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Contains: Amendments for March 9

HOUSE CALENDAR AMENDMENTS

**ALL LEGISLATORS ARE ASKED TO BRING THIS CALENDAR
FOR USE ON WEDNESDAY, MARCH 9, 2016**

AMENDMENTS (LISTED IN NUMERICAL ORDER)

Amendment to CACR 13 (2016-0121h)

Proposed by those in favor of ought to pass with amendment in Judiciary - r

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

RELATING TO: the administrative head of the courts.

PROVIDING THAT: the chief justice of the supreme court shall make rules governing all courts in the state but if such rules conflict with statute, statute shall prevail.

Amend the resolution by replacing paragraph I with the following:

I. That article 73-a of the second part of the constitution be amended to read as follows:

[Art.] 73-a. [Supreme Court, Administration.] The chief justice of the supreme court shall be the administrative head of all the courts. [He] ***The chief justice*** shall, with the concurrence of a majority of the supreme court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law, ***provided that if such rules conflict with statute, statute shall prevail.***

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending article 73-a of the second part of the constitution to read as follows:

[Art.] 73-a. [Supreme Court, Administration.] The chief justice of the supreme court shall be the administrative head of all the courts. [He] The chief justice shall, with the concurrence of a majority of the supreme court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law, provided that if such rules conflict with statute, statute shall prevail.”2016-0121h

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that if rules promulgated by the chief justice of the supreme court conflict with state statutes, state statutes shall prevail.

Floor Amendment to CACR 19 (2016-0665h)

Proposed by Rep. Itse

Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 5-b the following new article:

[Art.] 5-c. [Prohibited from Appropriating Money or Credit for the Taking of Innocent Human Life.] The General Court shall not appropriate for State expenditure or give credit directly or indirectly nor autho-

alize any political subdivision to loan or give its money or credit directly or indirectly for the benefit of any corporation having for its object in anyway whatever the taking of innocent human life at any stage of development from conception to natural death with the exception of self-defense or defense of another.

Amend paragraph IV of the resolution to read as follows:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the second part of the constitution by inserting after article 5-b a new article to read as follows:

[Art.] 5-c. [Prohibited from Appropriating Money or Credit for the Taking of Innocent Human Life.] The General Court shall not appropriate for State expenditure or give credit directly or indirectly nor authorize any political subdivision to loan or give its money or credit directly or indirectly for the benefit of any corporation having for its object in anyway whatever the taking of innocent human life at any stage of development from conception to natural death with the exception of self-defense or defense of another.”

Amendment to CACR 21

(2016-0422h)

Proposed by those in favor of ought to pass with amendment in Executive Departments and Administration - r

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

RELATING TO: the attorney general.

PROVIDING THAT: the attorney general be chosen by ballot of the general court.

Amend the resolution by replacing paragraph II with the following:

II. That article 67 of the second part of the constitution be amended to read as follows:

[Art.] 67. [Election of Secretary, ~~and~~ Treasurer, **and Attorney General**.] The Secretary, ~~and~~ Treasurer, **and Attorney General** shall be chosen by joint ballot of the Senators and Representatives assembled in one room.

Amend the resolution by replacing paragraph V with the following:

V. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending articles 46 and 67 of the second part of the constitution to read as follows:

[Art.] 46. [Nomination and Appointment of Officers.] All judicial officers, and all officers of the Navy, and general and field officers of the militia, shall be nominated and appointed by the Governor and Council; and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place, unless a majority of the Council agree thereto.

[Art.] 67. [Election of Secretary, Treasurer, and Attorney General.] The Secretary, Treasurer, and Attorney General shall be chosen by joint ballot of the Senators and Representatives assembled in one room.”

2016-0422h

AMENDED ANALYSIS

This constitutional amendment concurrent resolution calls for the attorney general to be chosen by ballot of the general court.

Amendment to CACR 22

(2016-0817h)

Proposed by the Committee on Judiciary - r

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

RELATING TO: the right to privacy.

PROVIDING THAT: an individual's right to live free from governmental interference is fundamental.

Amend the resolution by replacing paragraph I with the following:

I. That the first part of the constitution be amended by inserting after article 2-a the following new article:

[Art.] 2-b. [Right to Privacy.] An individual's right to live free from governmental interference in private or personal matters is fundamental.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the first part of the constitution by inserting after article 2-a a new article to read as follows:

[Art.] 2-b. [Right to Privacy.] An individual's right to live free from governmental interference in private or personal matters is fundamental.”

2016-0817h

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that there is a fundamental right to live free of governmental interference.

**Amendment to HB 1104
(2016-0533h)**

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

Amend the bill by replacing section 1 with the following:

1 Minimum Electric Renewable Portfolio Standards. Amend RSA 362-F:3 to read as follows:

362-F:3 Minimum Electric Renewable Portfolio Standards. For each year specified in the table below, each provider of electricity shall obtain and retire certificates sufficient in number and class type to meet or exceed the following percentages of total megawatt-hours of electricity supplied by the provider to its end-use customers that year, except to the extent that the provider makes payments to the renewable energy fund under RSA 362-F:10, II:

	2008	2009	2010	2011	2012	2013	2014	2015	2025 and thereafter
Class I	0.0%	0.5%	1%	2%	3%	3.8%	5%	6%	15% (*)
Class II	0.0%	0.0%	0.04%	0.08%	0.15%	0.2%	0.3%	0.3%	0.3%
Class III	3.5%	4.5%	5.5%	6.5%	1.4%	1.5%	3.0%	8.0%	8.0%
Class IV	0.5%	1%	1%	1%	1%	1.3%	1.4%	1.5%	1.5%

*Class I increases an additional 0.9 percent per year from 2015 through 2025. A set percentage of the class I totals shall be satisfied annually by the acquisition of renewable energy certificates from qualifying renewable energy technologies producing useful thermal energy as defined in RSA 362-F:2, XV-a. The set percentage shall be 0.4 percent in 2014, 0.6 percent in 2015, 1.3 percent in 2016, and increased annually by 0.1 percent per year from 2017 through 2023, after which it shall remain unchanged. Classes II-IV remain at the same percentages from 2015 through 2025 except as provided in RSA 362-F:4, V-VI. ***In the event class I goals cannot be met by sources complying with RSA 362-F:4, I, a portion of the class I goal may be satisfied by power obtained through other hydroelectric sources that do not otherwise meet the requirements of RSA 362-F:4, I. The portion satisfied in this manner shall not exceed 5 percent of the total megawatt-hours of electricity supplied by the provider of electricity, as defined in RSA 362-F:2, XIV, to its end-use customers that year.***

**Amendment to HB 1116
(2016-0601h)**

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

Amend the bill by replacing section 1 with the following:

1 Purpose Statement. To meet the objectives of electric industry restructuring pursuant to RSA 374-F, including the overall goal of developing competitive markets and customer choice to reduce costs for all customers, and the purposes of RSA 362-A and RSA 362-F to promote energy independence and local renewable energy resources, the general court finds that it is in the public interest to continue to provide reasonable opportunities for electric customers to invest in and interconnect customer-generator facilities and receive fair compensation for such locally produced power while ensuring costs and benefits are fairly and transparently allocated among all customers. The general court continues to promote a balanced energy policy that supports economic growth and promotes energy diversity, independence, reliability, efficiency, regulatory predictability, environmental benefits, a fair allocation of costs and benefits, and a modern and flexible electric grid that provides benefits for all ratepayers.

Amend RSA 362-A:9, I as inserted by section 3 of the bill by replacing it with the following:

I. Standard tariffs providing for net energy metering shall be made available to eligible customer-generators by each electric distribution utility in conformance with net metering rules adopted and orders issued by the commission. Each net energy metering tariff shall be identical, with respect to rates, rate structure, and charges, to the tariff under which a customer-generator would otherwise take default generation supply service from the distribution utility. Such tariffs shall be available on a first-come, first-served basis within each electric utility service area under the jurisdiction of the commission until such time as the total rated generating capacity owned or operated by eligible customer-generators totals a number equal to [50 megawatts multiplied by each such utility's percentage share of the total 2010 annual coincident peak energy demand distributed by all such utilities as determined by the commission] ***100 megawatts, with 50 megawatts of the 100 megawatts allocated to the 4 electric distribution utilities that were subject to the commission's jurisdiction in 2010 multiplied by each such utility's percentage share of the total 2010 annual coincident peak energy demand distributed by those 4 utilities, and 50 megawatts of the 100 megawatts allocated to the state's 3 investor-owned electric distribution utilities, multiplied by each such utility's percentage share of the total 2010 annual coincident peak energy demand distributed by those 3 utilities, all to be determined by the commission and to be utilized by eligible customer-generators located within each such utilities' service territory. Eighty percent of each utility's share of the 50 megawatts shall be apportioned to facilities with a total generating capacity of not more than 100 kilowatts and 20 percent to facilities with a total generating capacity in excess***

of 100 kilowatts, but no greater than one megawatt. The 50 megawatts of capacity shall be made available to eligible customer-generators until such time as commission approved alternative net metering tariffs approved by the commission become available. No more than 4 megawatts of such total rated generating capacity shall be from a combined heat and power system as defined in RSA 362-A:1-a, I-d. Amend RSA 362-A:9, XVI-XVIII as inserted by section 5 of the bill by replacing it with the following:

XVI. No later than 3 weeks after the effective date of this paragraph, the commission shall initiate a proceeding to develop new alternative net metering tariffs, which may include other regulatory mechanisms and tariffs for customer-generators, and determine whether and to what extent such tariffs should be limited in their availability within each electric distribution utility's service territory. In developing such alternative tariffs and any limitations in their availability, the commission shall consider: the costs and benefits of customer-generator facilities; an avoidance of unjust and unreasonable cost shifting; rate effects on all customers; alternative rate structures, including time based tariffs pursuant to paragraph VIII; whether there should be a limitation, on the amount of generating capacity eligible for such tariffs; the size of facilities eligible to receive net metering tariffs; timely recovery of lost revenue by the utility using an automatic rate adjustment mechanism; and electric distribution utilities' administrative processes required to implement such tariffs and related regulatory mechanisms. The commission may waive or modify specific size limits and terms and conditions of service for net metering specified in paragraphs I, III, IV, V, and VI that it finds to be just and reasonable in the adoption of alternative tariffs for customer-generators. The commission may approve time and/or size limited pilots of alternative tariffs.

XVII. The commission shall issue an order initially approving or adopting such alternative tariffs, which may be subject to change or adjustment from time to time, within 10 months of the effective date of this paragraph.

XVIII. If any utility reaches any cap for net metering under paragraph I before alternative tariffs are approved or adopted pursuant to paragraph XVII, eligible customer-generators may continue to interconnect under temporary net metering tariffs under the same terms and conditions as net metering under the 100 megawatt cap, except that such customer-generators shall transition to alternative tariffs once they are approved or adopted for their utility pursuant to paragraph XVII.

Amendment to HB 1118

(2016-0801h)

Proposed by the Committee on Transportation - c

Amend RSA 461-A:6, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) In the absence of an agreement between the parties, or a determination of the parental rights and responsibilities for each child under subparagraph (a), the court shall issue an order that provides for continuing contact between each parent and the minor child or children and for the shared parenting responsibilities of child-rearing and encouraging the love, affection, and contact between the minor child or children and the parents regardless of marital status, unless the court makes explicit findings that such contact is not in the best interest of the child. There shall be a rebuttable presumption that shared parenting and shared residential rights and responsibilities are in the best interest of the child or children.

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Parental Rights and Responsibilities; Definition of Shared Parenting. Amend RSA 461-A:1 by inserting after paragraph VII the following new paragraph:

VIII. "Shared parenting" means an arrangement by which:

(a) A child has comparable time with each parent appropriate to (i) the developmental age and status of the child, (ii) the child's routine schedule of school and other activities, (iii) holidays and other child-centered special events, and (iv) the parent's availability to fulfill parenting responsibilities; and

(b) The child's material, developmental, educational, and emotional needs are provided by the parents according to the parents' individual capability.

2016-0801h

AMENDED ANALYSIS

This bill:

I. Provides a list of factors the court may consider in determining parental rights and responsibilities.

II. Establishes a presumption in favor of shared parental rights, including residential responsibility.

III. Permits the court to modify parental rights and responsibilities based on the best interest of the child.

Amendment to HB 1121

(2016-0554h)

Proposed by the Committee on Education - c

Amend RSA 193-C:5 as inserted by section 1 of the bill by replacing it with the following:

193-C:5 Areas of Assessment. The *statewide* academic areas to be assessed shall include[, but not be limited to:] reading and language arts, mathematics, **and** science[, history, geography, civics, and economics].

History, geography, civics, and economics remain critical areas of study. Therefore, assessment of these subjects remains within the purview of the local school board. The statewide assessment program shall only measure student understanding of key content-specific concepts, skills, and knowledge applied within or across academic content domains.

