172 to fund baseline research into the prevalence of problem gambling in New Hampshire prior to the expansion of gaming as authorized by this chapter, to identify and assess the treatment needs of individuals with compulsive and problem gambling disorders, to identify effective programming to prevent and control compulsive and problem gambling, and to examine the connections between gambling disorders and drug and alcohol addiction disorders

Amend the bill by replacing all after section 8 with the following:

9 Local Adoption. Amend RSA 663:7 and RSA 663:8 to read as follows:

663:7 Question; Vote; Results. Upon the petition of 5 percent of the voters of any city or town filed with the secretary of state not earlier than the first Wednesday after the first Tuesday in August and no later than the first Friday in September before a state general election, the appropriate version of the following question shall be submitted to the voters of such city or town at said election: "Shall lottery tickets

(continue to) be sold *and video lottery games (continue to be) licensed* in this city or town?" If a majority of those voting vote "yes" on the question, tickets may be sold *and video lottery games continue to be licensed* or continued to be sold *or (continue to be) licensed* by the commission in that city or town. If a majority of those voting vote "no" on the question, the commission shall not sell tickets *or license video lottery games* in that city or town. No petition that the question prescribed in this section be printed on the ballot at a state general election shall be made within 2 years of a vote on such a question at a previous state general election.

663:8 Application. Unless and until changed pursuant to RSA 663:7, the sales of lottery tickets *licensing of and video lottery* by the lottery commission under RSA 284 in cities and towns shall be in accordance with the approval or disapproval of such operation as signified by the vote taken at the state general election held in November, 1970.

10 Rehabilitation of Problem Gambling. Amend RSA 172:2-a to read as follows:

172:2-a Program Established. The commissioner shall provide for the scientific care, treatment, and rehabilitation of *gambling*, alcohol and drug abusers, and work towards the prevention of, and assist in the control of, *gambling*, alcohol and drug abuse within the state through education, treatment, community organization, and research.

11 Rehabilitation of Problem Gambling. Amend RSA 172:8 to read as follows:

172:8 Duties of Commissioner. The commissioner shall:

I. Study the problems presented by *gambling*, alcohol and drug abuse, including methods and facilities available for the care, treatment, custody, employment, and rehabilitation of persons who are *problem gamblers*, inebriates, alcohol abusers, drug dependent, or drug abusers.

II. Promote meetings and programs for the discussion of *gambling*, alcohol and drug dependency and abuse for the guidance and assistance of individuals, schools, courts, and other public and private agencies.

III. Conduct, promote and finance, in full or in part, studies, and other appropriate facilities dealing with the physical, psychological, and/or social aspects of *gambling*, alcohol and drug abuse.

IV. Have the authority to accept or reject for examination, diagnosis, guidance, and treatment, insofar as funds and facilities permit, any resident of the state who comes to the commissioner voluntarily for advice and treatment.

V. [Repealed.]

VI. Render biennially to the governor and council a report of his activities including recommendations for improvements therein by legislation or otherwise.

VII. Coordinate community medical resources for the emergency medical care of persons suffering acute mental or physical reaction to *gambling*, alcohol or drugs and of persons suffering from drug dependency.

VIII. Employ such assistants as may be necessary to carry out the purposes of this chapter, in accordance with state personnel regulations, and within available appropriations and funds.

IX. Disseminate information on the subjects of *gambling*, alcohol and drug abuse for the guidance and assistance of individuals, schools, courts and other public and private agencies.

X. [Repealed.]

12 Problem Gambling Added. Amend RSA 172:8-a to read as follows:

172:8-a Confidentiality of Client Records. No reports or records or the information contained therein on any client of the program or a certified *gambling*, alcohol or drug abuse treatment facility or any client referred by the commissioner shall be discoverable by the state in any criminal prosecution. No such reports or records shall be used for other than rehabilitation, research, statistical or medical purpose, except upon the written consent of the person examined or treated. Confidentiality shall not be construed in such manner as to prevent recommendation by the commissioner to a referring court, nor shall it deny release of information through court order pursuant to appropriate federal regulations.

13 Problem Gambling Added. Amend RSA 172:8-b to read as follows:

172:8-b Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to the following:

I. The acceptance, care, and treatment of *gambling*, alcohol or drug dependent persons and alcohol or drug abusers who are clients of the program established under this chapter or a certified substance abuse treatment facility.

II. A fee schedule and collection of fees under RSA 172:14, IV.

III. Certification of *such* substance abuse treatment facilities including, but not limited to:

(a) Program content;

(b) Qualifications of program staff; and

(c) Type of substance abuse treatment offered.

IV. Certification and recertification of **gambling**, alcohol and drug abuse counselors including, but not limited to:

- (a) Peer review of applicants.
- (b) Minimum qualifications and competency.
- (c) Education and continuing education.
- (d) Experience required.
- (e) Required knowledge of **gambling**, alcohol and drug abuse counseling.
- (f) Such other matters as the commissioner may deem necessary to carry out the purposes of this chapter.

V. Voluntary admissions under RSA 172:13.

14 Acceptance of Funds; Treatment of Problem Gamblers. Amend RSA 172:9 to read as follows:

172:9 Acceptance of ~~[Grants]~~ **Funds**. The commissioner ~~[is authorized to]~~ **may** accept in the name of the state special grants or money or services from the federal or state governments or any of their agencies and may accept gifts to carry on the functions provided for in this chapter.

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

2015-3035h

AMENDED ANALYSIS

This bill:

I. Allows video lottery machines in establishments with a liquor license in the state pursuant to an application process.

II. Distributes proceeds of video lottery machines to the education trust fund.

III. Requires the lottery commission to regulate, license, and enforce the provisions for video lottery.

IV. Offsets property tax calculation by the amount deposited into the education trust fund from video lottery profits.

V. Distributes a certain amount from the annual fee per machine to the department of health and human services for programs addressing problem gambling.

VI. Requires municipalities who have voted to allow lottery ticket sales to also allow video lottery machines.

Amendment to HB 634-FN-A

(2015-2401h)

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

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

AN ACT relative to increasing exemptions to the interest and dividends tax, extending the tax to capital gains and designating certain revenues, and relative to homeowners property tax relief.

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

1 Interest and Dividends Tax; Exemptions Increased; Capital Gains. Amend RSA 77:3, I to read as follows:

I. Taxable income is that **interest, dividend, and capital gain** income, **as defined in RSA 77:4**, received ~~[from interest and dividends]~~ during the tax year prior to the assessment date by:

(a) Individuals who are inhabitants or residents of this state for any part of the taxable year whose ~~[gross]~~ interest ~~[and]~~, dividend income ~~[from all sources]~~, **and capital gain income, as defined in RSA 77:4**, including income from a qualified investment company pursuant to RSA 77:4, V, exceeds ~~[\$2,400]~~ **\$5,000** during that taxable period.

(b) Partnerships, limited liability companies, and associations, the beneficial interest in which is not represented by transferable shares, whose ~~[gross]~~ interest ~~[and]~~, dividend ~~[income from all sources]~~ **and capital gain income, as defined in RSA 77:4**, exceeds ~~[\$2,400]~~ **\$5,000** during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

(c) Executors deriving their appointment from a court of this state whose ~~[gross]~~ interest ~~[and]~~, dividend ~~[income from all sources]~~ **and capital gain income, as defined in RSA 77:4**, exceeds ~~[\$2,400]~~ **\$5,000** during the taxable year.

2 Taxation of Incomes; What Taxable. Amend RSA 77:4, IV and V to read as follows:

IV. ~~[Dividends, other than that portion of a dividend declared by corporations to be a return of capital and considered by the federal internal revenue service to be such, the exemption of which is~~

~~permitted by RSA 77:7.]~~ ***The capital gain reported on the taxpayer's federal income tax return which shall be the amount, if any, that is equal to the positive sum of the net short-term capital gain or loss and the net long-term capital gain or loss reported on that return.***

V. Amounts reported and taxed federally as ~~[dividends or interest]~~ ***interest, dividends, or capital gain income*** to a holder of an ownership interest in a qualified investment company as defined in RSA 77-A:1, XXI, a mutual fund, or a unit investment trust.

3 Taxation of Incomes; Exclusion of Certain Income; Employee Benefit Plans. Amend RSA 77:4-b to read as follows:

77:4-b ~~[Interest and Dividend]~~ Income of Employee Benefit Plans and Tax Deferred Investments Not Taxable. Notwithstanding any provisions of RSA 77:4 to the contrary, ~~[interest and dividend income]~~ ***interest, dividend, and capital gain income, as defined in RSA 77:4***, received by an employee benefit plan as defined by the Employee Retirement Income Security Act of 1974, section 3, or any successor act enacted for the purpose of regulating employee benefit plans, or an individual retirement arrangement, Keogh plan or any other arrangement pursuant to which payment of federal tax on the income thereof and of the plan sponsors, participants and beneficiaries is deferred, shall at no time be considered taxable income under RSA 77:4, either to the plan or arrangement or to its sponsors, participants or beneficiaries, irrespective of when or whether all or any portion of such income is accumulated or expended for the benefit of, or distributed in any form or manner to, such sponsors, participants or beneficiaries.

4 Taxation of Incomes; Exclusion of Certain Income; Qualified Investment Companies, Mutual Funds, and Unit Investment Trusts. Amend the introductory paragraph of RSA 77:4-d to read as follows:

77:4-d Special Rule for Qualified Investment Companies, Mutual Funds, and Unit Investment Trusts. Notwithstanding any other provision of RSA 77:4, the following income items shall not be treated as ~~[dividends or interest]~~ income taxable under this chapter:

5 Taxation of Incomes; Exclusion of Certain Income; College Tuition Savings Plans. Amend RSA 77:4-e to read as follows:

77:4-e ~~[Interest and Dividends]~~ ***Income*** From Funds Invested in College Tuition Savings Plan Not Taxable. Notwithstanding any provision of RSA 77:4, income and distributions from any qualified tuition program as defined in the Internal Revenue Code of 1986, as amended, shall not be taxable under this chapter to the plan or to its sponsors, participants, or beneficiaries to the extent that the same is exempt from federal income taxation under section 529 of the Internal Revenue Code of 1986, as amended, as that section was in effect on July 1, 2003.

6 Taxation of Incomes; Excess Compensation. Amend RSA 77:4-g to read as follows:

77:4-g ~~[Dividend]~~ Excess Compensation. Excess compensation determined by audit of the department shall not be considered ~~[a dividend]~~ ***taxable income*** under this chapter unless such determination is accepted by the Internal Revenue Service.

7 Exemptions Increased. Amend RSA 77:5 to read as follows:

77:5 Exemptions. Each taxpayer shall have the following exemptions:

I. Income of ~~[\$2,400]~~ ***\$5,000***.

II. An additional ~~[\$1,200]~~ ***\$2,500*** if either or both taxpayers are 65 years of age or older on the last day of the tax year.

III. An additional ~~[\$1,200]~~ ***\$2,500*** if either or both taxpayers are blind.

IV. An additional ~~[\$1,200]~~ ***\$2,500*** if either or both taxpayers are disabled, unable to work, and have not yet reached their sixty-fifth birthday.

8 Taxation of Incomes; Married Taxpayers; Joint Returns. Amend RSA 77:5-a to read as follows:

77:5-a Married Taxpayers; Joint Returns. A married taxpayer may claim the exemptions provided in RSA 77:5 for both self and spouse, regardless of the ownership of the ~~[income from interest or dividends,]~~ ***interest, dividend, or capital gain income, as defined in RSA 77:4***, provided that both ~~[husband and wife]~~ ***spouses*** file a joint return.

9 Taxation of Incomes; Decedents Estates. Amend RSA 77:9 to read as follows:

77:9 Decedents' Estates. The estates of deceased persons who last dwelt in this state shall be subject to the taxes imposed by this chapter upon all taxable income received by such persons during their lifetime, which has not already been taxed. The ~~[income]~~ ***interest, dividend, or capital gain income, as defined in RSA 77:4***, received by such estates during administration shall be taxable to the estate, except such proportion thereof as equals the proportion of the estate to be distributed to non-taxable persons or organizations. The commissioner of revenue administration and executors and administrators of estates may effect a settlement by compromise of any question of doubt or dispute arising under this section.

10 Taxation of Incomes; Income From Trusts. Amend RSA 77:10 to read as follows:

77:10 Income From Trusts. ~~[Interest and dividend]~~ **The** income received by estates held by trustees treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their grantor, to the extent that the grantor is an inhabitant or resident of this state. Income reported by, and taxed federally as ~~[interest or dividends]~~ **income** to a trust beneficiary who is an individual inhabitant or resident of this state with respect to distributions from a trust that is not treated as a grantor trust under section 671 of the United States Internal Revenue Code shall be included as ~~[interest or dividends]~~ **income** in the return of such beneficiary and subject to taxation in accordance with the provisions of this chapter.

11 New Section; Taxation of Incomes; Nonresident Trustees. Amend RSA 77 by inserting after section 12 the following new section:

77:12-a Nonresident Trustees. If an inhabitant of this state receives income from one or more trustees, none of whom is an inhabitant of this state or has derived his or her appointment from a court of this state, such income shall be subject to the taxes imposed by this chapter if it would be taxable to such inhabitant if received by him or her from its source.

12 Taxation of Incomes; Guardians; Reference Corrected. Amend RSA 77:13 to read as follows:

77:13 Guardians, etc. RSA 77:9 through RSA ~~[77:11]~~ **77:12-a** shall apply to guardians, conservators, trustees in bankruptcy, receivers, and assignees for the benefit of creditors, so far as apt, to the taxable income received by them.

13 Taxation of Incomes; Returns and Declaration. Amend RSA 77:18, IV(a) and (b) to read as follows:

(a) Every individual whose total ~~[interest and dividend income]~~ **interest, dividend, or capital gain income, as defined in RSA 77:4**, is less than ~~[\$2,400]~~ **\$5,000** for a taxable period.

(b) For joint filers whose total ~~[interest and dividend income]~~ **interest, dividend, or capital gain income, as defined in RSA 77:4**, is less than ~~[\$4,800]~~ **\$10,000** for a taxable period.

14 Repeal. The following are repealed:

I. RSA 77:4-c, relative to sale or exchange of transferable shares not taxable.

II. RSA 77:7, relative to capital distribution.

15 Estimated Tax Payments. Any taxpayer under RSA 77 who has reported capital gain, as defined in RSA 77:4, on the taxpayer's federal return for the tax payers last tax period ending on or before December 31, 2016, and who makes estimated tax payments under RSA 77:18, shall make estimated tax payments for 2017 based upon the taxpayer's tax liability for such capital gain income that would have been incurred under RSA 77 in the taxpayers last tax period ending on or before December 31, 2016, if the provisions of RSA 77 regarding the taxation of capital gain income had been in effect for that period. The provisions of RSA 21-J:32 regarding payment of a penalty for underpayment of estimated tax shall apply to estimated tax payments required by this paragraph.

16 New Subdivision; Capital Gains Reserve Fund. Amend RSA 9 by inserting after section 13-g the following new subdivision:

Capital Gains Reserve Fund

9:13-h Capital Gains Reserve Fund.

I. There is hereby established within the general fund general ledger a special non-lapsing capital gains reserve fund account. The state treasurer shall invest funds in this account as authorized by RSA 6:8. The interest so earned shall be deposited as unrestricted general fund revenue.

II. On or before September 30 of each year, the department of revenue administration shall make 2 calculations:

(a) The amount of revenue collected during the most recently completed fiscal year, from the tax on capital gain income, as defined and applied pursuant to the provisions of RSA 77;

(b) The average annual amount of revenue collected during the 3 fiscal years immediately prior to the most recently completed fiscal year, from the tax on capital gain income, as defined and applied pursuant to the provisions of RSA 77. For the purposes of this calculation, the department shall assume that \$90,000,000 of revenue would have been collected in each of fiscal years 2014, 2015, 2016, and 2017 if said tax had been in effect for the duration of each of those fiscal years.

III. The department shall notify the governor, the treasurer, the comptroller, the speaker of the house, and the senate president of the results of such calculations.

IV.(a) Every biennial budget adopted by the general court shall include a provision specifying the amount of revenue estimated to be collected from the tax on capital gain income, as defined and applied pursuant to the provisions of RSA 77. In no instance shall such amounts, including the amount specified in RSA 31-A:4, exceed for each fiscal year of the biennium the 3-year average most recently calculated under subparagraph II(b).

(b) Appropriations in each biennial budget of revenue estimated under subparagraph (a) to be collected from the tax on capital gain income shall include the appropriations of capital gain income specified in RSA 31-A:4, RSA 100-A:16, II(c-1), RSA 186-C:18, III(a), and RSA 198:15-a, IV, provided that, in the event that said estimated revenue is insufficient to fully fund the total of all said appropriations, each of the specified appropriations shall be proportionally reduced as necessary to stay within the limits of said estimated revenue unless otherwise provided by the general court in the budget for each year of the biennium.

V. If the total amount of revenue collected during the most recently concluded fiscal year from the tax on capital gain income, as defined and applied pursuant to the provisions of RSA 77, exceeds the total amount specified in the budget for that year, the comptroller shall, upon receipt of the notification specified in paragraph II, transfer the excess from the general fund to the capital gains reserve fund.

VI. If the total amount of revenue collected during the most recently concluded fiscal year from the tax on capital gain income, as defined and applied pursuant to the provisions of RSA 77, is less than the total amount specified in the budget for that year, the comptroller, upon receipt of the notification specified in paragraph II(b), transfer the difference from the capital gains reserve fund to the general fund, provided that a sufficient balance is available in the capital gains reserve fund. If the balance is insufficient, then the full balance of the capital gains reserve fund shall be transferred to the general fund. Transfers shall not be made from the capital gains reserve fund unless the conditions in this paragraph are met.

VII. If, after the requirements of paragraphs I-VI have been met and the balance remaining in the capital gains reserve fund is in excess of an amount equal to 100 percent of the actual capital gain tax revenue for the most recently completed 3-year average annual amount reported pursuant to paragraph II, then such excess shall be transferred, without further action, to the revenue stabilization reserve account established pursuant to RSA 9:13-e.

17 New Subparagraph; Treasury; Accounts. Amend RSA 6:12, I(b) by inserting after subparagraph (326) the following new subparagraph:

(327) Moneys deposited in the capital gains reserve fund under RSA 9:13-h.

18 New Paragraph; Business Profits Tax; Exclusion Added. Amend RSA 77-A:4 by inserting the following new paragraph:

XIX. A deduction equal to any capital gain income subject to taxation under RSA 77.

19 Homeowners Property Tax Relief; Income Limits Increased. Amend RSA 198:57, III to read as follows:

III. An eligible tax relief claimant is a person who:

(a) Owns a homestead or interest in a homestead subject to the education tax;

(b) Resided in such homestead on ~~April 1 of~~ **the date of the final tax bill as defined in RSA 76:1-a** for the year for which the claim is made, except such persons as are on active duty in the United States armed forces or are temporarily away from such homestead but maintain the homestead as a primary domicile; and

(c) Realizes total household income of:

(1) ~~[\$20,000]~~ **\$27,500** or less if a single person;

(2) ~~[\$40,000]~~ **\$55,000** or less if a married person or head of a New Hampshire household.

20 Homeowners Property Tax Relief; Rebate Calculation Changed; Amend RSA 198:57, IV to read as follows:

IV. All or a portion of an eligible tax relief claimant's state education property taxes, RSA 76:3, shall be rebated as follows:

(a) Multiply the total local assessed value of the claimant's property by the percentage of such property that qualifies as the claimant's homestead;

(b) Multiply ~~[\$100,000]~~ **\$130,000** by the most current local equalization ratio as determined by the department of revenue administration;

(c) Multiply the lesser of the amount determined in subparagraph (a) or (b) by the education tax rate as shown on the tax bill under RSA 76:11-a;

(d) Multiply the product of the calculation in subparagraph (c) by the following percentage as applicable to determine the amount of tax relief available to the claimant:

(1) If a single person and total household income is:

(A) less than ~~[\$12,500]~~ **\$20,000**, 100 percent;

(B) ~~[\$12,500]~~ **\$20,000** but less than ~~[\$15,000]~~ **\$22,500**, 60 percent;

(C) ~~[\$15,000]~~ **\$22,500** but less than ~~[\$17,500]~~ **\$25,000**, 40 percent; or

(D) ~~[\$17,500]~~ **\$25,000** but less than or equal to ~~[\$20,000]~~ **\$27,500**, 20 percent.

(2) If a head of a New Hampshire household or a married person and total household income is:

- (A) less than ~~[\$25,000]~~ **\$40,000**, 100 percent;
- (B) ~~[\$25,000]~~ **\$40,000** but less than ~~[\$30,000]~~ **\$45,000**, 60 percent;
- (C) ~~[\$30,000]~~ **\$45,000** but less than ~~[\$35,000]~~ **\$50,000**, 40 percent; or
- (D) ~~[\$35,000]~~ **\$50,000** but less than or equal to ~~[\$40,000]~~ **\$55,000**, 20 percent.

(e) The amount determined by subparagraph (d) is the allowable tax relief in any year.

21 New Paragraphs; Homeowners Property Tax Relief; Adjustment for Inflation; Forms. Amend RSA 198:57 by inserting after paragraph VIII the following new paragraph:

IX. The amounts specified in paragraph III(c), paragraph IV(b), and paragraph IV(d) shall be adjusted annually for inflation and rounded to the nearest \$100 by the commissioner of the department of revenue administration based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region as published by the Bureau of Labor Statistics, United States Department of Labor. The average change shall be calculated using the calendar year ending 12-months prior to the beginning of the program year.

X. Each year, on or about May 1, the department of revenue administration shall mail the current year forms necessary to apply for property tax relief to each homeowner who received property tax relief under the provisions of paragraph IV in the prior year.

22 Revenue Sharing; Increase From Capital Gains Revenue. Amend the introductory paragraph of RSA 31-A:4 to read as follows:

31-A:4 Determination of Amounts Returnable. The state treasurer shall distribute to the cities and towns each year the amount appropriated by the general court according to an equalized formula calculated by taking for each city and town the amount of local property taxes assessed, including current distributions of state revenues to local governments, exclusive of educational funds; dividing that sum by the local equalized valuation as determined by the department of revenue administration; and multiplying the result by the local population to produce an equalizing factor for each city and town. Such equalizing factors shall be added together to produce a total state sum. Each local equalizing factor shall be divided by the total state sum to produce for each city and town a normalized factor. Each such normalized factor shall be multiplied by the total amount to be distributed to the cities and towns to produce the annual share of each city or town, ***provided that said total amount shall include the first \$25,216,000 of the revenue collected each year under RSA 77 beginning July 1, 2017, attributable to the application of the rate in RSA 77:1 on capital gains.*** Under no circumstances shall the amount appropriated under this section be less than \$47,300,000 annually. Provided, however, that no city or town shall receive under the provisions of this section an amount less than the sum of:

23 Special Education; Catastrophic Aid; Appropriation. Amend RSA 186-C:18, III(a) to read as follows:

III.(a) The state board of education through the commissioner, department of education, shall distribute aid available under this paragraph as entitlement to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year exceed 3 1/2 times the estimated state average expenditure per pupil for the school year preceding the year of distribution. ***As a supplement to other appropriations and to enable funding in full of said catastrophic special education 186-C:18 aid beginning July 1, 2018, and in every fiscal year thereafter, \$10,000,000 shall be appropriated therefor from revenue collected each year beginning July 1, 2018, under RSA 77 attributable to the application of the rate in RSA 77:1 on capital gains, unless otherwise provided by an act of the general court.*** If in any year, the amount appropriated for distribution as catastrophic special education 186-C:18 aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed for court-ordered placements under RSA 186-C:19-b. The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain children with disabilities, it shall not receive catastrophic special education aid for those same children with disabilities. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be

used to assist school districts in meeting catastrophic cost increases in their special education programs as provided by this paragraph.