Amendment to HB 1124

(2016-0623h)

Proposed by the Committee on Health, Human Services and Elderly Affairs - c

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

AN ACT relative to the membership of the occupational therapy governing board.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

2016-0623h

AMENDED ANALYSIS

This bill removes the requirement that a physician be appointed to the occupational therapy governing board.

Amendment to HB 1125

(2016-0821)

Proposed by the Minority of the Committee on Judiciary - r

Amend RSA 595-A:6, II as inserted by section 1 of the bill by replacing it with the following:

II.(a) If stolen property is recovered after a crime of theft under RSA 637, burglary under RSA 635:1, or robbery under RSA 636:1; and

(1) The lawful owner has been identified; and

(2) The lawful owner is not currently under investigation for a crime; and

(3) Such property is a communication or technological device capable of storing, transmitting, or receiving data, such as, but not limited to: a personal computer, telephone, or electronic tablet; then

(b) The communication or technological device shall be made available to the owner within 2 business days of its recovery, unless the law enforcement agency petitions the court to do otherwise for good cause, so that the owner may obtain a copy of the internally stored data on the device in a manner that is reasonably consistent with maintaining the integrity of the evidence. The balance of the recovered property shall then be returned to the owner within 2 weeks of its recovery unless otherwise ordered by the court.

(c) Consistent with RSA 595-A:6, photographs or other identification or analysis made of the returned property shall be admissible at trial as secondary evidence as proof of ownership.

2016-0821h

AMENDED ANALYSIS

This bill requires the police to return certain stolen property within 2 business days of its recovery and all other stolen property within 2 weeks of its recovery.

Amendment to HB 1132

(2016-0701h)

Proposed by the Majority of the Committee on Transportation - r

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

AN ACT relative to carrying a loaded rifle or loaded shotgun in certain vehicles.

Amend the bill by replacing section 1 with the following:

1 Hunting From a Motor Vehicle, OHRV, Snowmobile, Boat, or Aircraft. Amend RSA 207:7 to read as follows:
207:7 Hunting From Motor Vehicle, OHRV, Snowmobile, Boat, or Aircraft.

I. No person shall take or attempt to take wild birds or wild animals from a motor vehicle, OHRV, snowmobile as defined in RSA 215-C:1, boat, aircraft or other craft propelled by mechanical power.

II. No person shall have or carry, in or on a motor vehicle, OHRV, snowmobile, or aircraft, whether moving or stationary, a cocked crossbow, ***or a loaded rifle or loaded shotgun***~~, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun~~ ***that has a round in the chamber and the safety in the off position.***

III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, a cocked crossbow, ***or a loaded rifle or loaded shotgun***~~, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun~~ ***that has a round in the chamber and the safety in the off position.***

IV. The provisions of this section shall not apply to law enforcement officers carrying guns in the line of duty.

2016-0701h
AMENDED ANALYSIS

This bill prohibits carrying in a motor vehicle, OHRV, snowmobile, aircraft, or boat, a loaded rifle or loaded shotgun that has a round in the chamber and the safety in the off position.

Amendment to HB 1138
(2016-0645h)

Proposed by the Committee on Health, Human Services and Elderly Affairs - c

Amend RSA 126-Z:1, III as inserted by section 2 of the bill by replacing it with the following:

III. "Physician" means the licensed physician who is providing medical care or treatment to the eligible patient for the terminal illness.

Amend RSA 126-Z:4 as inserted by section 2 of the bill by replacing it with the following:

126-Z:4 Private Cause of Action. Nothing in this chapter shall be construed to create a private cause of action against a manufacturer of an investigational drug, biological product, or device or against any other person or entity involved in the care of an eligible patient using the investigational drug, biological product, or device for any harm done to the eligible patient resulting from the investigational drug, biological product, or device, if the manufacturer or other person or entity is complying in good faith with the terms of this chapter and has exercised reasonable care.

126-Z:5 Severability. If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the chapter which can be given effect without the invalid provisions or applications and to this end the provisions of this chapter are severable.

Amendment to HB 1141
(2016-0269h)

Proposed by the Committee on Environment and Agriculture - c

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

1 Farm, Agriculture, Farming; Marketing. Amend RSA 21:34-a, II(b)(5) to read as follows:

(5) The marketing or selling at wholesale or retail ~~on-site and off-site, where permitted by local regulations,~~ **of any products from the farm on-site and off-site, where not prohibited by local regulations. Marketing includes agritourism, which means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including but not limited to: eating meals, making overnight stays, enjoyment of the farm environment, education about farm operations, or active involvement in the activity of the farm.**

2 Repeal. RSA 21:34-a, VI, relative to the definition of agritourism, is repealed.

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

Amendment to HB 1144-LOCAL
(2016-0212h)

Proposed by the Committee on Election Law - c

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

1 Correction of Checklist; Notice. Amend RSA 654:27 to read as follows:

654:27 Session for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed; provided that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours. Notice of the day, hour, and place of each session of the board of supervisors shall be given upon the checklists first posted **in 2 appropriate places one of which shall be the city or town's Internet website, if such exists, or** [and] shall be [published] **printed** in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

2 Verification of Checklist; Notice. Amend RSA 654:38, I to read as follows:

I. Between April 1 and August 1 in the next even-numbered year, the supervisors shall [advertise] **post** notice of their sessions **in 2 appropriate places one of which shall be the town or city's Internet website, if such exists, or printed** at least twice in a newspaper of general circulation in the town or city and hold sufficient sessions for verification of the checklist as in their opinion will enable all eligible voters in said town or ward to appear before them and register or reregister as the case may be. Whenever a person is reregistered, his **or her** party designation, if any, on the checklist undergoing revision shall not be changed except as provided in RSA 654:34.

3 Verification of Checklist; Notice. Amend RSA 654:39, II to read as follows:

II. Between April 1 and August 1 of 1981 and thereafter in each year ending with a one, the supervisors shall [advertise and] **post** notice of their sessions **in 2 appropriate places one of which shall**

be the town or city's Internet website, if such exists, or published at least twice in a newspaper of general circulation and at the office of the town or city clerk or at the town hall and hold sufficient sessions for verification of the checklist as in their opinion will enable all eligible voters in said town or ward to appear before them and register or reregister as the case may be. Whenever a person is reregistered, his ***or her*** party designation, if any, on the checklist undergoing revision shall not be changed except as provided in RSA 654:34.

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

2016-0212h
AMENDED ANALYSIS

This bill modifies requirements for notice of sessions for the correction or verification of the checklist.

Amendment to HB 1147
(2016-0472h)

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

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

AN ACT requiring a report on federal landholdings within the state.

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

1 New Section; Report on Federal Landholdings. Amend RSA 121 by inserting after section 6 the following new section:

121:6-a Report on Federal Landholdings. The commissioner of the department of resources and economic development shall annually prepare and file a report on the current inventory of federal landholdings within the state and calculate what percentage of New Hampshire land is held by the federal government in accordance with RSA 121:6. Such report shall be filed with 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 July 1.

2 Initial Report. The commissioner of the department of resources and economic development shall make the first report required in RSA 121:6-a within 30 days of the effective date of this section.

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

2016-0472h
AMENDED ANALYSIS

This bill requires the commissioner of the department of resources and economic development to make an annual report on federal landholdings within the state.

Amendment to HB 1154-FN
(2016-0418h)

Proposed by the Committee on Transportation - r

Amend RSA 261:75-b, II as inserted by section 2 of the bill by replacing it with the following:

II. Authority to obtain and issue LPR devices and to administer a documented training process for acquiring proficiency in their operation and compliance with federal and state regulations and other appropriate legal mandates shall be vested in the head of the state police or the chief of police, director, county sheriff, or other head of a law enforcement agency or his or her designee. Only devices authorized by the head of the law enforcement agency shall be approved for its use by its officers and the devices shall be maintained in accordance with the manufacturer's recommendations. Such policy or policies shall conform to the requirements of this chapter.

Amend RSA 261:75-b, V as inserted by section 2 of the bill by replacing it with the following:

V. LPR operation and access to LPR collected data shall be for official law enforcement purposes only. LPR devices shall only be used to scan, detect, and identify license plate numbers for the purpose of identifying:

- (a) Stolen vehicles.
- (b) Vehicles associated with wanted, missing, or endangered persons.
- (c) Vehicles registered to a person against whom there is an outstanding warrant.
- (d) Vehicles registered to persons whose drivers' licenses, driving privileges, or vehicle registrations are under suspension or revocation.
- (e) Vehicles registered to persons suspected of criminal or terrorist acts, transportation of stolen items or contraband, or motor vehicle violations.
- (f) Vehicles in violation of commercial trucking requirements.
- (g) Vehicles involved in case-specific criminal investigative surveillance.
- (h) Vehicles involved in homicides, shootings, and other major crimes or incidents.
- (i) Vehicles in the vicinity of a recent crime that may be connected to the crime.

Amend RSA 261:75-b, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. Records of number plates read by each LPR shall not be recorded or transmitted anywhere and shall be purged from the system within 3 minutes of their capture in such a manner that they are destroyed

and are not recoverable, unless an alarm resulted in an arrest, a citation, or protective custody, or identified a vehicle that was the subject of a missing person or wanted broadcast, in which case the data on the particular number plate may be retained until final court disposition of the case. Captured license plate data obtained for the purposes described in paragraph V shall not be used or shared for any other purpose.

Amendment to HB 1156

(2016-0523h)

Proposed by the Committee on Transportation - c

Amend RSA 265:15, II(d) as inserted by section 2 of the bill by replacing it with the following:

(d) The exemptions set forth in subparagraphs (c)(1)-~~(c)(4)~~ **(c)(5)** shall only apply to such personnel when they are operating licensed ambulances, licensed fire apparatus, ~~or~~ government-owned vehicles, **or fixed route public transit buses**.

Amendment to HB 1161

(2016-0649h)

Proposed by the Committee on Transportation - c

Amend RSA 238:10, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Representatives of the following organizations nominated by their respective organizations and appointed by the commissioner of the department of safety. Initial appointments shall be: 4 members for one year, 5 members for 2 years, and 5 members for 3 years. After the initial term, members shall each serve for terms of 3 years and until a successor is duly qualified and recommended by their respective organizations. Vacancies shall be filled for the unexpired terms in the same manner as the original appointment.

- (1) One member of the New Hampshire Association of Chiefs of Police.
- (2) One member of the New Hampshire Sheriffs Association.
- (3) One county attorney representing the New Hampshire Association of Counties.
- (4) The executive director of the New Hampshire Municipal Association.
- (5) One representative of the New Hampshire Automobile Dealers Association.
- (6) One representative of the New Hampshire Motor Transport Association.
- (7) One representative of the New Hampshire School Transportation Association.
- (8) One representative of the American Automobile Association of Northern New England.
- (9) One representative of the New Hampshire branch of AARP.
- (10) One representative of the New Hampshire Driver Education Teachers Association.
- (11) One representative of the New Hampshire Hospital Association.
- (12) One representative of the New Hampshire Association of Fire Chiefs.
- (13) One representative of the Granite State Wheelmen.
- (14) One representative of the Associated General Contractors of New Hampshire.

Amendment to HB 1165

(2016-0670h)

Proposed by the Committee on Children and Family Law - c

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-11 to read as 3-12, respectively:

2 Elderly and Adult Services; "Incapacitated" Changed to "Vulnerable." Amend the introductory paragraph of RSA 161-F:46 to read as follows:

Any person, including, but not limited to, physicians, other health care professionals, social workers, clergy, and law enforcement officials, suspecting or believing in good faith that any adult who is or who is suspected to be ~~[incapacitated]~~ **vulnerable** has been subjected to abuse, neglect, self-neglect, or exploitation or is living in hazardous conditions shall report or cause a report to be made as follows:

Amend RSA 161-F:49, I(a) as inserted by section 3 of the bill by replacing it with the following:

(a) "Individual" means an individual, 18 years of age or older, ~~[found eligible for or receiving services pursuant to RSA 171-A, RSA 135-C:13, RSA 135-C:14, RSA 161-E, RSA 161-I, or programs licensed under RSA 151:2, I(b), (c), or (f), or]~~ who is ~~[an incapacitated]~~ **a vulnerable** adult, as defined under RSA 161-F:43, VII.

Amendment to HB 1175-FN

(2016-0371h)

Proposed by the Committee on Judiciary - r

Amend the bill by replacing section 2 with the following:

2 New Section; Judgments: Post-Judgment Real Estate Liens. Amend 524 by inserting after section 12 the following new section:

524:13 Post-Judgment Real Estate Liens.

I. A judgment entered by any court in this state may be secured against real estate by recording or re-recording, at any time during the duration of the judgment, a certified copy of the judgment, along with an affidavit in accordance with paragraph II, with the registry of deeds of the county in which the real estate is located.

II. At the time of recording, the plaintiff shall mail a copy of all documents mailed to the registry of deeds to the defendant's address of record with the court, by first class mail, or if the defendant is represented by counsel, a copy shall be mailed to counsel in the same manner.

III. The recording of the certified copy of the judgment, along with the affidavit attesting to compliance with paragraph II shall create a judgment lien on all real estate of the defendant in the county of recording. The judgment lien shall be subject to all applicable exemptions from attachment and execution and shall be subordinate to any other liens of record entitled to priority on the date of recording.

IV. Unless the judgment is satisfied or discharged or the lien is otherwise removed or altered, the judgment lien created under paragraphs I through III shall remain in force and effect for as long as a suit may be maintained upon the judgment under RSA 508:5.

V. When a judgment secured by a judgment lien under this section is satisfied, the plaintiff or his or her attorney shall deliver to the defendant or owner of the encumbered real estate a discharge thereof. The defendant or owner shall cause the discharge to be recorded and shall pay the register of deeds the recording fee established pursuant to RSA 478:17-g. If the plaintiff fails to comply with this paragraph, the defendant shall be entitled to recover the amount of reasonable costs and legal fees incurred as a result.

VI.(a) If the plaintiff fails to deliver the discharge of a satisfied judgment within 30 days from receipt of a request to deliver such discharge, or if other exigent circumstances require an immediate discharge, such discharge may be issued by the court in which the judgment was rendered upon presentation of proof that the judgment has been paid in full, in the form of either a bank check, a certified check, an attorney's client funds account check which bears no indication of a stop payment order or return for insufficient funds, or by other equivalent documentary evidence of such receipt of payment.

(b) The discharge shall include the names of the plaintiff and the defendant, the date and amount of the judgment, the name of the underlying case and case number, if any, and the book and page of recording of the judgment lien.

(c) The discharge, when recorded, shall constitute a complete release of the lien created by the recording of the judgment.

(d) Any person who induces a court to execute a discharge in accordance with this paragraph on the basis of information and statements known to the person to be false shall be responsible for all costs and fees incurred by the opposing party as a result and such additional sanctions as the court in its discretion deems appropriate.

Amendment to HB 1186

(2016-0753h)

Proposed by the Committee on Transportation - c

Amend the bill by replacing section 2 with the following:

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

Amendment to HB 1198-FN-LOCAL

(2016-0528h)

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

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

2 New Section; Property Taxation; Valuation of Poles and Conduits Owned by Telephone Utilities. Amend RSA 72 by inserting after section 8-b the following new section:

72:8-c Valuation of Telecommunications Poles and Conduits. The value of poles or conduits employed in the transmission of telecommunication owned in whole or in part by telephone utilities, as defined in RSA 362:7, or providers of Voice over Internet Protocol ("VoIP") service or IP-enabled service, each as defined in RSA 362:7, or commercial mobile radio services for purposes of tax assessment against said entity, shall be determined by the following formula: the Replacement Cost New (RCN) of the telecommunications pole or conduit, less depreciation calculated on a straight-line basis for a period of 30 years with a residual value of 20 percent. On or before July 1 of the tax year, the department of revenue administration shall provide to every municipality a schedule of telecommunications pole and conduit RCN, using national published telecommunications standard cost data guides calculated annually using a 5-year rolling average.

3 New Section; Taxable Property; Inventory; Telecommunications Poles and Conduits. Amend RSA 74 by inserting after section 18 the following new section:

74:19 Inventories of Telecommunications Poles and Conduits.

I. In order to properly determine the value of property under RSA 72:8-c, an inventory of telecommunications poles and conduits shall be filed with the department of revenue administration and with the municipality where the property is located by each owner of telecommunications poles and conduits. Each form may include the following information:

(a) Names and addresses of a contact person if the owner is a trust or corporation.

(b) Detailed description of the telecommunication poles using most recent readily available information held by the owner.

(c) Description of conduits using most recent readily available information held by the owner.

(d) The filer's dated signature certifying that the information indicated on the form is true.

II. The inventory of telecommunications poles and conduits required by this section shall be filed with the department of revenue administration and with the municipality where the property is located by the owner of telecommunications poles and conduits no later than July 1. Persons required to file the inventory of telecommunications poles and conduits who willfully fail to file or willfully make false statements on the forms shall be guilty of a violation.

III. Any person or corporation required to file an inventory of telecommunications poles and conduits shall be subject to the provisions of RSA 74:12.

4 Reference Change. Amend RSA 75:1 to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, land classified as land under qualifying farm structures pursuant to RSA 79-F, buildings and land appraised under RSA 79-G as qualifying historic buildings, qualifying chartered public school property appraised under RSA 79-H, residential rental property subject to a housing covenant under the low-income housing tax credit program pursuant to RSA 75:1-a, renewable generation facility property subject to a voluntary payment in lieu of taxes agreement under RSA 72:74 as determined under said agreement, **telecommunications poles and conduits pursuant to RSA 72:8-c**, and all other taxable property at its market value. Market value means the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

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

**Amendment to HB 1198-FN-LOCAL
(2016-0830h)**

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

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

2 New Section; Property Taxation; Valuation of Poles and Conduits Owned by Telephone Utilities. Amend RSA 72 by inserting after section 8-b the following new section:

72:8-c Valuation of Telecommunications Poles and Conduits. The value of poles or conduits employed in the transmission of telecommunication owned in whole or in part by telephone utilities, as defined in RSA 362:7, or providers of Voice over Internet Protocol ("VoIP") service or IP-enabled service, each as defined in RSA 362:7, or commercial mobile radio services for purposes of tax assessment against said entity, shall be determined by the following formula: the Replacement Cost New (RCN) of the telecommunications pole or conduit, less depreciation calculated on a straight-line basis for a period of 40 years with a residual value of 20 percent. On or before July 1 of the tax year, the department of revenue administration shall provide to every municipality a schedule of telecommunications pole and conduit RCN, using national published telecommunications standard cost data guides calculated annually using a 5-year rolling average.

3 New Section; Taxable Property; Inventory; Telecommunications Poles and Conduits. Amend RSA 74 by inserting after section 18 the following new section:

74:19 Inventories of Telecommunications Poles and Conduits.

I. In order to properly determine the value of property under RSA 72:8-c, an inventory of telecommunications poles and conduits shall be filed with the department of revenue administration and with the municipality where the property is located by each owner of telecommunications poles and conduits. Each form shall at a minimum include the following information:

(a) Names and addresses of a contact person if the owner is a trust or corporation.

(b) Detailed description of the telecommunication poles using most recent readily available information held by the owner.

(c) Description of conduits using most recent readily available information held by the owner.

(d) The filer's dated signature certifying that the information indicated on the form is true.

II. The inventory of telecommunications poles and conduits required by this section shall be filed with the department of revenue administration and with the municipality where the property is located by the owner of telecommunications poles and conduits no later than July 1. Persons required to file the inventory of telecommunications poles and conduits who willfully fail to file or willfully make false statements on the forms shall be guilty of a violation.

III. Any person or corporation required to file an inventory of telecommunications poles and conduits shall be subject to the provisions of RSA 74:12.

4 Reference Change. Amend RSA 75:1 to read as follows:

75:1 How Appraised. The selectmen shall appraise open space land pursuant to RSA 79-A:5, open space land with conservation restrictions pursuant to RSA 79-B:3, land with discretionary easements pursuant to RSA 79-C:7, residences on commercial or industrial zoned land pursuant to RSA 75:11, earth and excavations pursuant to RSA 72-B, land classified as land under qualifying farm structures pursuant to RSA 79-F, buildings and land appraised under RSA 79-G as qualifying historic buildings, qualifying chartered public school property appraised under RSA 79-H, residential rental property subject to a housing covenant under the low-income housing tax credit program pursuant to RSA 75:1-a, renewable generation facility property subject to a voluntary payment in lieu of taxes agreement under RSA 72:74 as determined under said agreement, **telecommunications poles and conduits pursuant to RSA 72:8-c**, and all other taxable property at its market value. Market value means the property's full and true value as the same would be appraised in payment of a just debt due from a solvent debtor. The selectmen shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

5 New Subparagraph; Assessing Standards Board; Rulemaking; Poles and Conduit. Amend RSA 21-J:14-b, I-a by inserting after subparagraph (d) the following new subparagraph:

(e) The annual determination of a schedule of telecommunications pole and conduit current use values pursuant to RSA 72:8-c, and the local use thereof. Such schedule shall include the appropriate total depreciation based on actual age of poles and conduit.

6 Assessing Standards Board; Public Forum. Amend RSA 21-J:14-b, II to read as follows:

II. All standards and practices developed or identified by the board, pursuant to this section, shall be reviewed and updated annually. The board shall hold at least one public forum annually to receive general comment through verbal and written testimony on assessing standards and practices, **and one public forum dedicated to the annual determination of telecommunications pole and conduit values**. A quorum of the board shall not be required to hold such public forum.

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

2016-0830h
AMENDED ANALYSIS

This bill establishes the valuation for purposes of the property tax assessment of poles or conduit employed in the transmission of telecommunication owned in whole or in part by telephone utilities. The bill also grants rulemaking authority to the assessing standards board concerning telecommunications pole and conduit current use values and depreciation.

Amendment to HB 1204

(2016-0234h)

Proposed by the Committee on Judiciary - c

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

1 Landlord Tenant; Discretionary Stay Dependent on Payment of Rent; Payment of Arrearage and Current Rent Due. Amend RSA 540:13-c, II to read as follows:

II. Nothing in this section shall be construed to prohibit the parties in a case of nonpayment of rent from agreeing that, in spite of judgment for the plaintiff, a writ of possession shall not be issued, if the defendant makes payments in accordance with a schedule designated in the agreement. [~~However, if such payments are not made when due, a writ of possession shall be issued upon request of the plaintiff.~~] **The agreement may incorporate the arrearage, future rent due, court costs, and service fees. Entering into such an agreement shall waive the defendant's right to appeal.**

(a) **Every such agreement shall conspicuously state in a separate paragraph at the end of the agreement the following language:**

I, TENANT/DEFENDANT IN THIS ACTION, UNDERSTAND THAT IF I FAIL TO MAKE ANY OF THE PAYMENTS CALLED FOR IN THIS AGREEMENT ON TIME, THE COURT MAY ORDER THE SHERIFF TO EVICT ME WITHOUT A HEARING. I ALSO UNDERSTAND THAT BY SIGNING THIS AGREEMENT I AM GIVING UP MY RIGHT TO FILE ANY APPEAL IN THIS CASE.

(b) **If the plaintiff has not filed an affidavit of non-compliance within 14 days of the date that the final payment under the agreement is due, the court shall dismiss the action.**

(c) **The acceptance of any payment pursuant to such an agreement shall not establish a new tenancy.**

(d) **If payments are not made when due, as evidenced by an affidavit of non-compliance filed with the court by the plaintiff and served in hand or at the abode of the defendant before the affidavit is filed with the court, the court shall issue a writ of possession, within 5 business days of the filing of the affidavit with the court, and without further hearing or judicial review.**

(e)(1) **Notwithstanding the provisions of subparagraph (d), the court may hold a hearing to determine whether or not a writ of possession shall issue if the defendant files an objection or other pleading in court within 4 business days of the filing of the affidavit of non-compliance and certificate of service with the court, which alleges that:**

(A) The defendant made a timely tender of the required payment; or

(B) The defendant had a specific compelling cause for not tendering the required payment or payments on time, and that the defendant is able to tender the past-due payment or payments at the time the defendant files his or her objection or other pleading.

(2) If the court finds that the defendant's motion or other pleading do not meet the requirements of subparagraph (1)(A) or (1)(B), it shall issue a writ of possession. If the court determines that the defendant's allegations meet the requirements, a hearing shall be scheduled to occur within 4 business days of the filing of the defendant's objection or other pleading.

(f)(1) At any hearing under subparagraph (e)(2), the defendant shall have the burden to prove that:

(A) The defendant has made timely payments, and therefore the writ of possession shall not issue; or

(B) The defendant has brought to court cash or a certified check sufficient to tender all past-due payments, and the defendant had a specific compelling cause for his or her failure to tender any past-due payments.

(2) If the defendant fails to meet his or her burden of proof under subparagraph (1)(A) or (1)(B), the court shall issue the writ of possession.

(3) If the defendant meets his or her burden of proof under subparagraph (1)(B), the court shall order the defendant to tender, by cash or certified check, all past-due payments to the plaintiff immediately. If all past due-payments are tendered immediately by cash or certified check, a writ of possession shall not issue, otherwise a writ of possession shall issue.