24 Education; Grants for School Construction; Appropriation. Amend RSA 198:15-a, IV to read as follows:

IV. Beginning July 1, 2013, and ~~[every fiscal year thereafter]~~ ***continuing through fiscal year 2018***, school building aid grants for construction or renovation projects approved by the department of education shall not exceed \$50,000,000 per fiscal year less any debt service payments owed in the fiscal year, ***provided that for the fiscal year beginning July 1, 2018, and every fiscal year thereafter, school building aid grants for construction or renovation projects approved by the department of education shall not exceed the sum of \$50,000,000 per fiscal year less any debt service payments owed in the fiscal year plus \$20,000,000 or such other amount per fiscal year as may be appropriated from revenue collected each year under RSA 77 attributable to the application of the rate in RSA 77:1 on capital gains***, unless otherwise provided by an act of the general court. School building aid grants shall be funded from appropriations in the state operating budget and no state bonds shall be authorized or issued for the purpose of funding such school building aid grants.

25 Retirement System; State Contributions. Amend RSA 100-A:16, II (c-1) to read as follows:

(c-1) ~~[For state fiscal year 2012]~~ ***Beginning with state fiscal year 2019 and for each state fiscal year thereafter***, the contributions of each employer for benefits under the retirement system on account of group II and group I ~~[teacher]~~ members of employers other than the state shall be calculated as provided in subparagraphs (b) and (c) provided that the state shall pay ~~[\$3,500,000]~~ ***\$20,000,000*** of such total contributions.

26 Effective Date. This act shall take effect on July 1, 2016, and shall be applicable to tax periods ending after December 31, 2016.

2015-2401h AMENDED ANALYSIS

This bill increases taxpayer exemptions under the taxation of incomes and extends the tax to include taxable capital gains income and designates revenues received from the tax on capital gains for revenue sharing, catastrophic aid, school building aid, and state contributions to retirement system political subdivision employers. The bill also increases the eligibility levels for the low and moderate income homeowners property tax relief.

Amendment to HB 636-FN (2015-2507h)

Proposed by the Majority of the Committee on Judiciary - r

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

1 New Section; Property Subject to Forfeiture. Amend RSA 617 by inserting after section 1 the following new section:

617:1-a Criminal Forfeiture; Property Subject to Forfeiture.

I. Subsequent to a criminal conviction pursuant to a statute that authorizes forfeiture, including but not limited to RSA 318-B:17-b, the court may order the person convicted to forfeit:

- (a) Property the person derived from the commission of the crime;
- (b) Property directly traceable to property derived from the commission of the crime; and
- (c) Instrumentalities the person used in the commission of the crime.

II. When a conviction or agreement of the parties is not possible due to the person's death, incompetence, unavailability, or not being within the jurisdiction of the court, or the person to be charged cannot be identified, forfeiture proceedings may be commenced.

III. Property may be forfeited if the state establishes that the property is forfeitable by clear and convincing evidence.

IV. Nothing in this section shall prevent property from being forfeited by plea agreement approved by the presiding criminal court or other agreement of the parties.

V. At the request of any party, the civil portion of the forfeiture proceeding may be stayed by the court.

2 New Section; Forfeiture; Innocent Owner. Amend RSA 617 by inserting after section 4 the following new section:

617:4-a Innocent Owner. In addition to any other remedy provided by law, any person claiming to be an innocent owner of property seized for purposes of forfeiture may petition the court, after 10 days from the date of seizure, for return of the property. No item or property interest shall be subject to forfeiture

unless the alleged innocent owner thereof was a consenting party to the crime. This provision shall not apply to property seized as evidence in a pending criminal investigation or prosecution.

3 New Section; Disposition of Unclaimed Property and Proceeds. Amend RSA 617 by inserting after section 10 the following new section:

617:11 Disposition of Property and Proceeds.

I. Notwithstanding any other provision of law, at any time when unclaimed property or contraband held for evidentiary purposes is no longer needed for that purpose, the court may order the state to deliver any unclaimed property, other than currency, to the commissioner of the department of administrative services, to deliver any currency to the state treasurer, and to destroy any contraband within 30 days.

II. If the forfeiture is granted, the court may order the state to deliver any currency to the state treasurer and any other property to the commissioner of the department of administrative services within 30 days. The commissioner of the department of administrative services shall dispose of the forfeited property at public auction.

III. Upon motion, the court may order that a portion of the currency seized or proceeds from public auction be used to pay reasonable non-personnel expenses of the seizure, storage, and maintenance of custody of any forfeited items.

IV. The auction proceeds and forfeited currency shall be forwarded to the state treasurer and shall be used first to pay all outstanding recorded liens on the forfeited property, then to comply with an order of the court to pay reasonable non-personnel expenses, with all remaining funds to be deposited into the state's general fund.

4 Forfeiture of Items Used in Connection with Drug Offense. Amend RSA 318-B:17-b, II(e) to read as follows:

(e) The department of justice shall, within 60 days of the seizure, ~~[either]~~ file a petition in the superior court having jurisdiction under this section ~~[or seek administrative forfeiture pursuant to RSA 318-B:17-d]~~. If no such petition is filed ~~[or administrative procedure initiated]~~ within 60 days, the items or property interest seized shall be released or returned to the owners.

5 Forfeiture of Items Used in Connection with Drug Offense; Reference to Drug Forfeiture Fund Removed. Amend RSA 318-B:17-b, II-a(e) to read as follows:

(e) In the case of moneys, file a motion for transfer of evidence under RSA 595-A:6. Upon the court's granting of the motion the moneys shall be immediately forwarded to an interest-bearing seized asset escrow account to be administered by the attorney general. Upon resolution of the forfeiture proceeding the moneys deposited shall be transferred to the ~~[drug forfeiture]~~ **general** fund or returned to the owners thereof as directed by the court. Unless otherwise ordered by a court in a specific case, interest on all moneys deposited in the seized asset escrow account shall be deposited annually into the ~~[drug forfeiture fund established under RSA 318-B:17-e]~~ **general fund**.

6 Disposition of Funds Obtained by the Attorney General. Amend RSA 7:6-e, III to read as follows:

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.

7 Repeal. The following are repealed:

I. RSA 318-B:17-b, V, relative to the distribution of proceeds from items forfeited from drug offenses.

II. RSA 318-B:17-c, establishing the drug forfeiture fund.

III. RSA 318-B:17-d, relative to administrative forfeiture of items used in connection with drug offenses.

IV. RSA 6:12, I(b)(19), relative to the drug forfeiture fund.

8 Effective Date. This act shall take effect January 1, 2017.

2015-2507h

AMENDED ANALYSIS

This bill limits forfeiture to cases in which the state has found by clear and convincing evidence that the property was derived from, or used in, the commission of a crime. The bill also requires the state to deposit proceeds from forfeited property in the general fund.

**Amendment to HB 659-FN-LOCAL
(2015-2496h)**

Proposed by the Committee on Election Law - c

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

AN ACT relative to eligibility for an absentee ballot.

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

1 Absentee Voting; Eligibility. Amend RSA 657:1 to read as follows:

657:1 Absence, Religious Observance, and Disability Absentee Voting. Any person who is absent on the day of any state election from the city, town, or unincorporated place in which he or she is registered to vote or who cannot appear in public on any election day because of his or her observance of a religious commitment or who is unable to vote there in person by reason of physical disability may vote at such elections as provided in this chapter. A person who is unable to appear at any time during polling hours at his or her polling place because **of** an employment obligation ~~[requires the person to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close]~~ shall be considered absent for purposes of this chapter. ***For the purposes of this section, the term "employment" shall include the care of children and infirmed adults, with or without compensation.***

2 Absentee Voting; Forms. Amend RSA 657:4, I to read as follows:

I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

Absence (Excluding Absence Due to Residence Outside the United States),

Religious Observance, and Disability:

I hereby declare that (check one):

☐ I am a duly qualified voter who is currently registered to vote in this town/ward.

☐ I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

I will be entitled to vote by absentee ballot because (check one):

☐ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.

☐ I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.

☐ I cannot appear in public on election day because of observance of a religious commitment.

☐ I am unable to vote in person due to a disability.

☐ I cannot appear at any time during polling hours at my polling place because **of** an employment obligation ~~[requires me to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close]~~. ***For the purposes of this application, the term "employment" shall include the care of children and infirmed adults, with or without compensation.***

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

☐ Presidential Primary to be held on _____
(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

☐ State Primary to be held on _____
(MM/DD/YYYY)

☐ General Election

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

☐ Republican Party

☐ Democratic Party

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name: _____

(Last) (First) (Middle) (Sr., Jr., II., III)

Applicant's Voting Domicile (home address): _____

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Mail the ballot to me at this address (if different than the home address): _____

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Applicant's Signature: _____

The applicant must sign this form to receive an absentee ballot.

Date Signed: _____

(MM/DD/YYYY)

3 Absentee Voting; Materials. Amend RSA 657:7, II(a) to read as follows:

(a) Absence from City or Town. A person voting by absentee ballot because of absence from the city or town in which he or she is entitled to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of _____, New Hampshire, in ward _____; that I will be unable to appear at any time during polling hours at my polling place because I will be working on election day or will be otherwise absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind). ***For the purposes of this certification the term "working" shall include the care of children and infirmed adults, with or without compensation.***

(Signature) _____

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

4 Town Elections; Absentee Voting. Amend RSA 669:26 to read as follows:

669:26 Absentee Voting. Every town which has adopted an official ballot system for town elections as provided in RSA 669:12 or 669:13 shall provide for absentee voting. Any eligible voter who is absent from such a town on the day of a town election, or who cannot appear in public on election day because of his or her observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person may vote at a town election in accordance with the provisions of this section and RSA 669:27-669:29. A person who is unable to appear at any time during polling hours at his or her polling place because ~~of an employment obligation [requires the person to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close]~~ shall be considered absent for purposes of this section and RSA 669:27-669:29. ***For the purposes of this section the term "employment" shall include the care of children and infirmed adults, with or without compensation.***

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

2015-2496h

AMENDED ANALYSIS

This bill modifies what constitutes an employment obligation for purposes of absentee voting.

Amendment to HB 661-FN (2015-2508h)

Proposed by the Majority of the Committee on Executive Departments and Administration - r

Amend the bill by replacing the title with the following:

AN ACT relative to record keeping for sold or transferred animals and making certain technical corrections to the law governing the sale or transfer of animals.

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

1 New Section; Record Keeping; Licensed Animal Shelters. Amend RSA 437 by inserting after section 8 the following new section:

437:8-a Record Keeping; Licensed Animal Shelters.