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

Amendment to HB 1211

(2016-0638h)

Proposed by the Committee on Commerce and Consumer Affairs - c

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

1 License Qualifications. Amend RSA 178:3, VII(b) to read as follows:

(b) The applicant and any person listed pursuant to subparagraph V(b) are at least 21 years of age and ***the applicant is*** of sufficiently good character to leave no substantial doubt that the proposed business shall be operated in strict accordance with all applicable state and federal alcoholic beverage control laws and rules.

2 Repeal. The following are repealed:

I. RSA 178:3, VII(e), relative character of managers.

II. RSA 179:23, V-VI, relative to approval of employees convicted of felonies.

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

2016-0638h

AMENDED ANALYSIS

This bill eliminates restrictions on being employed by a liquor licensee based on felony convictions and character.

Amendment to HB 1219-FN-LOCAL

(2016-0522h)

Proposed by the Committee on Municipal and County Government - r

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

1 Real Estate Tax Liens; Repurchase by Former Owner. Amend RSA 80:89, II to read as follows:

II. Within 30 days after the notice required by paragraph I, or if no such notice is received, at any time within 3 years after the date of recording the tax deed, any former owner of the property may give notice by certified mail, return receipt requested, of intent to repurchase the property from the municipality, and stating that such owner is ready, willing, and able to pay all back taxes, interest, costs and penalty, as defined in RSA 80:90, ***except that if the property is the former owner's principal residence, or was the former owner's principal residence at the time of execution of the tax deed under RSA 80:76, the additional penalty under RSA 80:90, I(f) shall not apply.*** If all such back taxes, interest, costs and penalty have not been actually tendered within [15] 30 days of such notice of intent to repurchase, the municipality may proceed with its offering and dispose of the property without any interest by the former owner.

2 Real Estate Tax Liens; Definitions; Penalty. Amend RSA 80:90, I(f) to read as follows:

(f) An additional penalty equal in amount to [15] 10 percent of the assessed value of the property as of the date of the tax deed, adjusted by the equalization ratio for the year of the assessment.

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

2016-0522h
AMENDED ANALYSIS

This bill extends the time for a former owner to pay the costs of repurchasing a tax deeded property from the town. The bill also reduces the penalty charge added to such costs and exempts the penalty charge for certain owners.

Amendment to HB 1225

(2016-0613h)

Proposed by the Committee on Education - r

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

1 Title. This act shall be known as Brandon's Law.

2 New Subdivision; Military Uniforms. Amend RSA 189 by inserting after section 70 the following new subdivision:

Military Uniforms

189:71 Military Uniform. A student shall have the right to wear a dress uniform issued to the student by a branch of the United States armed forces while participating in the graduation ceremony for the student's high school if that student meets the following requirements:

I. The student has fulfilled all of the requirements for receiving a high school diploma in the state of New Hampshire and the school district and is otherwise eligible to participate in the graduation ceremony.

II. The student has completed basic training for and is an active member of a branch of the United States armed forces.

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

2016-0613h
AMENDED ANALYSIS

This bill provides that a student shall have the right to wear a dress uniform issued to the student by a branch of the United States armed forces while participating in the graduation ceremony for the student's high school if the student meets certain requirements.

Amendment to HB 1226

(2016-0136h)

Proposed by the Committee on Executive Departments and Administration - c

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

1 Optometry; Definition; Pharmaceutical Agent. Amend RSA 327:1, III(j) and (k) to read as follows:

(j) Non-steroidal anti-inflammatory agents approved pursuant to RSA 327:6-a, VI ~~[and included in the formulary]~~.

(k) Anti-glaucoma agents ~~[which are topically applied]~~ provided that an optometrist may dispense or prescribe such agents if the optometrist has met the requirements of RSA 327:6-c.

2 Optometry; Authorization for Pharmaceutical Agents. Amend RSA 327:6-a, IV and V to read as follows:

IV. Nothing in this section shall be construed to permit an optometrist to administer any pharmaceutical product by ~~[intravenous]~~ injection; or to administer, prescribe or dispense any pharmaceutical product designated as a ~~[category]~~ **schedule** I or **schedule** II controlled substance ~~[defined by the United States Controlled Substances Act of 1970, as amended]~~ **under RSA 318-B:1-a**; or to administer, prescribe or dispense any pharmaceutical product except for the diagnosis or treatment of disease or conditions of the human eye, adnexa or eyelids.

V. Notwithstanding any other provision of law, an optometrist who is certified to use pharmaceutical agents in the practice of optometry shall be permitted to administer diphenhydramine, epinephrine or an equivalent medication **administered by injection** to counter anaphylaxis or anaphylactic reaction.

Amend the bill by inserting after section 5 the following and renumbering the original sections 6 and 7 to read as 7 and 8, respectively:

6 Treatment of Glaucoma; Topical Medical Therapy. Amend RSA 327:6-c, IV(b)(1) to read as follows:

(1) The patient is experiencing documented progression of optic nerve damage or the patient develops documented and repeated progression of visual field loss on maximum tolerated **topical** medical therapy; or

Amendment to HB 1227

(2016-0812h)

Proposed by the Committee on Commerce and Consumer Affairs - r

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 332-D, relative to Sunday business activities.

2016-0812h
AMENDED ANALYSIS

This bill repeals the law prohibiting Sunday business activities and removes differing Sunday hours for bingo and games of chance.

**Amendment to HB 1231
(2016-0159h)**

Proposed by the Majority of the Committee on Education - r

Amend RSA 186:11, IX-c as inserted by section 1 of the bill by replacing it with the following:

IX-c. Require school districts to adopt a policy allowing an exception to specific course material based on a parent's or legal guardian's determination that the material is objectionable. Such policy shall include a provision requiring the parent or legal guardian to notify the school principal or designee in writing of the specific material to which they object and a provision requiring an alternative agreed upon by the school district and the parent, at the parent's expense, sufficient to enable the child to meet state requirements for education in the particular subject area. ***The policy shall also require the school district or classroom teacher to provide parents and legal guardians not less than one week advance notice of curriculum course material used for instruction of drug and alcohol education, human sexuality, or human sexual education. The policy shall address the method of delivering notification to a parent or legal guardian. To the extent practicable, a school district shall make curriculum course materials available to parents or legal guardians for review upon request.*** The name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the material shall not be public information and shall be excluded from access under RSA 91-A.

2016-0159h

AMENDED ANALYSIS

This bill requires school districts to provide advance notice to parents and legal guardians of course material involving discussion of drug and alcohol education, human sexuality, or human sexual education.

**Amendment to HB 1232
(2016-0532h)**

Proposed by the Committee on Education - r

Amend RSA 186:11, IX-e as inserted by section 1 of the bill by replacing it with the following:

IX-e. Require school districts to adopt a policy governing visits to the school by a non-academic government or private organization that will address the student body or a portion thereof. The policy shall require school districts to notify a parent or legal guardian of such visits and their purpose. The school district shall publish the purpose of such visit at the school and on the school or school district's website, for review by a student's parent or legal guardian at least 10 days prior to the organization's visit. The policy shall also allow a parent or legal guardian to opt their child out of any participation with the organization. In this paragraph, "non-academic government or private organization" means any organization that elicits, presents, or reveals information concerning a student's social behavior, family life, religion, politics, sexual orientation, sexual activity, drug use, or any other information not related to a student's academics.

**Amendment to HB 1236
(2016-0546h)**

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

Amend the bill by replacing section 1 with the following:

1 Modification of Parental Rights and Responsibilities; Agreement of the Parties. Amend RSA 461-A:11, I(a) to read as follows:

(a) The parties agree to a modification. ***The court shall not hold a hearing on the modification if so requested by both parties, who also assert they have not been coerced.***

**Amendment to HB 1239
(2016-0581h)**

Proposed by the Committee on Education - c

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

1 State Board of Education; Rulemaking Authority. Amend RSA 186:8 to read as follows:

186:8 Rulemaking Authority; Standards; Employee Qualifications. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to:

I. Academic standards for all grades of the public schools.

II. Minimum [curriculum and educational] standards for public school approval [standards] for all grades of the public schools.

[H:] III. Qualifications and duties for school superintendents, principals, school administrative unit professionals and other public school employees.

[HH:] IV. Certification standards for educational personnel, including those listed in RSA 21-N:9, II(s), provided that the commissioner of the department of education may, through an agreement with another state when such state and New Hampshire are parties to an interstate agreement, provide for recertification based on another state's procedures if the other state's professional development plan is approved by the New Hampshire department of education.

[IV-] **V.** Establishing requirements for teachers and teacher preparation programs to ensure that all teachers are prepared to teach to a broad range of students' needs, including, but not limited to, the needs of exceptional learners.

[V-] **VI.** Certification standards for advanced teaching credentials, including administering the master teacher credential as provided in RSA 189:14-f.

[VI-] **VII.** Appeals from a school board on the matter of nonrenewal of teacher contracts, providing that the appeal to the state board of education shall be limited to the record developed at the school board hearing, except where the state board of education determines that new evidence is available which could not have been reasonably discovered at the time of the school board hearing and that such evidence may have materially affected the outcome of the school board hearing. In such cases, the state board of education shall render a final decision in the matter or remand it to the school board for a new hearing.

[VII-] **VIII.** Requiring a high school pupil to attain competency in mathematics for each year in which he or she is in high school through graduation to ensure career and college readiness. A pupil may meet this requirement either by satisfactorily completing a minimum of 4 courses in mathematics or by satisfactorily completing a minimum of 3 mathematics courses and one non-mathematics content area course in which mathematics knowledge and skills are embedded and applied, as may be approved by the school board. The rules shall be implemented in the 2015-16 school year.

2 Duties of the State Board of Education. Amend RSA 186:11, IX(a) to read as follows:

(a) Direct the department to develop ~~[curriculum frameworks]~~ **academic standards to serve as a guide and reference** in health, physiology, and hygiene as they relate to the effects of alcohol and other drugs, child abuse, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system, and which are designed to help students lead longer, healthier lives.

3 Statewide Education and Improvement and Assessment Program; Statement of Purpose. Amend RSA 193-C:1, II-III to read as follows:

II. A statewide education improvement and assessment program built upon the establishment of ~~[educational]~~ **academic** standards specifying what students should know and be able to do is an important element in educational improvement. Such a program also serves as an effective measure of accountability **and student performance** when the assessment exercises or tasks are valid and appropriate representations of the ~~[curriculum standards]~~ **knowledge and skills** that students are expected to achieve.

III. Widespread participation in the establishment of a statewide education improvement and assessment program is essential. Consultation with educators at all levels, business people, government officials, community representatives, and parents must occur in the development of ~~[educational]~~ **academic** standards. In turn, widespread dissemination of those standards, once established, must occur. Teachers, administrators, and school board members must be fully apprised of these state-developed standards. They must, in turn, communicate these expectations to students and parents, and find and implement methods to enable students to acquire and apply the requisite knowledge and skills.

4 Statewide Education Improvement and Assessment Program; Program Established. Amend RSA 193-C:3, III(a)-(b) to read as follows:

(a) ~~[Educational]~~ **Academic** standards specifying what students should know and be able to do shall be clearly defined before assessment procedures and exercises are developed.

(b) The assessment exercises or tasks shall be valid and appropriate representations of the **academic** standards the students are expected to achieve.

5 Statewide Education Improvement and Assessment Program; Program Established. Amend RSA 193-C:3, IV(a) to read as follows:

(a) At the student level, by students, parents, and teachers, to determine what the student knows and is able to do in relationship to the state-established **academic** standards.

6 Adequate Public Education; Policy and Purpose. Amend RSA 193-E:1 to read as follows:

193-E:1 Policy and Purpose.

I. It is the policy of the state of New Hampshire that public elementary and secondary education shall provide all students with the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in the social, economic, scientific, technological, and political systems of a free government, now and in the years to come; an education that is consistent with the ~~[curriculum]~~ **minimum standards for public school approval, the state-established academic standards** ~~[and student proficiency standards specified in state school approval rules and New Hampshire], and school district or school curriculum [frameworks].~~

II. Respecting New Hampshire's long tradition of community involvement, it is the purpose of this chapter to ensure that appropriate means are established to provide an adequate education through an integrated system of shared responsibility between state and local government. In this system, the state establishes~~;~~ ~~through]~~ **minimum standards for public school approval**, ~~[and student proficiency standards]~~ and ~~[cur-~~

riculum guidelines;] **academic standards** [the framework] for [the] **inclusion and** delivery of educational services at the local level. School districts then have **responsibility and** flexibility in implementing diverse educational approaches **to instruction and curriculum** tailored to meet student needs.