I. Each licensee shall compile and keep on its premises a record of the total number of dogs and cats admitted, including animals in shelter and animals admitted but currently in foster care or at another offsite facility, in a reporting period specified with beginning and ending dates for the animal count. The total number shall be subdivided by dog and cat and further divided into the number of adults at time of intake and the number up to 5 months old at time of intake, with these numbers further divided into the following classifications:

(a) The total number of live animals admitted, subdivided into the following categories: stray or at-large admitted through animal control or stated to be without an owner or free-roaming; relinquished or otherwise admitted by owner; owner-intended euthanasia, meaning the admission of an animal whose owner brought the animal to the shelter with the intent of requesting euthanasia; transferred from another shelter; transferred from out of state; large scale seizure support, or other purposes; and other intakes, including impounds for cruelty cases and protective custody, pets born while in care, and other types of admission not otherwise covered by these categories;

(b) The subtotal of live outcomes for the animals, further subdivided into the following categories: final adoption, meaning permanently left the shelter's possession and not including animals placed in foster care or on overnight trial stays; stray or owner-relinquished animal returned to owner; transferred out of the shelter's possession to another entity; returned to field, meaning returning, after altering, to the stray capture location as free-roaming animals; and other live outcomes, such as barn cat programs;

(c) The subtotal of other outcomes for the animals, further subdivided into the following categories: died in care while sheltered; lost in care, meaning the outcome is unknown, such as due to escape or to not being recorded and unknown; all euthanasia other than that performed as owner-intended euthanasia; and owner-intended euthanasia, meaning only those animals whose owners brought them to the shelter with the intent of using euthanasia services; and

(d) The total outcomes, combining the subtotals for live and other outcomes.

II. For animals transported into New Hampshire for the purpose of sale or transfer, the following information shall be provided to the department of agriculture, markets, and food whether the originator source was a licensed animal shelter, or breeding facility:

(a) The original source for each animal, to include state and city of origin, and name and license number of organization sending animal to New Hampshire.

(b) The method of transport: the name and license number under RSA 437:3 of the person or organization which transported the animal to New Hampshire, and of the licensed organization that accepted the animal for further sale, adoption, or transfer.

(c) For how long, and where, the animal was kept quarantined in New Hampshire prior to being offered for sale, adoption, or transfer, as required under RSA 437:10, V.

(d) If the animal was dead on arrival, the likely cause of death.

III. Each licensee shall submit records, as described in this section, to the department of agriculture, markets, and food, annually as part of its license renewal application. The department shall store such records described in this section for a period of 3 years. The department shall make this information available to the public on its website, as soon as practicable upon receipt of such records.

2 Technical Correction. Amend RSA 437:1 to read as follows:

437:1 License Required. No person, firm, corporation or other entity shall engage in the business of transferring with or without a fee or donation required, to the public, live animals or birds customarily used as household pets unless the premises on which they are housed, harbored or displayed for such purposes are duly licensed and inspected by the department of agriculture, markets, and food of the state of New Hampshire. This section shall also apply to commercial kennels and to any person, firm, corporation, or other entity engaged in the business of, including activity as a broker, transferring live animals or birds customarily used as household pets for transfer to the public, with or without a fee required, and whether or not a physical facility is owned by the licensee in New Hampshire when transfer to the final owner occurs within New Hampshire. These provisions shall not ~~[effect]~~ **affect** the provisions of RSA 437:7.

3 Technical Correction. Amend RSA 437:10, II to read as follows:

II. The original of the official health certificate accompanying the dog, cat, or ferret offered for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and made available for inspection upon request. The public will be informed of ~~[their]~~ **its** right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in the area where the dogs, cats, or ferrets are displayed. Upon transfer of the dog, cat, or ferret, this health certificate shall be updated by the licensee if any other medication or treatment has been given by a licensed veterinarian or the licensee to

the dog, cat, or ferret and shall be given to the transferee in addition to any other documents which are customarily delivered to the transferee. The transferee may accept a dog, cat, or ferret that has a noncontagious illness that has caused it to fail its examination by a licensed veterinarian for an official health certificate under paragraph I; the transferee shall sign a waiver that indicates the transferee has knowledge of the dog, cat, or ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send a copy to the state veterinarian.

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

2015-2508h

AMENDED ANALYSIS

This bill requires licensed animal transferors to keep certain records and submit copies of such records to the department of agriculture, markets and food.

This bill also makes technical corrections to the statutes regarding animal transfers.

Amendment to HB 661-FN (2015-2559h)

Proposed by the Minority of the Committee on Executive Departments and Administration - r

Amend the bill by replacing the title with the following:

AN ACT relative to record keeping for sold or transferred animals and making certain technical corrections to the law governing the sale or transfer of animals.

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

1 New Section; Record Keeping; Licensed Animal Shelters. Amend RSA 437 by inserting after section 8 the following new section:

437:8-a Record Keeping; Licensed Animal Shelters.

I. Each licensee shall compile and keep on its premises a record of the total number of dogs and cats admitted, including animals in shelter and animals admitted but currently in foster care or at another offsite facility, in a reporting period specified with beginning and ending dates for the animal count. The total number shall be subdivided by dog and cat and further divided into the number of adults at time of intake and the number up to 5 months old at time of intake, with these numbers further divided into the following classifications:

(a) The total number of live animals admitted, subdivided into the following categories: stray or at-large admitted through animal control or stated to be without an owner or free-roaming; relinquished or otherwise admitted by owner; owner-intended euthanasia, meaning the admission of an animal whose owner brought the animal to the shelter with the intent of requesting euthanasia; transferred from another shelter; transferred from out of state; large scale seizure support, or other purposes; and other intakes, including impounds for cruelty cases and protective custody, pets born while in care, and other types of admission not otherwise covered by these categories;

(b) The subtotal of live outcomes for the animals, further subdivided into the following categories: final adoption, meaning permanently left the shelter's possession and not including animals placed in foster care or on overnight trial stays; stray or owner-relinquished animal returned to owner; transferred out of the shelter's possession to another entity; returned to field, meaning returning, after altering, to the stray capture location as free-roaming animals; and other live outcomes, such as barn cat programs;

(c) The subtotal of other outcomes for the animals, further subdivided into the following categories: died in care while sheltered; lost in care, meaning the outcome is unknown, such as due to escape or to not being recorded and unknown; all euthanasia other than that performed as owner-intended euthanasia; and owner-intended euthanasia, meaning only those animals whose owners brought them to the shelter with the intent of using euthanasia services; and

(d) The total outcomes, combining the subtotals for live and other outcomes.

II. For animals transported into New Hampshire for the purpose of sale or transfer, the following information shall be provided to the department of agriculture, markets, and food whether the originator source was a licensed animal shelter, or breeding facility:

(a) The original source for each animal, to include state and city of origin, and name and license number of organization sending animal to New Hampshire.

(b) The method of transport: the name and license number under RSA 437:3 of the person or organization which transported the animal to New Hampshire, and of the licensed organization that accepted the animal for further sale, adoption, or transfer.

(c) For how long, and where, the animal was kept quarantined in New Hampshire prior to

being offered for sale, adoption, or transfer, as required under RSA 437:10, V.

(d) If the animal was dead on arrival, the likely cause of death.

III. Each licensee shall submit records, as described in this section, to the department of agriculture, markets, and food, annually as part of its license renewal application. The department shall store such records described in this section for a period of 3 years. The department shall make this information available to the public on its website, as soon as practicable upon receipt of such records.

2 License Required. Amend RSA 437:1 to read as follows:

437:1 License Required. No ~~[person]~~ **pet vendor**, firm, corporation or other entity shall engage in the business of transferring with or without a fee or donation required, to the public, live animals or birds customarily used as household pets unless the premises on which they are housed, harbored or displayed for such purposes are duly licensed and inspected by the department of agriculture, markets, and food of the state of New Hampshire. This section shall also apply to commercial kennels and to any person, firm, corporation, or other entity engaged in the business of, including activity as a broker, transferring live animals or birds customarily used as household pets for transfer to the public, with or without a fee required, and whether or not a physical facility is owned by the licensee in New Hampshire when transfer to the final owner occurs within New Hampshire. These provisions shall not ~~[effect]~~ **affect** the provisions of RSA 437:7.

3 Technical Correction. Amend RSA 437:10, II to read as follows:

II. The original of the official health certificate accompanying the dog, cat, or ferret offered for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and made available for inspection upon request. The public will be informed of ~~[their]~~ **its** right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in the area where the dogs, cats, or ferrets are displayed. Upon transfer of the dog, cat, or ferret, this health certificate shall be updated by the licensee if any other medication or treatment has been given by a licensed veterinarian or the licensee to the dog, cat, or ferret and shall be given to the transferee in addition to any other documents which are customarily delivered to the transferee. The transferee may accept a dog, cat, or ferret that has a noncontagious illness that has caused it to fail its examination by a licensed veterinarian for an official health certificate under paragraph I; the transferee shall sign a waiver that indicates the transferee has knowledge of the dog, cat, or ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send a copy to the state veterinarian.

4 New Paragraph; Pet Vendor; Defined. Amend RSA 437:2 by inserting after paragraph VI the following new paragraph:

VII. "Pet vendor" means any person who transfers ownership of 10 or more litters of dogs or cats or more than 50 animals or birds customarily used as household pets during any 12-month period.

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

2015-2559h

AMENDED ANALYSIS

This bill requires licensed animal transferors to keep certain records and submit copies of such records to the department of agriculture, markets and food.

This bill also makes technical corrections to the statutes regarding animal transfers.

This bill defines "pet vendor."

Amendment to SB 45

(2015-2544h)

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

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

AN ACT establishing a committee to study opioid use in workers' compensation cases.

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

1 Committee Established. There is established a committee to study opioid use in workers' compensation cases.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, one of whom shall be from the labor, industrial and rehabilitation committee, appointed by the speaker of the house of representatives.

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

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

3 Duties.

I. The committee's study shall include, but not be limited to, the following:

- (a) Obtaining information regarding pain medicine and specifically opioid use in workers' compensation cases.
- (b) The cost of opioid use for workers' compensation cases.
- (c) The correlation between opioid use in workers' compensation cases and cases of addiction to the medicine.
- (d) The feasibility of using a doctor-patient opioid use contract and its effects on opioid use.

II. The committee may solicit information 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 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2016.

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

2015-2544h

AMENDED ANALYSIS

This bill establishes a committee to study opioid use in workers' compensation cases.

Amendment to SB 64 (2015-1308h)

Proposed by the Committee on Commerce and Consumer Affairs - c

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

AN ACT relative to payment for filling prescriptions and enforcement concerning prices for filling certain prescriptions.

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

1 New Paragraph; Pharmacists and Pharmacies; Filling Prescriptions; Rulemaking Added. Amend RSA 318:5-a by inserting after paragraph XVIII the following new paragraph:

XIX. Establishing procedures to receive complaints of violations of RSA 415:6-aaa and RSA 420-J:7-b, X. Such rules shall include:

- (a) Criteria and procedures to refer complaints to the insurance department.
- (b) Methods for tracking the status of complaints referred to the insurance department and receiving department of insurance reports on the status.
- (c) Procedures for reporting to the senate president, the speaker of the house of representatives, and the chairpersons of the house and senate committees with oversight of pharmacy benefit manager regulation the number of complaints received, the number and nature of complaints referred to the insurance department, and the status of referred complaints.

2 New Section; Filling Prescriptions; Individual. Amend RSA 415 by inserting after section 6-aa the following new section:

415:6-aaa Filling Prescriptions.

I. A pharmacy benefits manager or health carrier shall require that a covered person pay the lesser of the amount charged by the pharmacy for filling the prescription, the provider specified contract payment amount, or the covered person's benefit copayment.

II. Once a pharmacy benefit manager or health carrier has settled a claim for filling a prescription for a covered person and notified the pharmacy of the amount the pharmacy benefits manager or health carrier will pay to the pharmacy for that prescription, the pharmacy benefits manager or health carrier shall not lower the amount to be paid to the pharmacy by the pharmacy benefits manager or the health carrier for such settled claim; provided, however, that this paragraph shall not apply if the claim was submitted fraudulently or with inaccurate or misrepresented information.

3 New Paragraph; Managed Care; Filling Prescriptions. Amend RSA 420-J:7-b by inserting after paragraph IX the following new paragraph:

X.(a) Every health benefit plan that provides prescription drug benefits shall require that a covered person pay the lesser of the amount charged by the pharmacy filling the prescription, the provider specified contract payment amount, or the covered person's benefit copayment.