7 Adequate Public Education; Substantive Educational Content of an Adequate Education. Amend RSA 193-E:2-a, IV-VI to read as follows:

IV. The **minimum standards for public** school approval [standards] for the areas identified in paragraph I shall constitute the opportunity for the delivery of an adequate education. The general court shall periodically, but not less frequently than every 10 years, review, revise, and update, as necessary, the **minimum** standards identified in paragraph I and shall ensure that the high quality of the **minimum** standards **for public school approval in each area of education identified in paragraph I** is maintained. Changes made by the board of education to the school approval standards through rule-making after the effective date of this section shall not be included within the standards that constitute the opportunity for the delivery of an adequate education without prior adoption by the general court. The board of education shall provide written notice to the speaker of the house of representatives, the president of the senate, and the chairs of the house and senate education committees of any changes to the school approval standards adopted pursuant to RSA 541-A.

V. The general court requires the state board of education and the department of education to institute procedures for maintaining, updating, improving, and refining [curriculum frameworks] **the minimum standards for public school approval** for each area of education identified in paragraph I. **Each school district shall be responsible for maintaining, updating, improving, and refining curriculum.** The curriculum [frameworks] shall present educational goals, broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies, and knowledge called for by the [academic] **minimum standards for public school approval** for each area of education identified in paragraph I. [The curriculum frameworks shall serve as a guide and reference to what New Hampshire students should know and be able to do in each area of education. The frameworks do not establish a statewide curriculum.] It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the [frameworks] **curriculum**, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and the materials to be used.

VI. In this section[;]:

(a) ["School approval standards"] **"Minimum standards for public school approval"** mean the applicable criteria that public schools and public academies shall meet in order to be an approved school, as adopted by the state board of education through administrative rules.

(b) **"Academic standards"** mean **what a student should know and be able to do at each grade level.**

(c) **"Curriculum"** means **the lessons and academic content taught in school or in a specific course or program.**

8 Adequate Public Education; Accountability. Amend RSA 193-E:3-c, III(a) to read as follows:

(a) Performance on state [tests] **assessments** administered pursuant to RSA 193-C and, upon the prior approval of the department, other assessments administered at local option that are consistent with the state's [curriculum] **academic** standards.

9 Adequate Public Education; Performance-Based Accountability System. Amend RSA 193-E:3-c, VI to read as follows:

VI. The department shall annually prepare a detailed report documenting the results of each school on the performance-based school accountability system to be developed pursuant to RSA 193-E:3-c, and identifying all schools that can demonstrate the opportunity for an adequate education through the performance-based methodology. The report shall be submitted no later than [October 1] **January 15 annually** to the same individuals receiving the final report under paragraph IV. [The initial report shall be due October 1, 2012.]

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

Amendment to HB 1244-LOCAL

(2016-0379h)

Proposed by the Committee on Municipal and County Government - c

Amend RSA 289:2 as inserted by section 1 of the bill by replacing it with the following:

289:2 Municipality to Provide. Every municipality shall provide, **or may enter into agreements with adjacent municipalities or nonprofit entities to provide**, one or more suitable cemeteries for the interment of deceased persons [within its boundaries], which shall be subject to such regulations as the municipality may establish. In the absence of regulations established by vote of the legislative body, the cemetery trustees may establish such regulations pursuant to RSA 289:7, I(a). The operation and maintenance of all cemeteries owned and maintained by the municipality shall be in the charge of the cemetery trustees.

**Amendment to HB 1245-FN
(2016-0194h)**

Proposed by the Committee on Executive Departments and Administration - c

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4, respectively:

3 New Paragraph; Rulemaking; Exceptions; Department of Transportation. Amend RSA 541-A:21 by inserting after paragraph VIII the following new paragraph:

IX. Rules of the department of transportation relating to the state bridge aid program or the state highway aid program adopted under rulemaking authority of the commissioner of the department, shall be exempt from RSA 541-A:12, III and may incorporate by reference the department of transportation's Standard Specifications for Road and Bridge Construction, Highway Design Manual, and Bridge Design Manual without specifying a date or edition for the content incorporated, as provided in RSA 234:5, II and RSA 235:14, II.

2014-0194h
AMENDED ANALYSIS

This bill allows boards, commissions, and groups which are petitioned to adopt rules under RSA 541-A to have 30 days after the next scheduled meeting to respond to the petition. The bill also allows certain documents prepared by third parties and certain manuals of the department of transportation to be incorporated by reference in administrative rules.

**Amendment to HB 1246-FN
(2016-0290h)**

Proposed by the Committee on Executive Departments and Administration - c

Amend RSA 326-F:2, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Individuals employed at a public school or nonpublic school approved by the department of education who do not act independently but work under the direction and supervision of a speech-language pathologist licensed under this chapter or a speech language specialist certified by the department of education.

**Amendment to HB 1247
(2016-0443h)**

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

Amend the title of the bill to read as follows:

AN ACT relative to poker in private residences.

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

1 New Subparagraph; Poker in Private Residences. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) Poker games held in a private residence so long as there is no rake, the house takes no compensation from the prize pool, no admission fee or seat fee is charged, no one receives any money or anything of value for conducting the game except their own winnings as a player, the game's odds do not favor a "house" or any player, there is no house bank, and the game is not advertised to the public.

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

2016-0443h
AMENDED ANALYSIS

This bill allows the playing of poker games in a private residence.

**Amendment to HB 1249
(2016-0490h)**

Proposed by the Minority of the Committee on Judiciary - r

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

AN ACT relative to criminal penalties for providing false or misleading information in abuse or neglect proceedings.

Amend RSA 169-C:31, II as inserted by section 2 of the bill by replacing it with the following:

II. Anyone who knowingly provides false information entered as evidence in a hearing under oath shall be guilty of false swearing under RSA 641:2 or, if not under oath, unsworn falsification under RSA 641:3, and any professional person engaged in an investigation or employee of the department who withholds information known to be true and exculpatory, shall be guilty of unsworn falsification under RSA 641:3.

2016-0490h
AMENDED ANALYSIS

This bill provides that a person who knowingly submits false or misleading information shall be guilty of the crime of false swearing or unsworn falsification and a professional who withholds exculpatory information known to be true shall be guilty of the crime of unsworn falsification.

Amendment to HB 1250
(2016-0797)

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

Amend RSA 169-C:31-a as inserted by section 1 of the bill by replacing it with the following:

169-C:31-a Medical Neglect. No parent or legal guardian shall be petitioned or charged with abusing or neglecting a child's need for medical care if:

- I. The parent or legal guardian has sought medical care for the presenting medical condition of the child from a licensed health care professional;
- II. The licensed health care professional has made a diagnosis;
- III. The licensed health care professional has prescribed a generally accepted course of standard treatment; and
- IV. The parent or legal guardian is following the recommended course of treatment.

2016-0797h
AMENDED ANALYSIS

This bill provides that a parent or legal guardian shall not be petitioned or charged with abuse or neglect of a child's need for medical care if the parent or guardian follows a recommended course of treatment from a licensed health care professional.

Amendment to HB 1252
(2016-0763h)

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

Amend the bill by replacing all after section 3 with the following:

4 New Paragraph; Payment of Wages; Weekly. Amend RSA 275:43 by inserting after paragraph IV-a the following new paragraph:

IV-b. The commissioner may, on a temporary basis and after showing good and sufficient reason, require payment of wages weekly. The commissioner shall prescribe to the employer the terms, conditions, and duration of such temporary payments. Such restrictions shall only be in effect until the employer rectifies any deficiencies prescribed by the commissioner.

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

Amendment to HB 1264
(2016-0640h)

Proposed by the Committee on Commerce and Consumer Affairs - c

Amend RSA 321-A:2-a, I(a)(4) as inserted by section 3 of the bill by replacing it with the following:

(4) By the operator, daily on days of operation and prior to operation, using an inspection form developed by the ~~[director, which form]~~ **manufacturer, or if no such form exists, one approved by the director. Completed inspection forms** shall be kept by the owner of the ride for a period of 2 years **and shall be made available and open to inspection and copies shall be furnished to the commissioner or his or her agents upon request.**

Amend RSA 321-A:2-a, I(b)(2) as inserted by section 4 of the bill by replacing it with the following:

(2) ~~[By an agent of the commissioner not less than 90 days and not more than 120 days after the inspection required by subparagraph (1):~~

(3) ~~By the operator on each day of operation, prior to operation, using the inspection form developed by the~~ **manufacturer, or if no such form exists, one approved by the director.** ~~[director. The form shall be forwarded to the director on a weekly basis, or upon relocation of the ride, whichever occurs first.]~~ **The completed inspection forms shall be retained by the owner of the ride for a period of 2 years and shall be made available and open to inspection and copies shall be furnished to the commissioner or his or her agents upon request.**

Amend RSA 321-A:5, III(a) as inserted by section 6 of the bill by replacing it with the following:

(a) A certificate of insurance showing the operator as a named insured and confirming that insurance has been issued and is in force providing coverage for specified equipment or devices in a minimum amount of ~~[\$300,000 per person]~~ **\$1,000,000 per occurrence** and ~~[\$1,000,000]~~ **\$2,000,000 aggregate. Such certificate shall include the provision that coverage shall remain in effect until the expiration date or if canceled by the insurer prior to the expiration date for any reason, the cancellation shall not take effect until 20 days after written notice received by the director that said certificate is being canceled and the reason or reasons for such cancellation.**

Amend RSA 321-A:5, IV(a) as inserted by section 7 of the bill by replacing it with the following:

(a) A certificate of insurance showing the operator as a named insured and confirming that insurance has been issued and is in force providing coverage for specified equipment or devices at specified locations, in a minimum amount of [~~\$100,000 per person~~] **\$1,000,000 per occurrence** and [~~\$300,000~~] **\$2,000,000** aggregate. ***Such certificate shall include the provision that coverage shall remain in effect until the expiration date or if canceled by the insurer prior to the expiration date for any reason, the cancellation shall not take effect until 20 days after written notice received by the director that said certificate is being canceled and the reason or reasons for such cancellation.***

2016-0640h

AMENDED ANALYSIS

This bill requires carnival or amusement ride operators to make inspection forms available to the commissioner of the department of safety.

This bill also makes changes to the required insurance coverage for carnival or amusement ride operators.

Amendment to HB 1266

(2016-0412h)

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

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

AN ACT legalizing firecrackers.

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

2 Repeal. RSA 160-B:16-b, relative to the prohibition on the retail sale of firecrackers, is repealed.

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

2016-0412h

AMENDED ANALYSIS

This bill legalizes the sale of firecrackers.

Amendment to HB 1269

(2016-0093h)

Proposed by the Committee on Health, Human Services and Elderly Affairs - c

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

AN ACT extending the New Hampshire health care quality assurance commission and relative to the membership of the commission.

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

Amend RSA 151-G:1, II(e) to read as follows:

(e) [~~One member-at-large~~] **Two members-at-large**, appointed by the governor.

2016-0093h

AMENDED ANALYSIS

This bill extends the New Hampshire health care quality assurance commission until July 1, 2021. This bill also clarifies the membership of the commission.

Amendment to HB 1285

(2016-0091h)

Proposed by the Committee on Health, Human Services and Elderly Affairs - c

Amend RSA 508:15, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) "Food" means any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption **or for feeding of animals**. "Food" also means food items open-dated for which the date has passed.

Amend RSA 508:15, II as inserted by section 2 of the bill by replacing it with the following:

II. The good faith donor of any food to a needy individual or individuals or to a bona fide charitable or non-profit organization for distribution or serving by such organization without charge or at a charge sufficient only to cover the cost of handling and administering such food and the distribution thereof, **or to a person for uses such as animal feed or composting**, shall not be subject to criminal penalty or civil damages arising from the condition of the food, unless an injury is caused by the gross negligence, recklessness, or intentional misconduct of the donor; provided, however, that at the time of donation such food is not knowingly misbranded and is not adulterated and has not been manufactured, processed, prepared, handled or stored in violation of applicable rules of the department of health and human services, or unless an injury is caused by the gross negligence, recklessness or intentional conduct of the donor.

**Amendment to HB 1289
(2016-0181h)**

Proposed by the Committee on Ways and Means - c

Amend the bill by replacing section 7 with the following:

7 New Paragraph; Nursing Facility Quality Assessment; Rulemaking. Amend RSA 84-C:9 by inserting after paragraph I the following new paragraph:

I-a. The commissioner may adopt rules, pursuant to RSA 541-A, relative to exceptions to the requirement of RSA 84-C:5, I that payment be made by electronic transfer in instances when a nursing facility is unable to remit payment to the state treasurer by electronic transfer.

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 13:

11 Reference; Multistate Tax Commission Audits. Amend RSA 21-J:3, XXXI to read as follows:

XXXI. Have the authority, subject to appropriation, to contract with the Multistate Tax Commission for participation in audits performed by the Multistate Tax Commission on behalf of member states. While under contract with the state, the Multistate Tax Commission shall be an authorized agent of the commissioner for the purposes ~~[RSA 21-J:14-e]~~ **of paragraph IX.**

12 Real Estate Transfer Tax; Declaration of Consideration. Amend RSA 78-B:10, I(b) to read as follows:

(b) Contain a space immediately below the statement in subparagraph (a) for the dated ~~[and witnessed]~~ signature of the purchaser, grantee, assignee, or transferee of the deeded real estate on their respective declaration of consideration and for the dated ~~[and witnessed]~~ signature of the seller, grantor, assignor, or transferor of the deeded real estate on their respective declaration of consideration.