(b) Once a pharmacy benefit manager or health carrier has settled a claim for filling a prescription for a covered person and notified the pharmacy of the amount the pharmacy benefits manager or health carrier will pay to the pharmacy for that prescription, the pharmacy benefits manager or health carrier shall not lower the amount to be paid to the pharmacy by the pharmacy benefits manager or the health carrier for such settled claim; provided, however, that this paragraph shall not apply if the claim was submitted fraudulently or with inaccurate or misrepresented information.

4 New Paragraph; Managed Care; Provider Contract Standards. Amend RSA 420-J:8 by inserting after paragraph XIV the following new paragraph:

XV.(a) A pharmacy benefits manager or health carrier shall prohibit a pharmacy from collecting more from the covered person than the lesser of the amount charged by the pharmacy for filling the prescription, the specified contract payment amount, or the covered person's benefit copayment.

(b) Once a pharmacy benefit manager or health carrier has settled a claim for filling a prescription for a covered person and notified the pharmacy of the amount the pharmacy benefits manager or health carrier will pay to the pharmacy for that prescription, the pharmacy benefits manager or health carrier shall not lower the amount to be paid to the pharmacy by the pharmacy benefits manager or the health carrier for such settled claim; provided, however, that this paragraph shall not apply if the claim was submitted fraudulently or with inaccurate or misrepresented information.

5 Repeal. RSA 318:47-h, relative to the price of filling prescriptions, is repealed.

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

2015-1308h

AMENDED ANALYSIS

This bill clarifies the process of paying for filling prescriptions for covered persons. The bill also adds authority for the pharmacy board to adopt rules for enforcement of requirements for the price of filling prescriptions.

Amendment to SB 110-FN

(2015-1241h)

Proposed by the Committee on Commerce and Consumer Affairs - r

Amend RSA 402-L:11 as inserted by section 1 of the bill by replacing it with the following:

402-L:11 Immunity. There shall be no liability on the part of, and no cause of action of any nature shall arise against, the commissioner or the department or their employees, agents, consultants, or counsel for any action taken by them that is within the scope of their powers and duties under this chapter and that is performed in good faith and not in a wanton or reckless manner.

Floor Amendment to SB 136

(2015-2477h)

Proposed by Rep. Weber

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall submit an initial report of its findings and any recommendations for proposed legislation or resolution on or before June 1, 2016 and a final report of its findings and any recommendations for proposed legislation or resolution on or before November 1, 2016 to the New Hampshire congressional delegation, the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

Amendment to SB 144

(2015-2484h)

Proposed by the Committee on Ways and Means - c

Amend the title of the bill to read as follows:

AN ACT relative to carry-over coverall bingo and shared carry-over coverall bingo.

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

1 New Paragraph; Shared Carry-Over Coverall Games of Bingo. Amend RSA 287-E:1 by inserting after paragraph IX the following new paragraph:

X. "Shared carry-over coverall" means a carry-over coverall bingo game conducted at a host hall and exhibited simultaneously to at least one participating hall by means of an electronic simulcast feed for the purpose of playing for a common jackpot with the conduct of the game at the host hall under rules adopted by the commission under RSA 541-A. "Host hall" means a commercial hall or charitable organization approved by the commission where a shared carry-over coverall bingo game originates.

“Participating hall” means a commercial hall or charitable organization approved by the commission that receives a simulcast of the shared carry-over coverall played at the host hall.

2 Shared Carry-Over Coverall Games of Bingo. Amend RSA 287-E:3, XIV to read as follows:

XIV. A carry-over coverall game or a shared carry-over coverall game, including the application process for host halls.

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

3 New Paragraph; Shared Carry-Over Coverall Bingo; Annual Report. Amend RSA 284:6-a by inserting after paragraph IV the following new paragraph:

IV-a. The lottery commission shall include a summary in its annual report under RSA 284:11 regarding the financial impact of shared carry-over coverall games to participating charities and the state, and any recommendations it has regarding the continuation of shared carry-over coverall games in New Hampshire.

4 Shared Carry-Over Coverall Games of Bingo. Amend RSA 287-E:7, XV-XVI to read as follows:

XV. A progressive coverall game ~~[or a shared carry-over coverall game]~~:

- (a) May be played once during any given game date;
- (b) Shall be played on the second or last coverall;
- (c) Shall not have a total of prize and bonus combined exceeding \$3,000; and
- (d) May offer a predetermined consolation prize to the game winner who first achieves coverall.

XVI. A carry-over coverall game **or a shared carry-over coverall game**:

(a) May be played once during any given game date.
 (b) Notwithstanding any other law to the contrary, may allow prize money to accumulate until there is a winner.

(c) Shall award a predetermined consolation prize to the game winner who first achieves coverall, the consolation prize is paid from the accumulated carry-over.

(d) Shall award a prize which shall be taxed under RSA 287-E:8.

5 New Paragraph. Amend RSA 287-E:8-a by inserting after paragraph V the following new paragraph:

VI. All financial records pertaining to carry-over coverall bingo shall be maintained by the host hall or the host hall's shared carry-over coverall service provider for a period of at least 2 years, and shall be made available to representatives of the commission or of the commissioner of safety upon request.

6 New Section; Shared Carry-Over Coverall Bingo. Amend RSA 287-E by inserting after section 13 the following new section:

287-E:13-a Shared Carry-Over Coverall Bingo.

I. The commission may approve a host hall for shared carry-over coverall bingo if:

(a) The host hall holds a valid bingo license under RSA 287-E:6.
 (b) At least 30 days before the proposed game date, the host hall submits a plan to the commission including:

(1) The distributor or manufacturer of the bingo equipment to be used for shared carry-over coverall bingo.

(2) The technology used to broadcast the game to participating halls. Such technology shall meet the International Technical Standards for Electronic Gaming Machines set forth by the International Association of Gaming Regulators.

(3) The name of the bank used to maintain prize money.

(4) The names and addresses of all participant halls.

(c) The host hall posts a bond, conditioned upon the host hall's compliance with the rules of the commission. The commission shall have the authority to set the bond at no less than \$50,000 and no more than the highest prized jackpot prize offered in the last 24 months

II. A host hall approved under paragraph I may conduct and simulcast carry-over coverall games in accordance with commission rules, and utilize software and electronic devices that have been tested by an independent testing laboratory and approved by the commission.

III. Host hall approval is non-transferrable.

IV. The commission shall respond to a host hall's request for approval for shared carry-over coverall bingo within 30 days of receipt of such request. Such approval shall be valid for one year from the date of its issue.

V. Shared carry-over coverall games shall be operated only by persons designated by the host hall.

VI. Numbers for shared carry-over coverall bingo shall only be selected by a live person.

VII. There shall be a limit of 18 cards per player.

VIII. There shall be no limit on the total value of prizes, tokens, or awards for any shared carry-

over coverall game or series of shared carry-over coverall games.

IX. If a charitable organization enters into a contract with a host hall for shared carry-over coverall bingo, the charitable organization shall retain the profit percentage set by the commission on January 1 of each year, but which shall not be less than 7 percent of the gross revenues from any shared carry-over coverall bingo games. The host hall shall retain the profit percentage set by the commission on January 1 of each year based on the average cost of operating shared carry-over coverall bingo. Such percentage shall not be less than 7 percent of the gross revenues from any shared carry-over coverall bingo game. If the host hall is charitable organization the charitable organization shall receive both the charitable organization profit percentage and the host hall profit percentage. The host hall shall pay the bingo tax under RSA 287-E:8. No charitable organization shall sustain a loss from bingo such that its share of the gross revenues would be less than zero dollars, for the duration of its contact with a single host hall.

7 Effective Date. This act shall take effect 180 days after its passage.

2015-2484h

AMENDED ANALYSIS

This bill:

- I. Defines shared carry-over coverall bingo, host hall, and participating hall.
- II. Allows the lottery commission to adopt rules relative to carry-over coverall bingo and shared carry-over coverall bingo.
- III. Describes the operation of shared carry-over coverall bingo.

Amendment to SB 146 (2015-2424h)

Proposed by the Committee on Municipal and County Government - r

Amend the bill by replacing section 2 with the following:

2 New Subdivision; Accessory Dwelling Units. Amend RSA 674 by inserting after section 70 the following new subdivision:

Accessory Dwelling Units

674:71 Definition. As used in this subdivision, "accessory dwelling unit" means a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

674:72 Accessory Dwelling Units.

I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow accessory dwelling units as a matter of right or by either conditional use permit pursuant to RSA 674:21 or by special exception, in all zoning districts that permit single-family dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. The municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.

II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than a building permit, if necessary.

III. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but a municipality shall not require that it remain unlocked.

IV. Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. A municipality may require adequate parking to accommodate an accessory dwelling unit.

V. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units.

VI. A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.

VII. A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 750 square feet.

VIII. A municipality may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.

IX. A municipality may not limit an accessory dwelling unit to only one bedroom.

X. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.

674:73 Detached Accessory Dwelling Units. A municipality is not required to but may permit detached accessory dwelling units. Detached accessory dwelling units shall comply with the requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV through IX. If a municipality allows detached accessory dwelling units, it may require an increased lot size.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect June 1, 2017.

**Amendment to SB 155-FN-A
(2015-2504h)**

Proposed by the Committee on Commerce and Consumer Affairs - r

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

AN ACT establishing the Financial Resources Mortgage (FRM) victims' contribution recovery fund
 for victims of the FRM fraud and continually appropriating a special fund.

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

1 Statement of Purpose.

I. The general court hereby finds that there has been documented evidence that certain state agencies made mistakes knowingly or unknowingly that resulted in the continuation of the Financial Resources Mortgage(FRM) fraud causing financial harm to many victims.

II. Therefore, the general court hereby establishes the FRM victims' contribution recovery fund to receive contributions to provide restitution assistance for victims of the FRM fraud.

2 New Chapter; FRM Victims' Contribution Recovery Fund. Amend RSA by inserting after chapter 359-O the following new chapter:

CHAPTER 359-P

FRM VICTIMS' CONTRIBUTION RECOVERY FUND

359-P:1 Definitions. In this chapter:

I. "Claimant" means a person who is a victim of the Financial Resources Mortgage fraud and who has filed a complete application for recovery assistance under this chapter.

II. "Committee" means the FRM victims' contribution recovery fund committee established in RSA 359-P:4.

III. "Financial Resources Mortgage" means Financial Resources Mortgage, Inc., C L and M, Inc., and any predecessor, successor, or affiliated entities, and any entities established by, through, or with Scott Farah or Donald Dodge, through which moneys of Financial Resources Mortgage, Inc., C L and M, Inc., and any predecessor, successor, or affiliated entities passed.

IV. "Financial Resources Mortgage fraud" means fraudulent acts committed by Financial Resources Mortgage or its principals where loans brokered by or serviced by Financial Resources Mortgage.

V. "Fund" means the FRM victims' contribution recovery fund established in RSA 359-P:2.

VI. "Person" means an individual, corporation, partnership, association, joint stock company, unincorporated organization, or any other entity.

VII. "Qualifying claimant" means a person who suffered financial losses as a result of the Financial Resources Mortgage fraud and is a claimant eligible for recovery assistance under this chapter. Qualifying claimant shall not include a borrower under any loan transaction borrowed or serviced by Financial Resources Mortgage.

VIII. "Recovery assistance" means payments from the fund to persons who suffered financial losses as a result of the Financial Resources Mortgage fraud.

IX. "Victim" means a person who suffered monetary injury as a result of the Financial Resources Mortgage fraud.

359-P:2 FRM Victims' Contribution Recovery Fund Established.

I. There is hereby established the FRM victims' contribution recovery fund. The fund shall be nonlapsing and continually appropriated to the committee. The fund shall be capped at \$10,000,000 and shall consist of state, public, and private sector gifts and contributions of any kind.