2016-0181h

AMENDED ANALYSIS

This bill makes technical corrections regarding rulemaking authority and reporting and payment dates to certain tax laws. The bill removes a requirement for witnessed signatures on declaration of consideration reports under the real estate transfer tax. The bill repeals the law establishing the division of automated information systems.

This bill was requested by the department of revenue administration.

**Amendment to HB 1290
(2016-0149h)**

Proposed by the Committee on Ways and Means - c

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

4 Applicability. The provisions of this act shall apply to taxable periods beginning after December 31, 2015.

**Amendment to HB 1293
(2016-0453h)**

Proposed by the Committee on Municipal and County Government - c

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

1 Municipal Charter Amendments; Procedures. Amend RSA 49-B:5, I to read as follows:

I. The municipal officers may determine that one or more amendments to the municipal charter are necessary and shall, by order, provide for notice and hearing on them ~~[in the same manner as provided in RSA 49-B:5, V(a)].~~ ***The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them. If substantive changes are made to the proposed amendment, a hearing on the modified amendment shall be held. Notice of the hearing and the conduct thereof shall be as provided in this paragraph.***

(a) Within 7 days after the last public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the proposed amendment. In the case of a report of an appointed committee, a copy shall be filed with the municipal officers.

(b) Within 7 days after receiving approval from the secretary of state, the attorney general, and the commissioner of the department of revenue administration under RSA 49-B:4-a, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers may order amendments to be placed on the ballot at either the next regular municipal election or ~~[the next state biennial election, whichever occurs earlier,]~~ at a special municipal election that occurs not less than 60 days after the order.

~~[(a)]~~ ***(c)*** Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject.

~~[(b)]~~ ***(d)*** Alternative statements of a single amendment are prohibited.

2 Municipal Charter Amendments; Procedure. Amend the introductory paragraph of RSA 49-B:5, II to read as follows:

II. On the written petition of a number of voters equal to at least ~~[20]~~ **15** percent of the number of ballots cast in a municipality at the last regular municipal election, but in no case fewer than 10 voters, the municipal officers shall, by order, provide that proposed amendments to the municipal charter be placed on a ballot in accordance with the procedures set out **in paragraphs II-a through V:**

3 Charter Amendments; Procedure. Amend RSA 49-B:5, II-a (b) and (c) to read as follows:

(b) ~~[The petitioners' committee, or voters of the municipality designated by the committee, may circulate the petition and file it in proper form.]~~ **Each signature on the affidavit required by subparagraph II-a(a) shall be included in the clerk's count of the number of signatures required by paragraph II unless a signatory has signed both the affidavit and the petition, in which case the signature shall be counted only once.**

(c) Promptly after the affidavit is filed by the petitioners' committee, the clerk shall file a certified copy of the affidavit, including the proposed amendment, for review of the proposed amendment in accordance with RSA 49-B:4-a. Promptly after receiving approval of the proposed amendment from the state officials under RSA 49-B:4-a, the clerk shall issue petition **form** blanks to the committee. **The petition forms shall read substantially as follows: "Each of the undersigned voters respectfully requests the municipal officers to provide for the amendment(s) of the municipal charter as set out below. If more than one subject is included in a petition, each subject shall be addressed in a separate amendment".**

4 Charter Amendments; Procedure. Amend RSA 49-B:5, III(a) to read as follows:

III.(a) ~~[The petition forms shall read substantially as follows: "Each of the undersigned voters respectfully requests the municipal officers to provide for the amendment(s) of the municipal charter as set out below." If more than one subject is included in a petition, each subject shall be addressed in a separate amendment.]~~ **The petitioners' committee, or voters of the municipality designated by the committee, may circulate the petition and file it in proper form.** Each signature affixed to a petition shall be in ink or other indelible instrument and shall be followed by the place of domicile of the voter with street and number, if any. No petition shall contain any party or political designation.

5 Charter Amendments; Procedure. Amend RSA 49-B:5, V to read as follows:

V.(a) Within 10 days of receipt of a report that a petition is sufficient, the municipal officers shall by order provide for **and issue notice of** a public hearing on the proposed amendment. The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers ~~[-or a committee appointed by them; provided that in the case of an amendment submitted by voter petition, the hearing shall be conducted by the municipal officers. If, as a result of the public hearing, substantive changes are made to the proposed amendment, a second hearing shall be held]~~ **and no substantive changes may be made to the amendment.** [Notice of the hearing and the conduct thereof shall be as provided in this section.]

(b) Within 7 days after the ~~[last]~~ public hearing, the municipal officers ~~[-or the committee appointed by them]~~ shall file with the municipal clerk a report containing the ~~[final draft of the]~~ proposed **petitioned** amendment ~~[and a written opinion by an attorney admitted to the bar of this state that the proposed amendment is not in conflict with the general laws or the constitution. In the case of a committee report, a copy shall be filed with the municipal officers. Upon such filing, the provisions of RSA 49-B:4-a shall apply in the same manner as for a charter adoption; provided, however, that the municipal officers or the appointed committee shall be substituted for the charter commission for purposes of RSA 49-B:4-a, III.]~~

(c) Within 7 days after the approval by the secretary of state, the attorney general and the commissioner of the department of revenue administration, or within 7 days after the last public hearing in the case of an amendment submitted by voter petition, the municipal officers ~~]~~ **and** shall order the proposed amendment to be placed on the ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers shall order the amendments to be placed on the ballot at either the next regular municipal election or at a special municipal election that occurs not less than 60 days after the date of the order.

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

Amendment to HB 1294

(2016-0128h)

Proposed by the Committee on Election Law - c

Amend the bill by replacing section 2 with the following:

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

Amendment to HB 1300

(2016-0539h)

Proposed by the Majority of the Committee on Education - r

Amend RSA 189:18 as inserted by section 1 of the bill by replacing it with the following:

189:18 Patriotic Exercises. In all public schools of the state one session, or a portion thereof, during the weeks in which Memorial Day and Veterans Day fall, shall be devoted to exercises of a patriotic nature, ***which shall include a discussion of the words, meaning, and history of the Pledge of Allegiance and the Star Spangled Banner.***

Amendment to HB 1301

(2016-0587h)

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

Amend the bill by replacing section 1 with the following:

1 Youth Employment Law; Certificates. Amend RSA 276-A:5 to read as follows:

276-A:5 Certificate.

I. Certificates shall be issued by principals of schools or persons authorized by them, ***or by a parent or legal guardian***, only after the determination of a satisfactory level of academic performance by the student, except that responsibility for supervision and coordination with the department in matters pertaining to this chapter shall rest upon superintendents of schools. If a student does not continue to meet a satisfactory level of academic performance after the issuance of the certificate, the principals of schools or persons authorized by them, ***or a parent or legal guardian***, may revoke the certificate. In the event principals of schools or their designees revoke a certificate, notification of the revocation shall be made to the parent or legal guardian, the employer of the student, and the department of labor within 48 hours. ***In the event a parent or guardian revokes a certificate, notification of the revocation shall be made to the employer of the student and the department of labor within 48 hours.*** Upon receiving the notice of revocation, the department of labor shall investigate the compliance of the revocation within 90 days.

II. Certificates shall in all cases include a ***notarized*** signature line for the parent or legal guardian of the youth and shall show proof of (1) age and (2) adequate health.

III. Certificates shall not be issued unless age and adequacy of health have first been verified except as in paragraph I of this section.

IV. ~~Certificates shall not be issued except during vacations or as a result of written parental protest, if employment is deemed to interfere seriously with school work.~~

V.] Certificates shall be obtained by an employer within 3 business days of the first day of employment. Copies of certificates shall be kept on file by all employers of youths.

V. Any employer not in compliance with the requirements of RSA 276-A:4 or this section shall be assessed a minimum civil penalty of \$100.

Amendment to HB 1301

(2016-0672h)

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

Amend the bill by replacing section 1 with the following:

1 Youth Employment Law; Certificates. Amend RSA 276-A:5 to read as follows:

276-A:5 Certificate.

I. Certificates shall be issued by principals of schools ***or their equivalent in private or religious schools***, or persons authorized by them, ***or by a parent or legal guardian in the case of a home schooled student***, only after the determination of a satisfactory level of academic performance by the student, except that responsibility for supervision and coordination with the department in matters pertaining to this chapter shall rest upon superintendents of schools. If a student does not continue to meet a satisfactory level of academic performance after the issuance of the certificate, the principals of schools ***or their equivalent in private or religious schools***, or persons authorized by them, ***or a parent or legal guardian in the case of home schooled student***, may revoke the certificate. In the event principals of schools ***or their equivalent in private or religious schools***, or their designees revoke a certificate, notification of the revocation shall be made to the parent or legal guardian, the employer of the student, and the department of labor within 48 hours. ***In the event a parent or guardian revokes a certificate, notification of the revocation shall be made to the employer of the student and the department of labor within 48 hours.*** Upon receiving the notice of revocation, the department of labor shall investigate the compliance of the revocation within 90 days.

II. Certificates shall in all cases include a ***notarized*** signature line for the parent or legal guardian of the youth and shall show proof of (1) age and (2) adequate health.

III. Certificates shall not be issued unless age and adequacy of health have first been verified except as in paragraph I of this section.

IV. ~~Certificates shall not be issued except during vacations or as a result of written parental protest, if employment is deemed to interfere seriously with school work.~~

V.] Certificates shall be obtained by an employer within 3 business days of the first day of employment. Copies of certificates shall be kept on file by all employers of youths.

V. Any employer not in compliance with the requirements of RSA 276-A:4 or this section shall be assessed a minimum civil penalty of \$100.

2016-0672h
AMENDED ANALYSIS

This bill permits parents or legal guardians to issue youth employment certificates for home schooled children.

**Amendment to HB 1303
(2016-0683h)**

Proposed by the Committee on Education - c

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

AN ACT establishing a commission to study issues relating to pre-existing districts withdrawing from a cooperative school district.

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

1 New Subdivision; Commission to Study Issues Relating to Pre-existing Districts Withdrawing from a Cooperative School District. Amend RSA 195 by inserting after section 31 the following new subdivision:

Commission to Study Issues

Relating to Pre-existing Districts Withdrawing from a Cooperative School District.

195:32 Commission Established.

I. There is established a commission to study issues related to pre-existing districts withdrawing from a cooperative school district. The membership of the commission shall be as follows:

(a) Three members from the house of representatives, 2 of whom shall serve on the education committee, and one of whom shall serve on the finance committee, appointed by the speaker of the house of representatives.

(b) One member from the senate education committee, appointed by the senate president.

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

(d) The commissioner of the department of revenue administration, or designee.

(e) Two school board members from cooperative school districts, appointed by the governor.

(f) Two superintendents from cooperative school districts, appointed by the governor.

(g) One member from the New Hampshire School Administrators Association, appointed by that association.

(h) One member from the New Hampshire School Boards Association, appointed by that association.

(i) One member from the New Hampshire Council of School Attorneys, appointed by that association.

(j) One member from the public, appointed by the governor.

II. The commission shall study issues relating to the withdrawal of pre-existing districts from their cooperative school district, including:

(a) The procedure for withdrawal, including the procedure for both initiating a withdrawal study and the procedure for approval of any proposed withdrawal plan.

(b) How assets are determined, valued, and apportioned among the pre-existing districts.

(c) The nature and scope of the withdrawal plan created according to RSA 195:26, including the liability of the withdrawing pre-existing district pursuant to RSA 195:27 and the disposition of any property pursuant to RSA 195:28.

(d) Any other issue which the commission deems relevant to the objective of the study.

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

IV. The department of education and house committee research staff shall provide clerical, administrative, and research services to the commission as may be needed.

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 30 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

VI. The commission shall file an interim report on or before January 1, 2017, and 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, 2017.

2 Repeal. RSA 195:32, relative to the commission to study issues relating to pre-existing districts withdrawing from a cooperative school district, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 2, 2017.

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

2016-0683h
AMENDED ANALYSIS

This bill establishes a commission to study issues relating to pre-existing districts withdrawing from a cooperative school district.

Amendment to HB 1305

(2016-0346h)

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

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

AN ACT relative to the use of an ignition interlock device.

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

1 New Paragraph; Limited Driving Privilege; Ignition Interlock Program. Amend RSA 263:57-b by inserting after paragraph V the following new paragraph:

VI. As a condition of receiving a limited privilege license, the person shall agree to be subject to the ignition interlock program for one year immediately following restoration of driving privileges.