II. The fund shall be used for awarding recovery assistance pursuant to this chapter.

III. The total amount in the fund less costs of administration shall be distributed on a pro rata basis to qualifying claimants annually on December 31 until all such claims are satisfied.

359-P:3 Eligibility for Recovery Assistance.

I. Except as otherwise provided in this chapter, a claimant shall be eligible for recovery assistance at the rate of 50 cents on each dollar lost by the claimant under this chapter if the claimant:

(a) Submits all supplemental documents as requested by the committee.

(b) Can demonstrate loss, to the committee's satisfaction, due to the Financial Resources Mortgage fraud.

(c) Meets all other requirements of this chapter, as determined by the committee.

II. In addition to a qualifying claimant and except as otherwise provided in this chapter, a surviving spouse or surviving child of a qualifying claimant shall be eligible for recovery assistance under this chapter.

359-P:4 Committee Established.

I. There is established the FRM victims' contribution recovery fund committee. The committee shall consist of the following members:

(a) Two members of the house commerce and consumer affairs committee and 2 members of the house finance committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate commerce committee and 2 members of the senate finance committee, appointed by the president of the senate.

II. The first meeting of the committee shall be held within 45 days of the effective date of this section and shall be called by the first-named house member. The committee chairperson shall be chosen from among the members.

III. The committee shall hire/appoint a private attorney or administrator to collect gifts and contributions, review applications for assistance submitted pursuant to this chapter, and make awards of assistance in accordance with the procedures of this chapter. The committee shall negotiate the attorney's or administrator's compensation which shall be no more than 10 percent of the privately contributed funds.

IV. In the event of a tie vote on any matter, the chairperson's vote shall break the tie.

V. The attorney or administrator shall make quarterly reports to the committee, beginning on November 1, 2015, which shall include all transactions made from the fund. The committee shall make semi-annual reports, beginning on December 15, relative to its work to the governor, the president of the senate, and the speaker of the house of representatives.

359-P:5 Recovery Assistance.

I. A victim eligible for recovery assistance under RSA 359-P:3 may file an application for recovery assistance with the committee on the following form:

Financial Resources Mortgage, Inc and CL&M, Inc. Victims Indemnification Application

Name _____

Address _____

Phone _____

E-mail _____

Social Security No. _____

I.) Proof of Claim Federal Bankruptcy Court Case 09-14565-JMD and 09-14566-JMD date filed

Loans or Mortgages claimed (copy attached)

1. _____	Amount \$ _____
2. _____	Amount \$ _____
3. _____	Amount \$ _____
4. _____	Amount \$ _____
5. _____	Amount \$ _____
6. _____	Amount \$ _____
7. _____	Amount \$ _____
8. _____	Amount \$ _____
9. _____	Amount \$ _____

10. _____ Amount \$ _____
 Total Proof of Claim Amount \$ _____

II.) Were you a defendant in case no. 09-1184-JMD? Yes No

Were you dismissed from the case? Yes No

III.) Did you settle with the Trustee? Yes No

Did you make a payment to the Trustee for the benefit of the bankruptcy estates to settle with the Trustee? Yes No Amount \$ _____

IV.) List any additional payments to the trustee as a result of any mortgage foreclosed, sold, or repaid as a condition of your settlement. Example: Agreed to split proceeds 80/20 with Trustee.

1. _____ Amount \$ _____
 2. _____ Amount \$ _____
 3. _____ Amount \$ _____
 4. _____ Amount \$ _____
 5. _____ Amount \$ _____
 Post settlement payments to Trustee Amount \$ _____

V.) Did you retain 100% ownership of any mortgages as a result of settlement? Yes (list below) No

1. _____ Amount \$ _____
 2. _____ Amount \$ _____
 3. _____ Amount \$ _____
 4. _____ Amount \$ _____
 5. _____ Amount \$ _____
 Total Retained 100% ownership \$ _____

VI.) List any payment from the Trustee on any mortgage he or she foreclosed on, sold, or received repayment of principle and from which proceeds were agreed to be split with you as a result of settlement.

1. _____ Amount \$ _____
 2. _____ Amount \$ _____
 3. _____ Amount \$ _____
 4. _____ Amount \$ _____
 5. _____ Amount \$ _____

Total Split Proceeds received from Trustee post settlement \$ _____

VII.) Final Distribution of Bankruptcy Estate by Trustee received by you \$ _____

VIII.) Total Interest received from FRM or CL&M January 2006

through November 2009 \$ _____

(attach form 1040 and Schedule B, Interest and Dividends, for 2006-2009)

Calculate Loss:

A.	Total Section I. Proof of Claim	\$ _____
	Total Section III. Settlement Payment	\$ _____
	Total Section IV. Proceed split payment to Trustee	\$ _____
	Total A.	\$ _____
B.	Total Section V. 00% Retained Mortgages	\$ _____
	Total Section VI. Proceed Split receipt from Trustee	\$ _____
	Total Section VII. Final Distribution from Trustee	\$ _____
	Total Section VIII. Interest Received	\$ _____
	Total of any other awards not otherwise accounted for	\$ _____
	Total B.	\$ _____
C.	Total A minus Total B.	
	Allowable Loss	\$ _____

Signature _____

Date _____

Signed under penalty of perjury

For administration purposes only

Grand Total All Losses submitted

(name) _____ allowable loss submitted

Percent of Grand Total submitted _____%

II. The complete application shall be received not more than 180 days after the effective date of this section. An extension of time may be granted for good cause shown by the claimant. However, an application that is received more than 270 days after the effective date of this section shall not be accepted.

The attorney or administrator shall send a notice regarding the process for recovery under this chapter to the last known address of potential claimants.

III. All applications filed in compliance with this chapter shall be accepted. Processing of an application shall begin upon receipt of a complete application. All applications shall be reviewed by the attorney or administrator to ensure that the applications are complete. If an application is not complete, it shall be returned to the claimant with a brief statement of the additional information required. The application shall be denied if the applicant does not furnish additional information or additional time is not granted for good cause.

IV. The attorney or administrator shall determine the amount of loss of original investments, if any, of each claimant and the pro rata share to be distributed to a claim demonstrating loss.

V. Recovery assistance shall be limited to 50 cents on each dollar lost on the amount of the claimant's original investment.

VI. The attorney or administrator may consider individual claims filed by persons owning a joint interest that was subject to loss due to the Financial Resources Mortgage fraud, but any recovery awarded shall only be to the extent of each individual claimant's original investment.

359-P:6 Awards Under This Chapter Set Off Against Any Other Recovery.

I. The amount of any award made under this chapter shall be set off against any other recovery sources, including, but not limited to awards from private suits, arbitration, bankruptcy court awards or settlements, or other sources of recovery.

II. In the event a qualifying claimant receives an award from a recovery source listed in paragraph I subsequent to the filing of a claim under this chapter, the claimant shall immediately notify the committee of the award. The attorney or administrator shall then modify the claimant's award and pro rata share by offsetting such award against the claimant's award under this chapter.

359-P:7 Recovery Assistance Prohibited. Recovery assistance shall not be awarded if the attorney or administrator for the committee determines the claimant:

I. Sustained the monetary injury as a result of participating or assisting in or attempting to commit or committing financial fraud with Financial Resources Mortgage; or

II. Profited or would have profited from the financial fraud of Financial Resources Mortgage.

359-P:8 Award Not Subject to Other Processes. An award made under this chapter shall not be subject to execution, attachment, garnishment, or other process. A claimant convicted of forgery, fraud, or deception in connection with a claim under this chapter shall forfeit an award paid to the claimant under this chapter. The attorney general may file a civil action to recover funds against such a claimant.

359-P:9 Liability of State. The state shall not be liable for any written determination made under this chapter except to the extent that money is available in the fund on the date the award is computed.

359-P:10 Claims Prior to January 1, 2006. Claims for restitution assistance shall not be accepted for any losses that occurred prior to January 1, 2006 due to financial fraud.

2 New Subparagraph; FRM Victims Contribution Recovery Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (330) the following new subparagraph:

(331) Moneys deposited under the FRM victims' contribution recovery fund, established in RSA 359-P:2.

3 Repeal. The following are repealed:

I. RSA 359-P, relative to a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud.

II. RSA 6:12, I(b)(331), relative to the FRM victims' contribution recovery fund.

4 Contingent Repeal. Section 3 of this act shall take effect on the date the FRM victims' contribution recovery fund committee certifies to the secretary of state and the director of the office of legislative services that the last payment was made in accordance with RSA 359-P as inserted by section 1 of this act. Any moneys in the FRM victims' contribution recovery fund established in RSA 359-P:2 as inserted by section 1 of this act shall lapse to the general fund.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4 of this act.

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

2015-2504h

AMENDED ANALYSIS

This bill establishes a process for restitution assistance for victims of the Financial Resources Mortgage (FRM) fraud. Under this bill, the FRM victims' contribution recovery fund committee shall cause through

its attorney or administrator restitution assistance from the FRM victims' contribution recovery fund for such victims.

**Amendment to SB 157-FN
(2015-2498h)**

Proposed by the Committee on Education - r

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

AN ACT requiring high school students to pass a competency assessment of the United States and New Hampshire government and civics.

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

1 School Boards; Instruction in National and State History and Government. Amend RSA 189:11 to read as follows:

189:11 Instruction in National and State History and Government.

I. In all public and private schools in the state there shall be given regular courses of instruction in the history, government and constitutions of the United States and New Hampshire, including the organization and operation of New Hampshire municipal, county and state government and of the federal government. Such instruction shall begin not later than the opening of the eighth grade and shall continue in high school as an identifiable component of a year's course in the history and government of the United States and New Hampshire.

II. As a component of instruction under paragraph I, a locally developed competency assessment of United States government and civics that includes, but is not limited to, the nature, purpose, structure, function, and history of the United States government, the rights and responsibilities of citizens, and noteworthy government and civic leaders, shall be administered to students as part of the high school course in history and government of the United States and New Hampshire. Students who attain a passing grade on the competency assessment shall be eligible for a certificate issued by the school district. The United States Citizenship and Immigration Services (USCIS) test may be used to satisfy the requirement of this paragraph.

2 Applicability. The provisions of this act shall only apply to students eligible to receive a high school diploma or high school equivalency certificate on or after January 1, 2017.

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

2015-2498h

AMENDED ANALYSIS

This bill requires students in high school or equivalent to take and pass a government and civics competency assessment as a component of instruction in the history, government, and constitutions of the United States and New Hampshire.

**Amendment to SB 203-FN
(2015-2543h)**

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

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Workers' Compensation; Review of Eligibility for Compensation. Amend RSA 281-A:48 by inserting after paragraph I the following new paragraph:

I-a. Any party at interest with regard to an injury occurring after January 1, 2016, where medical treatment for that injury is purposefully and intentionally postponed for medical reasons beyond the fourth anniversary of the date of denial or the last payment of compensation, may petition the commissioner to review such denial or award of compensation made pursuant to RSA 281-A:40 by filing a petition with the commissioner no later than 180 days after the date of the postponed treatment. A written acknowledgment by the employee and notification to the workers' compensation carrier shall be included in the worker's medical record including the medical reason for postponing the medical procedure. Any award or denial of indemnity payments made under this paragraph shall not extend the time frame under paragraph I.

2015-2543h

AMENDED ANALYSIS

This bill allows an injured worker whose treatment is purposely postponed for medical treatment beyond the fourth anniversary of the date of denial or last payment of compensation to petition the commissioner of labor, within a certain time frame, to review such denial or award of compensation.

**Amendment to SB 219-FN
(2015-2499h)**

Proposed by the Committee on Commerce and Consumer Affairs - c

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

AN ACT relative to lactation and breastfeeding.

Amend RSA 275:77 as inserted by section 1 of the bill by replacing it with the following:

275:77 Time for Employees to Express Milk; State Employees.

I. An employer shall provide a reasonable break time for an employee to express breast milk for her nursing child each time such employee has need to express the milk.

II. An employer shall not be required to compensate an employee receiving reasonable break time under paragraph I for any work time spent for such purpose, providing such break shall be documented as a break for the purpose of expressing milk.

III. Where employers already provide compensated breaks, an employee who uses that break time to express milk shall be compensated in the same way that other employees are compensated for break time. In addition, the employee shall be completely relieved from duty or else the time shall be compensated as work time.

IV. An employer that employs less than 50 employees shall not be subject to the requirements of this chapter, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

V. ***A lactating state employee shall have the right to breastfeed her child on any property owned, leased, or controlled by the state anywhere she is authorized to be. The state shall provide lactating employees with adequate facilities for breastfeeding for up to 6 months after the child is born and for expressing milk for as long as the mother continues to lactate. The location may include a child care facility or community lactation room in close proximity to the employee's work location. "Adequate facilities for breastfeeding" shall mean a sanitary indoor place, other than a bathroom or toilet stall, that is shielded from view from intrusion from co-workers and the public.***

Amend RSA 275:80, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established an advisory council on breastfeeding. The advisory council shall follow the goals of the United States Surgeon General and the United States Breastfeeding Committee. The advisory council shall be comprised of, but not limited to:

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

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

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

(d) A member of the New Hampshire Business and Industry Association, appointed by the association.

(e) The president of the New Hampshire Breastfeeding Rights Coalition, or designee.

(f) A transportation representative, appointed by the governor.

(g) A breastfeeding mother, appointed by the governor.

(h) An attorney with experience in human rights issues, appointed by the New Hampshire commission on human rights.

Amend RSA 275:80, III as inserted by section 1 of the bill by replacing it with the following:

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

Amend RSA 275:80, V as inserted by section 1 of the bill by replacing it with the following:

V. The advisory council shall make an interim report commencing on November 1, 2016 and a final report on December 1, 2017 on its activities and findings, together with any recommendations for proposed legislation, to the president of the senate, the speaker of the house of representatives, and the governor.

Amend the bill by replacing all after section 2 with the following:

3 Repeal. RSA 275:80, relative to an advisory council on breastfeeding, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect December 1, 2017.

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

2015-2499h

AMENDED ANALYSIS

This bill requires employers to provide reasonable accommodations to women who are breastfeeding. The bill also establishes an advisory council on breastfeeding.

**Amendment to SB 227
(2015-2553h)**

Proposed by the Committee on Finance - c

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

1 Adequate Education; Definitions. Amend RSA 198:38 to read as follows:

198:38 Definitions. ***In this subdivision:***

I.(a) "Average daily membership in attendance" or "ADMA" means the average daily membership in attendance, ***as defined in RSA 189:1-d, III, of pupils in kindergarten through grade 12, [as defined in RSA 189:1-d, III of the school year in which the calculation is made,] in the determination year,*** provided that no kindergarten pupil shall count as more than 1/2 day attendance per [calendar] ***school year. ADMA shall only include pupils who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at school district expense which may include public academies or out-of-district placements. For the purpose of calculating funding for municipalities, the ADMA shall not include pupils attending chartered public schools, but shall include pupils attending a charter conversion school approved by the school district in which the pupil resides.***

(b) For the purpose of calculating ADMA, each pupil who is home educated in compliance with RSA 193-A and who is enrolled in a school board approved public high school academic course shall count as an additional 0.15 pupil for each such academic course taken in a public high school. The department of education shall only make grant payments for such pupils to the extent of available appropriations. In this subparagraph, "public high school" shall have the same meaning as "high school" as defined in RSA 194:23.

II. "Commissioner" means the commissioner of the department of education.

III. "Department" means the department of education.

IV. "Determination year" means the school year immediately preceding the school year for which aid is determined. Unless otherwise indicated, determination year data shall be used to calculate aid.

V. [~~"Educationally disabled child" or "educationally disabled pupil"~~] ***"Pupil receiving special education services"*** [shall mean "~~educationally disabled child~~"] ***means the ADMA of a child with a disability*** as defined in RSA 186-C:2, I.

VI. "English language learner" means[~~a child~~] ***the ADMA of a pupil*** who has a predominant language other than English or who is educationally disadvantaged by a limited English proficiency, and who [is receiving regularly scheduled English language instruction. For the purposes of RSA 198:40-a, the department shall calculate the number of English language learners using ADMA data. The department shall use the ADMA of all pupils receiving English language learner services as of October 2006 in calculating 2006-2007 ADMA data.] ***participated in the annual assessment of English language proficiency required of such pupils by the Elementary and Secondary Education Act, 20 U.S.C. section 6311 (b)(7).***

VI-a. "Municipality" means a city, town, or unincorporated place.

VII. "Pupils eligible for a free or reduced-price meal" means ***the ADMA of*** pupils in [grade-1] ***kindergarten*** through grade 12 who are eligible for the federal free or reduced-price meal program. [~~For the purposes of RSA 198:40-a, the department shall calculate the concentration of pupils eligible for free or reduced-price meals using ADMA data. The department shall use the ADMA of pupils eligible for a free or reduced-price meal as of October 2006 in calculating ADMA concentrations for 2006-2007 ADMA data.~~] ***No pupil or school shall be required to participate in the federal free or reduced price meal program.***

VIII. "School district" means school district as defined in RSA 194:1 and shall include cooperative school districts as defined in RSA 195:1, I.

2 Adequate Education; Cost of an Opportunity for an Adequate Education. RSA 198:40-a is repealed and reenacted to read as follows:

198:40-a Cost of an Opportunity for an Adequate Education.

I. For the biennium beginning July 1, 2015, the annual cost of providing the opportunity for an adequate education as defined in RSA 193-E:2-a shall be as specified in paragraph II. The department shall adjust the rates specified in this paragraph in accordance with RSA 198:40-d:

II.(a) A cost of \$3,561.27 per pupil in the ADMA, plus differentiated aid as follows:

(b) An additional \$1,780.63 for each pupil in the ADMA who is eligible for a free or reduced price meal; plus

- (c) An additional \$697.77 for each pupil in the ADMA who is an English language learner; plus
- (d) An additional \$1,915.86 for each pupil in the ADMA who is receiving special education services; plus

(e) An additional \$697.77 for each third grade pupil in the ADMA with a test score below the proficient level on the reading component of the state assessment administered pursuant to RSA 193-C:6, provided the pupil is not eligible to receive differentiated aid pursuant to subparagraphs (b)-(d).

III. The sum total calculated under paragraph II shall be the cost of an adequate education. The department shall determine the cost of an adequate education for each municipality based on the ADMA of pupils who reside in that municipality.

3 Adequate Education; Consumer Price Index Adjustment. Amend RSA 198:40-d to read as follows:

198:40-d Consumer Price Index Adjustment. Beginning July 1, ~~[2013]~~ **2017** and every biennium thereafter, the department of education shall adjust the ~~[sum of the amounts determined]~~ **cost of an adequate education** under RSA 198:40-a based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the “services less medical care services” special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The average change shall be calculated using the 3 calendar years ending 18 months before the beginning of the biennium for which the calculation is to be performed.

4 Adequate Education; Determination of Education Grants. Amend RSA 198:41, IV(d) to read as follows:

(d) For fiscal year 2017 and each fiscal year thereafter, the department of education shall distribute a total education grant to each municipality in an amount equal to the total education grant for the fiscal year in which the grant is calculated plus a percentage of the municipality’s fiscal year 2012 stabilization grant, if any, distributed to the municipality; the percentage shall be 96 percent for fiscal year 2017, and shall be reduced by 4 percent of the amount of the 2012 education grant for each fiscal year thereafter. ***No stabilization grant shall be distributed to any municipality for any fiscal year in which the municipality’s education property tax revenue collected pursuant to RSA 76 exceeds the total cost of an adequate education or to any municipality for any fiscal year in which the municipality’s ADMA is zero.***

5 New Paragraphs; Adequate Education; Determination of Education Grants. Amend RSA 198:41 by inserting after paragraph IV the following new paragraphs:

V. The department shall use the best available data and methods to estimate ADMA and education grants by November 15 of the year preceding the school year for which aid is determined.

VI. The department shall produce a revised estimate of grants using actual determination year data for the purpose of settling municipal tax rates. A municipality’s grant estimate shall not be less than 95 percent of the estimate reported pursuant to paragraph V. The commissioner of the department of education shall provide the estimate for the current fiscal year to the commissioner of the department of revenue administration no later than October 1 of each year.

VII. When final determination year data is available, but not later than April 1, the department shall make a final determination of grant amounts. A municipality’s grant estimate shall not be less than 95 percent of the estimate reported pursuant to paragraph V. The department shall adjust the April grant disbursement required pursuant to RSA 198:42 so that the total amount disbursed for the fiscal year shall match the final grant determination.

VIII. Reports of grant determinations for municipalities required pursuant to paragraphs V-VII shall be available to the public by the date specified in paragraphs V-VII, and the department shall make available a report for multi-town school districts. The department of education shall provide the department of revenue administration the information needed to set tax rates.

6 Adequate Education; Distribution Schedule of Adequate Education Grants. Amend RSA 198:42 to read as follows:

198:42 Distribution Schedule of Adequate Education Grants; Appropriation.

I. The adequate education grant determined in RSA 198:41 shall be distributed to each municipality’s school district or districts ~~[legally responsible for the education of the pupils who attend approved public schools within the district or in other districts or who attend approved programs for children with disabilities, as the case may be,]~~ from the education trust fund in 4 payments of 20 percent on September 1, 20 percent on November 1, 30 percent on January 1, and 30 percent on April 1 of each school year; provided that for a dependent school district, the grant determined in RSA 198:41 shall be distributed to the municipality, which shall appropriate and transfer the grant funds to its dependent school department. ~~[During the course of the school year, the commissioner may make adjustments in grant~~

~~payments necessitated by variations in the ADMA data for a school district for any fiscal year in which the ADMA calculation is made.]~~

II. For the fiscal year beginning July 1, 2005, and every fiscal year thereafter, the amount necessary to fund the grants under RSA 198:41 is hereby appropriated to the department from the education trust fund created under RSA 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of adequate education grants.

III. The department of education shall certify the amount of each grant to the state treasurer and direct the payment thereof to the school district **or municipality**. ~~[When a payment of a grant is made to a school district, the municipality on whose behalf the payment is made shall receive notification from the state treasurer of the amount of the payment made to its school district or districts.]~~

IV. For chartered public schools approved by the state board of education, the department of education may expend budgeted amounts to fund chartered public school ~~[tuition]~~ payments under RSA 194-B:11, I. Said amounts are hereby appropriated to the department from the education trust fund established under RSA 198:39. The education trust fund shall be used to satisfy the state's obligation under this paragraph. The payment shall be issued regardless of the balance of funds available in the education trust fund. The department of education may request additional funds from the fiscal committee of the general court, with the approval of governor and council, for a new chartered public school approved for initial operation by the state board of education pursuant to RSA 194-B:3-a.

7 Adequate Education; Submission of Data. Amend RSA 198:45 to read as follows:

198:45 Submission of Data.

~~[I.] The governing body of every school district, city, joint maintenance agreement, chartered public school, or approved public academy shall submit all records, data, or other information required under this subdivision in accordance with the provisions of RSA 189:28.~~

~~[II. The commissioner of the department of education shall provide adequacy aid estimates for the current fiscal year to the commissioner of the department of revenue administration no later than October 1 of each year.]~~

8 School Boards; Statistical Reports. Amend RSA 189:28 to read as follows:

189:28 Statistical Reports; Failure to File Report.