2 New Subparagraph; Use of Mobile Electronic Devices While Driving. Amend RSA 265:79-c, II by inserting after subparagraph (c) the following new subparagraph:

(d) To perform any action required by an ignition interlock device.

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

2016-0346h
AMENDED ANALYSIS

This bill requires a person receiving a limited privilege license to be subject to the ignition interlock program for one year after restoration of driving privileges. This bill also establishes an exemption from the prohibition on the use of mobile electronic devices while driving for actions required by an ignition interlock device.

Amendment to HB 1318

(2016-0819h)

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

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

1 Registration of Criminal Offenders; Duration of Registration. Amend RSA 651-B:6 to read as follows:
651-B:6 Duration of Registration.

I. **Subject to the provisions of paragraph IV**, all tier II or tier III offenders shall be registered for life.

II. All tier I offenders shall be registered for a 10-year period from the date of release, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent violation or attempted violation of an offense for which the person is required to register.

III.(a)[(1) ~~All tier III offenders shall remain on the public list contained in RSA 651-B:7 for life.~~

(2)] A tier II **or tier III** offender may petition the superior court to have his or her name and information removed from the public list. The petition shall not be filed prior to the completion of all the terms and conditions of the sentence and in no case earlier than 15 years after the date of release. The petition shall be accompanied by a risk assessment prepared by a qualified psychiatrist or psychologist at the offender's expense. The court may grant the petition **only** if the offender **is not under arrest or indictment for, or** has not been convicted of, any [felony, class A misdemeanor,] sex offense[;] or offense against a child, has successfully completed any periods of supervised release, probation, or parole, and has successfully completed an appropriate sex offender treatment program as determined by the court. If the court denies the petition, the offender shall not file another petition for 5 years from the date of denial.

[(3)] (b) A tier I offender may petition the superior court to have his or her name and other information removed from the public list. The petition shall not be filed prior to the completion of all the terms and conditions of the sentence and in no case earlier than 5 years after the date of release. The petition shall be accompanied by a risk assessment prepared by a qualified psychiatrist or psychologist at the offender's expense. The court may grant the petition **only** if the offender **is not under arrest or indictment for, or** has not been convicted of, any [felony, class A misdemeanor,] sexual offense[;] or offense against a child, has successfully completed any periods of supervised release, probation, or parole, and has successfully completed an appropriate sex offender treatment program as determined by the court.

[(b) Prior to granting any petition to remove an offender from the public list, the court shall provide notice to the county attorney who prosecuted the case, the victim advocate, and the victim or victim's family, and permit those parties to be heard on the petition. Prior to any decision granting the application, the court shall provide the victim with the opportunity to address the court. The victim may appear personally, or by counsel, or may provide a written statement to reasonably express his or her views concerning the offense, the person responsible, and the need for maintaining the registration requirement. The judge shall consider

the statements of the victim pursuant to this section when making a decision regarding the application. The judge shall grant the application, after a hearing, only where, in the opinion of the court, removal from the registration requirements will assist the individual in the individual's rehabilitation and will be consistent with the public welfare.]

IV. A tier II or tier III offender may petition the superior court during his or her month of birth to be relieved from the registration requirements under this chapter. The petition shall include the petitioner's current address and information about each conviction for which he or she is required to register, including the nature of the offense, the sentence imposed, and the court and the jurisdiction in which the petitioner was convicted. The petition shall be accompanied by a certified copy of the petitioner's criminal history record from each jurisdiction in which he or she is required to register. The petition shall not be filed prior to the completion of all the terms and conditions of the sentence, including any supervision, and in no case earlier than 15 years after the date of release from a tier II offender's most recent conviction that required registration, and in the case of a tier III offender no earlier than 25 years after the date of release from the tier III offender's most recent conviction that required registration. The petition shall be accompanied by a risk assessment prepared by a qualified psychiatrist or psychologist at the offender's expense, which indicates that the offender is not a danger to the public and no longer poses a risk sufficient to justify continued registration. The court may grant the petition only if the petitioner is not under arrest or indictment for, or has been convicted of, any sex offense or offense against a child since the most recent qualifying conviction requiring registration, has successfully completed any period of supervised release, probation, or parole, has successfully completed an appropriate sex offender treatment program as determined by the court, has demonstrated compliance with registration requirements for 15 years, and he or she is no longer a danger to the public and no longer poses a risk sufficient to justify continued registration. The petition shall be filed in the county where the most recent predicate conviction occurred, except if the most recent conviction occurred in another state or jurisdiction, the petition shall be filed in the county where the petitioner resides. If the court denies the petition, the petitioner shall not file another petition under this section for 5 years from the date of the court's denial. Such petition shall not be filed or addressed as part of a criminal case.

V.(a) Prior to granting any petition to remove an offender from the public list, the court shall provide notice to the county attorney who prosecuted the case, the victim advocate, and the victim or victim's family, and permit those parties to be heard on the petition. Prior to any decision granting the petition, the court shall provide the victim with the opportunity to address the court. The victim may appear personally, or through a representative, or may provide a written statement to reasonably express his or her views concerning the offense, the person responsible, and the need for maintaining the registration requirement. The judge shall consider the statements of the victim pursuant to this section when making a decision regarding the petition. The judge shall grant the petition, after a hearing, only where, in the opinion of the court, removal from the public list will assist the individual in the individual's rehabilitation and will be consistent with the public welfare.

(b) Prior to granting any petition to relieve an offender from the registration requirements under this chapter, the court shall hold a hearing on the petition. The court shall provide notice of the hearing at least 60 days prior to the hearing to the county attorney who prosecuted the most recent offense requiring registration, the victim advocate, the victim or victim's family, the department of safety sex offender unit, and the department of corrections, and shall permit those parties to be heard on the petition. If the most recent conviction requiring registration is an out of state conviction, notice shall be given to the county attorney in the county where the offender is currently residing. Prior to any decision granting the petition, the court shall provide the victim or victim's family with the opportunity to address the court. The victim or victim's family may appear personally, or through a representative, or may provide a written statement to reasonably express his or her views concerning the offense, the person responsible, and the need for maintaining the registration requirement. The judge shall consider the statements of the victim or victim's family pursuant to this section when rendering a decision regarding the petition. The judge shall grant the petition, after a hearing, only where, in the opinion of the court, the petitioner has proven by clear and convincing evidence that he or she no longer poses a risk sufficient to justify continued registration and is not a danger to the public.

[IV.] VI. Any offender who was convicted before January 1, 1994, and who has fully served all aspects of his or her sentence and has not re-offended may petition the superior court to be relieved from the requirements of registration. The petition shall be subject to the requirements of paragraph IV, except that the offender shall not be required to wait the 15 or 25 years, or for the month of his or her birth. The hearing shall be held in accordance with the requirements of subparagraph

V(b). The offender shall pay the costs of the legal service in connection with hearing. The petitioner shall have the right to counsel. If the court denies the petition, the offender shall not file another petition under this section for 5 years from the date of the court's denial.

VII. Registration of any juvenile required to register pursuant to RSA 651-B:1, XI(a)(3) or (4) shall end when the juvenile turns 17 years of age unless the court which adjudicated the juvenile as a delinquent retains jurisdiction over the juvenile pursuant to RSA 169-B:4, V, in which case registration of the juvenile shall end when the court terminates jurisdiction over the juvenile's case. When the registration of a juvenile terminates, the department shall remove information relating to the juvenile from the SOR system and records of the juvenile's registration shall be handled in accordance with RSA 169-B:35 and RSA 169-B:36.

2 Registration of Criminal Offenders; Hearing. Amend RSA 651-B:10, I to read as follows:

I. Any offender required to register for an offense committed in another state, country, territory, or tribal territory, or under federal law that is determined to be a reasonably equivalent offense to an offense listed **in** RSA 651-B:1, V(a) or RSA 651-B:1, VII(a) or (b) may appeal that determination to the commissioner. The offender shall, within 10 days of notification, request a hearing on the matter before the commissioner. If such a request is made, the commissioner shall promptly schedule and conduct a hearing pursuant to rules adopted under RSA 541-A. ~~[The offender]~~ **Either party** shall have the right to appeal the commissioner's decision in superior court.

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

Amendment to HB 1321

(2016-0427h)

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

Amend the bill by replacing section 1 with the following:

1 Transportation of Alcoholic Beverages by a Minor. Amend RSA 265-A:45, I-II to read as follows:

I. Notwithstanding RSA 265-A:44, II, no driver under the age of 21 shall, except when accompanied by a parent, **stepparent**, legal guardian, **grandparent**, or legal age [spouse] **spouse or sibling**, transport any liquor or beverage in any part of a vehicle. A driver violating this section may have his or her license or privilege to drive suspended for 60 days.

II. No person operating a boat while under the age of 21 shall, except when accompanied by a parent, **step-parent**, legal guardian, **grandparent**, or legal age [spouse] **spouse or sibling**, transport any liquor or beverage in any part of a boat with an intent to consume such liquor or beverage. Anyone violating this paragraph may, following a hearing, have his or her privilege to operate a boat on the waters of the state suspended for 90 days and may additionally have his or her license or privilege to drive suspended for 90 days.

2016-0427h

AMENDED ANALYSIS

This bill allows minors to transport alcoholic beverages in a vehicle or boat when accompanied by certain family members.

Amendment to HB 1322

(2016-0666h)

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

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Public Employee Labor Relations; Records and Reports. Amend RSA 273-A:16 by inserting after paragraph V the following new paragraph:

VI. Each public employer of each bargaining unit, as determined by the board under RSA 273-A:8, shall calculate and report semiannually, on January 1 and July 1 of each year, to the board, the board of the public employer, and each employee within the public employee's bargaining unit by email and a notice posted in a place accessible to the employee, the total number of public employees within the bargaining unit paying union dues, the total number of public employees within the bargaining unit paying agency fees, and the ratio, expressed as a percentage, of the number of those public employees paying union dues to the total number of public employees in the bargaining unit.

Amendment to HB 1328

(2016-0727h)

Proposed by the Committee on Judiciary - r

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

AN ACT relative to banning abortion after viability.

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

1 New Chapter; Viable Fetus Protection Act. Amend RSA by inserting after chapter 132-A the following new chapter:

CHAPTER 132-B
VIABLE FETUS PROTECTION ACT

132-B:1 Title. This chapter shall be known and may be cited as the Viable Fetus Protection Act.

132-B:2 Policy; Applicability.

I. It shall be the public policy of New Hampshire that the state shall not restrict a woman's exercise of her private decision to terminate a pregnancy before viability except as provided in RSA 132:32 - RSA 132:36.

II. Nothing in this chapter shall be construed to change accepted medical practice pursuant to RSA 326-B:11 relating to abortions prior to fetal viability.

132-B:3 Definitions. In this chapter:

I. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove an ectopic pregnancy or the products from a spontaneous miscarriage.

II. "Viability" means the state of fetal development when the life of the fetus may be continued indefinitely outside the womb naturally.

132-B:4 Abortion After Viability Prohibited; Exception.

I. The determination of viability and the decision to terminate a pregnancy shall be solely that of the pregnant woman in consultation with her physician.

II. No abortion shall be performed upon a pregnant woman after viability of the fetus except when necessary to preserve the life or health of the pregnant woman, to remove a dead fetus, or to remove a fetus with severe anomalies incompatible with life.

III. All post viability abortions shall be performed by a licensed physician.

132-B:5 Penalty; Disciplinary Actions. Any physician who performs an abortion in violation of this chapter shall be guilty of a class B misdemeanor. In addition, any physician violating the chapter shall be subject to disciplinary action under RSA 329.

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

2016-0727h
AMENDED ANALYSIS

This bill establishes the viable fetus protection act which prevents abortions after viability.

**Amendment to HB 1329
(2016-0848h)**

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 transportation of alcoholic beverages.

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

1 New Paragraph; Carrier Licenses. Amend RSA 178:14 by inserting after paragraph II the following new paragraph:

III. A licensed carrier shall not transport any liquor, wine, or beverage within a 90-day period that has been identified by the commission as originating from a person who does not hold a valid New Hampshire direct shipper permit, provided that such identification has first been provided to and received by the licensed carrier in writing. The commission shall notify carriers by mail on a monthly basis of the identity of unauthorized shippers, which notification shall be effective 15 days after such mailing. The commission may impose a fine by rule for violations within the reporting month per shipper.

2 Prohibited Sales. Amend RSA 179:5, I to read as follows:

I. No licensee, salesperson, direct shipper, common carrier, delivery agent, nor any other person, shall sell or give away or cause or allow or procure to be sold, delivered, or given away any liquor or beverage to a person under the age of 21 or serve an individual who is visibly intoxicated or who a reasonable and prudent person would know is intoxicated. For all deliveries of packages by common carrier or delivery agent marked "alcoholic beverages" or "alcoholic products," the carrier shall obtain an adult signature. ~~[A licensed carrier shall not transport any liquor, wine, or beverage that has been identified by the commission as originating from a person who does not hold a valid New Hampshire direct shipper permit, provided that such identification has first been provided to and received by the licensed carrier in writing. The commission shall notify carriers by mail on a monthly basis of the identity of unauthorized shippers, which notification shall be effective 15 days after such mailing.]~~

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

2016-0848h
AMENDED ANALYSIS

This bill revises provisions relating to prohibited transportation of alcoholic beverages.