I. The governing body of every ~~[school district, city, joint maintenance agreement, chartered public school, or approved public academy]~~ **public education agency**, shall, on or before August 1 in each year, submit to the department of education those statistical reports necessary to compute the average daily membership of pupils attending each school district, and the average daily membership of pupils resident in each school district. Information relating to the fall enrollment, drop-outs, staffing census, and average teacher salary, as of October 1 of each school year, shall be submitted to the department of education on or before October 15. Private schools shall submit average daily membership in attendance, fall enrollment, and teacher staff census.

II.(a) The information needed to determine compliance with performance or accountability measures of ~~[the school district, city, or public academy]~~ **public education agency** under RSA 193-E:3 or federal law, shall be submitted to the department of education in a timely manner as determined by the department of education. The state board of education shall ensure the accuracy and completeness of such data and shall take enforcement or other actions when necessary, including verification checks, for the purpose of enforcing the provisions of this section.

(b) If the department of education requests verification of information relevant to reports submitted, the ~~[school district, city, or public academy]~~ **public education agency** shall provide corrected information or verification within 10 business days of such request. The governing body of every ~~[school district, city, joint maintenance agreement, chartered public school, or public academy]~~ **public education agency** shall maintain files of all records, data, and other information submitted pursuant to this section for not less than 5 years from the date of submission. The state board of education shall have access to such records, data, and information for the purpose of ensuring the accuracy of reported information.

III. Each statistical report submitted under this section **by a public education agency** shall include a certification, signed by the ~~[superintendent of the school district,]~~ **chief executive official** that states: "I certify, under the pains and penalties of perjury, that all of the information contained in this

document is true, accurate, and complete, and that the school board chairperson has received a copy of this document.”

IV. The commissioner of the department of education may grant a school district, city, or public academy up to a 30-day extension of the reporting deadline set forth in paragraph I. The commissioner of the department of education shall notify the governing body of the ~~[school district, city, or public academy]~~ **public education agency** that all state aid to education and all federal aid, if the report is required by federal law, shall be withheld until such time as complete and accurate information is submitted.

V. The department of education shall determine the average daily membership in attendance of every ~~[school district, city, joint maintenance agreement, chartered public school, public academy]~~ **public education agency**, and private institution that operates an elementary or secondary school, and the average daily membership in residence of each school district, municipality within a cooperative school district, and unincorporated place.

VI. *In this section, “public education agency” means a school district, city, joint maintenance agreement, chartered public school, or approved public academy.*

9 Education Tax Credit; Definitions. Amend RSA 77-G:1, I to read as follows:

I. “Adequacy cost” means the total cost of the opportunity for an adequate education as defined in RSA 198:40-a~~[-I-III]~~.

10 Education Tax Credit; Scholarship Organizations. Amend RSA 77-G:5, II(e) to read as follows:

(e) Notwithstanding RSA 193-E:5, on or before July 15, a scholarship organization shall furnish the unique pupil identifier and date of birth for each student eligible pursuant to RSA 77-G:1, VIII(a)(1) and (2) who is receiving a scholarship, and the subparagraph under which he or she was eligible, to the department of education. The department of education shall notify the scholarship organization within 30 days of any students who are ineligible under RSA 77-G:1, VIII(a)(1). The scholarship organization shall notify the department of education within 30 days if any student eligible under RSA 77-G:1, VIII(a)(1) or (2) is not awarded a scholarship or is awarded a scholarship yet subsequently returns to public school. The department of education shall return such student to the calculation of the average daily membership in residence, as defined in RSA 189:1-d, IV, for the student’s school district of residence, and add the amount calculated under RSA 198:40-a~~[-I-III]~~ to the adequate education grant amount to the student’s school district of residence, and include such amount in the next adequate education grant payment made under RSA 198:42.

11 Education Tax Credit; Requirements. Amend RSA 77-G:7, I to read as follows:

I. The department of education shall determine the number of students receiving a scholarship under RSA 77-G:1, VIII(a)(1) and (2) who were counted in the calculation of the average daily membership in attendance, as defined in RSA 198:38, I, for schools, other than chartered public schools, for the student’s school district of residence and for each such student, shall deduct the amount calculated under RSA 198:40-a~~[-I-III]~~ from the total education grant amount disbursed to the student’s school district of residence calculated pursuant to RSA 198:40-a~~[-IV(b)-(e)]~~. This adjustment shall be completed prior to September 1 of the program year in which the scholarships are granted.

12 School Money; Reports Required. Amend RSA 198:4-d, II to read as follows:

II. A report filed by the governing body of each city and school district shall revise all the estimated revenues for the year. This report shall be filed by September 1 of each year. The revised estimates by school districts for the adequate education grants calculated under RSA 198:41 shall be considered the most accurate within 5 percent of the amount estimated pursuant to RSA 198:40-a~~[-V]~~.

13 Repeal. The following are repealed:

I. RSA 198:40-b, relative to use of differentiated aid.

II. RSA 198:44, relative to the duties of the department of education and the state board of education.

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

2015-2553h

AMENDED ANALYSIS

This bill revises the amount of differentiated aid distributed to a pupil, makes various changes to the deadlines and types of data to be used by the department of education in the calculation of adequate education grants, revises the stabilization grant amount distributed to certain municipalities, and repeals the provision relating to the use of differentiated aid.

**Amendment to SB 265-FN
(2015-2446h)**

Proposed by the Committee on Finance - c

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

1 New Chapter; Achieving a Better Life Experience (ABLE) Savings Account Program. Amend RSA by inserting after chapter 195-J the following new chapter:

CHAPTER 195-K

ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) SAVINGS ACCOUNT PROGRAM

195-K:1 Definitions. In this chapter:

I. "Achieving a Better Life Experience Act of 2014" means the federal Achieving a Better Life Experience (ABLE) Act of 2014 which allows individuals with disabilities to establish tax-free 529-A savings accounts to save for medical, housing, transportation, employment training, education and other quality of life expenses.

II. "Executive director" means the executive director of the governor's commission on disability established in RSA 275-C.

III. "Individuals with disabilities" means individuals who are eligible for the program because their disabilities occurred on or before the individual attained age 26, as required by 26 U.S.C. section 529A(e)(1)-(2) of the federal Achieving a Better Life Experience Act of 2014.

IV. "Savings plan" means any plan administered as the New Hampshire ABLE savings account program.

195-K:2 Achieving a Better Life Experience (ABLE) Savings Account Program.

I. The state treasurer and the executive director shall establish and administer a qualified ABLE savings account program as authorized in the Achieving a Better Life Experience Act of 2014, and in accordance with the provisions of section 529A of the United States Internal Revenue Code of 1986, as amended, and may enter into such contracts as the state treasurer and the executive director deem necessary to achieve this purpose, subject to the approval of the governor and council.

II. The state treasurer and the executive director shall adopt rules relative to the administration, management, promotion, and marketing of the qualified ABLE program and ensure that the qualified ABLE program complies with section 529A of the Internal Revenue Code of 1986, as amended, and any related federal law applicable to the qualified ABLE program.

III. Any personnel and administrative costs related to plan administration within the state treasurer's office and the governor's commission on disability shall be funded from the savings plan.

IV. No general fund moneys shall be expended in support of the savings plan or its implementation.

195-K:3 ABLE Savings Plan.

I.(a) The state treasurer and the executive director shall, as needed, issue requests for proposals to evaluate and determine the vehicle for investments of the savings plan and its administration.

(b) The state treasurer and the executive director shall consider and, if appropriate, give preference to proposals best meeting the following criteria:

(1) Ability to administer financial programs with individual account maintenance and reporting.

(2) Ability to develop and administer an investment program of a nature similar to the objectives of the ABLE savings plan.

(c) The final selection of the vehicle for investments and its administration shall be made by the state treasurer and the executive director.

(d) The state treasurer and the executive director may consider and contract with an ABLE savings account program previously established in another state.

II. The savings plan may be on a "cash only" basis, and may include provisions for automatic deductions.

III. The savings plan or such trust may be divided into multiple investment portfolios. If so divided, and if distinct records are maintained for any such portfolio and the assets associated with any such portfolio are accounted for separately from the other assets of the trust, then the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to a particular portfolio may be enforceable against the assets of such portfolio only, and not against the assets of the trust generally.

195-K:4 Funds Exempt From Interest and Dividends Tax. Income and distributions from any qualified ABLE program as defined in the Internal Revenue Code of 1986, as amended, shall be exempt from the interest and dividends tax pursuant to RSA 77:4-h, provided that distributions from the plan which are

subject to federal income tax shall be subject to the interest and dividends tax pursuant to RSA 77 on the accrued income portion of the savings plan distribution.

195-K:5 Authority to Issue Request for Proposals.

I. Within 6 months of the issuance of administrative rules by the Internal Revenue Service and the federal Department of Treasury governing implementation of any savings account programs authorized pursuant to the federal Achieving a Better Life Experience Act of 2014 (ABLE), the state treasurer, in consultation with the executive director, shall issue a request for proposals from third-party vendors to implement a savings plan pursuant to this chapter and in accordance with provisions of section 529A of the United States Internal Revenue Code of 1986, as amended. The state treasurer and executive director shall implement a savings plan pursuant to this chapter within 6 months after a suitable third-party vendor has been selected.

II. In selecting a third-party vendor, the state treasurer and executive director of the governor's commission on disability shall consider, and, if appropriate, give preference to proposals best meeting the following criteria:

(a) Ability to administer financial programs with individual account maintenance and reporting.

(b) Ability to develop and administer an investment program of a nature similar to the objectives of the ABLE plan.

III. The final selection of the vehicle for investments and administration shall be made by the treasurer and the executive director.

IV. The state treasurer and the executive director may consider and contract with an ABLE savings account program previously established in another state.

3 New Section; Interest and Dividends from Funds Invested in Achieving a Better Life Experience (ABLE) Plan Not Taxable. Amend RSA 77 by inserting after section 77:4-g the following new section:

77:4-h Interest and Dividends from Funds Invested in Achieving a Better Life Experience (ABLE) Plan Not Taxable. Notwithstanding any provision of RSA 77:4, income and distributions from any Achieving a Better Life Experience (ABLE) plan as defined in the Internal Revenue Code of 1986, as amended, shall not be taxable under this chapter to the plan or its sponsors, participants, or beneficiaries to the extent that the same is exempted from federal income taxation under section 529-A of the Internal Revenue Code of 1986, as amended.

4 Contingent Repeal. The following are repealed:

I. RSA 195-K, relative to the Achieving a Better Life Experience savings account program.

II. RSA 77:4-h, relative to interest and dividends from funds invested in the Achieving a Better Life Experience savings account program.

5 Contingency. Section 4 of this act shall take effect upon the earlier of the following:

I. The date of certification from the state treasurer and the executive director of the governor's commission on disability to the secretary of state and the director of the office of legislative services that, after issuing a request for proposals, the treasurer and executive director of the governor's commission on disability have determined that no suitable vendor is available to implement the New Hampshire Achieving a Better Life Experience savings account program; or

II. The date of certification from the state treasurer and the executive director of the governor's commission on disability to the secretary of state and the director of the office of legislative services that the Internal Revenue Service and the federal Department of Treasury have not issued administrative rules governing implementation of any state savings account programs authorized pursuant to the federal Achieving a Better Life Experience Act of 2014; or

III. The date of certification from the commissioner of the department of administrative services to the secretary of state and the director of the office of legislative services that a general fund appropriation has been made to support the New Hampshire Achieving a Better Life Experience savings account program as established in RSA 195-K.

6 Effective Date.

I. Section 4 of this act shall take effect as provided in section 5 of this act.

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

2015-2446h

AMENDED ANALYSIS

This bill establishes the New Hampshire Achieving a Better Life Experience (ABLE) savings account program. The bill makes implementation of the program contingent on the adoption of federal administrative rules, the identification of a suitable third-party vendor to administer the program, or the adoption of a general fund appropriation.