**Amendment to HB 1331
(2016-0628h)**

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

Amend RSA 281-A:42-a, I as inserted by section 1 of the bill by replacing it with the following:

I. There is established a compensation appeals board. The board shall consist of a pool of 33 members, of which 11 members shall represent labor, 11 members shall represent employers or workers' compensation insurers and 11 members shall be attorneys who shall be neutral. Members of the board shall be appointed by the governor and council from a list of nominees submitted by the commissioner. The commissioner shall submit at least 2 nominees for each vacancy to be filled. Any person appointed by the governor and council who is not qualified or who ceases to be qualified in the capacity in which such person is serving on the appeals board shall be replaced by the governor and council. Terms of board members shall be 3 years, except the initial appointments shall be staggered so that no more than 1/3 of the members' terms shall expire in the same year. Members of the board shall have at least 5 years' experience in the area of workers' compensation **or human resources or administrative law**. As a condition to maintaining eligibility to hear appeals, board members shall have at least 10 hours annually of training and briefing in the area of workers' compensation and relevant disciplines. The commissioner, or designee, with the assistance of the attorney general's staff shall supervise and approve the training. The commissioner shall have the authority to suspend the eligibility of any member of the board who is not in compliance with such annual training requirements, and to reinstate such member's eligibility upon compliance. The commissioner may suspend from active participation any board member who fails to render a decision or order within 30 days of the hearing as required by RSA 281-A:43, I(b). The commissioner may rescind the suspension once the board member is in compliance with RSA 281-A:43, I(b). Appeals from a decision of the commissioner or the commissioner's representative shall be heard de novo by a 3-member panel, composed of an attorney who shall serve as chair, one member representing labor and one member representing employers or workers' compensation insurers. At least 2 like votes shall be necessary for a decision by the panel. The board shall hear appeals, in accordance with RSA 281-A:43, I(b), from the decisions of the commissioner made pursuant to RSA 281-A:43. No person who is an interested party or an employee of an interested party shall participate as a member of the panel. The board shall conduct its proceedings in such a manner as to ensure a fair and impartial hearing.

2016-0628h
AMENDED ANALYSIS

This bill clarifies the experience that the members of the compensation appeals board must have to be members of the board.

**Amendment to HB 1332
(2016-0734h)**

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

Amend RSA 482-A:32, I(e)(5) as inserted by section 1 of the bill by replacing it with the following:

(5) A person with experience in stream restoration work, who shall be nominated jointly by the Northeast Region of American Rivers and the New Hampshire Rivers Council.

**Amendment to HB 1339
(2016-0594h)**

Proposed by the Committee on Commerce and Consumer Affairs - r

Amend RSA 401-D:3, IV as inserted by section 1 of the bill by replacing it with the following:

IV. For purposes of completing the CGAD, the insurer or insurance group may provide information regarding corporate governance at the ultimate controlling parent level, an intermediate holding company level, and/or the individual legal entity level, depending upon how the insurer or insurance group has structured its system of corporate governance. The insurer or insurance group is encouraged to make CGAD disclosures at the level at which the insurer's or insurance group's risk appetite is determined, or at which the earnings, capital, liquidity, operations, and reputation of the insurer are overseen collectively and at which the supervision of those factors are coordinated and exercised, or the level at which legal liability for failure of general corporate governance duties would be placed. If the insurer or insurance group determines the level of reporting based on these criteria, it shall indicate which of the 3 criteria was used to determine the level of reporting and explain any subsequent changes in the level of reporting.

Amend RSA 401-D:5, I as inserted by section 1 of the bill by replacing it with the following:

I. The insurer or insurance group shall have discretion over the responses to the CGAD inquiries, provided the CGAD shall contain the material information necessary to permit the commissioner to gain an understanding of the insurer's or group's corporate governance structure, policies, and practices. The commissioner may request additional information that he or she deems material and necessary to provide the commissioner with a clear understanding of the corporate governance policies, the reporting or information system, or controls implementing those policies.

Amend RSA 401-D:7, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner may retain, at the insurer's expense, third-party consultants, including attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as may be reasonably necessary to assist the commissioner in reviewing the CGAD and related information or the insurer's compliance with this chapter.

Amend RSA 401-D:8 as inserted by section 1 of the bill by replacing it with the following:

401-D:8 Sanctions. Any insurer failing, without just cause, to timely file the CGAD as required in this chapter shall be required, after notice and hearing, to pay a penalty of \$100 for each day's delay up to a maximum of \$2,500, to be recovered by the commissioner. The penalty so recovered shall be deposited in the general fund. The commissioner may reduce the penalty if the insurer demonstrates to the commissioner that the imposition of the penalty would constitute a financial hardship to the insurer.

Amendment to HB 1349

(2016-0847)

Proposed by the Minority of the Committee on Public Works and Highways - r

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

AN ACT relative to the Merrimack county superior court.

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

1 2015 Capital Budget; Merrimack County Superior Court; Location. Amend 2015, 220:1, II, D to read as follows:

(D) Court Facilities

(1) Merrimack County Superior Court

- New Courthouse [*]

[~~16,600,000~~]**\$15,700,000**

(2) Hampton Circuit Court, Architectural/Engineering

300,000

(3) Milford Circuit Court, Architectural/Engineering

255,500

* The location for the siting of the Merrimack county superior court facility shall be in Concord on [state lands adjacent to the supreme court] **a parcel appropriate to contain the court building and associated parking.**

2 2015 Capital Budget; Merrimack County Superior Court; New Courthouse. The appropriation made in 2015, 220:1, II, D, 1 shall be subject to the following:

I. Notwithstanding any other provision of law, the state, through the department of administrative services, shall be permitted to enter into an agreement to acquire property from Merrimack county on North Main Street in the city of Concord, containing a new courthouse and no less than 150 dedicated parking spaces, by warranty deed, for no more than \$15,700,000.

II. The courthouse shall be constructed in compliance with the current division of public works design and construction standards and the minimum standards for all courts, adopted by the New Hampshire court accreditation commission, and at a minimum, shall satisfy the Merrimack County Courthouse Design and Space Planning study by SMRT, Inc., dated May 29, 2014.

III. The state shall have the right to review and reject the design plans and specifications provided by the county, or its designee, at regular intervals agreed to by the state and county.

IV. The price of the new courthouse shall include compensation to the department of administrative services, or its designee, in the amount of \$175,000 to support 2 full-time clerk of the works positions for the project, \$25,000 to support an on-call architect for the project, \$25,000 to pay the current architect, SMRT, Inc., for its work on the project, and \$350,000 for furniture and equipment. Said amounts shall be held back from the final purchase price paid by the state to the county.

V. Until the new courthouse is completed and the existing courthouse is fully renovated, the clerk of the Merrimack superior court, or designee, shall have the authority to order a stop to any and all construction activities that, in the opinion of the clerk, interfere with the regular operation of the court. The county shall be solely responsible for any costs and delays associated with stop work orders issued pursuant to the clerk's authority.

VI. Merrimack county shall provide a property description and title history for the property to be transferred to the state within 90 days of the execution of an agreement. The county shall be responsible for all surveys, subdivision approvals, and all other approvals necessary to effectuate the transfer of the property from the county to the state.

VII. The plans and specifications for this project shall be reviewed and approved by the state fire marshal.

VIII. The state shall have the right to terminate the agreement without penalty prior to the state's acceptance of the final design documents and specifications; provided that the state shall not be arbitrary or capricious in exercising such right, and shall act in accordance with the implied covenant of good faith and fair dealing.

IX. During the construction of the courthouse and associated activities, the county shall provide the state with full access to the construction site and project meetings and shall allow the state the opportunity to review and reject any work performed.

X. The county shall provide a one-year warranty on the work performed related to the courthouse and shall transfer all product warranties to the state.

XI. The state's payment obligations under the agreement shall be as follows: 95 percent of the purchase price set forth in paragraph I, less compensation to the state set forth in paragraph IV, shall be due to the county on the date of substantial completion of the entire project, including the demolition of the so-called registry building. The remaining 5 percent of the purchase price shall be due at the time of the state's final acceptance of the project. For purposes of this section, the date of substantial completion shall mean the date on which the county conveys its property to the state.

XII. The county shall defend and indemnify the state from any and all claims arising out of or alleged to have arisen out of the construction project.

XIII. In the event that the state and county do not come to an agreement for the purchase of the courthouse and property or in the event that the agreement is terminated prior to acceptance of the final design, the state may use this appropriation to construct the courthouse facility on state lands next to the supreme court.

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

2016-0847h

AMENDED ANALYSIS

This bill reduces a capital budget appropriation for a new courthouse for the Merrimack county superior court and eliminates the capital budget requirement that the Merrimack county superior court be sited on state lands adjacent to the supreme court.

The bill also establishes certain requirements for the acquisition of courthouse property and construction of the courthouse.

Amendment to HB 1353

(2016-0415h)

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

Amend the bill by replacing section 2 with the following:

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

Amendment to HB 1354

(2016-0547h)

Proposed by the Committee on Executive Departments and Administration - c

Amend the bill by replacing section 2 with the following:

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.

Amend the bill by replacing section 4 with the following:

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.

Amendment to HB 1356

(2016-0566h)

Proposed by the Committee on Election Law - r

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

AN ACT relative to construction of the terms "resident," "inhabitant," "residence," and "residency."

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

2 Statutory Construction; Residence; Residency. Amend RSA 21:6-a to read as follows:

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

2016-0566h

AMENDED ANALYSIS

This bill modifies the general statutory definitions of "resident or inhabitant" and "residence or residency."

**Amendment to HB 1357
(2016-0288h)**

Proposed by the Committee on Executive Departments and Administration - c

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

1 New Subparagraph; General Functions of the Department of Cultural Resources. Amend RSA 21-K:2, II by inserting after subparagraph the following new subparagraph:

(e) Marketing and promotion of film and digital media for the purpose of strengthening the cultural, educational, and economic impact of media production in New Hampshire.

2 New Subdivision; Division of Film and Digital Media Established. Amend RSA 21-K by inserting after section 24 the following new subdivision:

Division of Film and Digital Media

21-K:25 Division of Film and Digital Media Established. There is hereby established within the department the division of film and digital media, which shall also be known as the state film office, under the supervision of an unclassified director of film and digital media, with the primary goal of marketing and promotion of film, video, and digital media production for the purpose of strengthening the cultural, educational, and economic impact of media production in New Hampshire.

3 Commissioner; Directors; Compensation. Amend RSA 21-K:3, II to read as follows:

II. The commissioner shall nominate each division director for appointment by the governor, with the consent of the council. Division directors shall serve for a term of 4 years. The directors of the divisions of arts, [and] historical resources, **and film and digital media** shall be qualified by reason of professional competence, education, and experience. The director of the division of libraries, who shall also be known as the state librarian, shall hold a master of library science degree from an accredited library school and shall have had at least 4 years' experience in a library in an administrative capacity. An accredited library school means an institution of higher education which is accredited by the American Library Association to grant a degree of master of library science.

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

2016-0288h
AMENDED ANALYSIS

This bill establishes the division of film and digital media in the department of cultural resources.

**Amendment to HB 1361
(2016-0307h)**

Proposed by the Minority of the Committee on Judiciary - r

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

AN ACT relative to service of process by police officers.

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

1 New Subdivision; Service of Process; Fee Schedule. Amend RSA 31 by inserting after section 149 the following new subdivision:

Service of Process; Fee Schedule

31:150 Authority to Set Fee Schedule. The legislative body or governing body of any city or town shall have the authority to establish a fee schedule for the service of process by police officers employed by the municipality.

31:151 Default Fee Schedule. In any town or city which has not set a fee schedule for the service of process, the fee schedule established by RSA 104:31 shall be used.

2 New Section: Power to Serve Process. Amend RSA 105 by inserting after section 3-a the following new section:

105:3-b Power to Serve Process. Police officers shall have similar powers to serve process as sheriffs and deputy sheriffs and all similar laws governing service of process by sheriffs and deputy sheriffs shall apply to the service of process by police officers. Notwithstanding any law to the contrary, no police officer shall be required to accept any process for service, nor shall any town or city be required to charge any fee set by statute for service of process by police officers employed by the municipality.

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

2016-0307h
AMENDED ANALYSIS

This bill authorizes police officers to serve process and permits cities and towns to establish fee schedules for service of process by police officers.

Amendment to HB 1370**(2016-0433h)****Proposed by the Committee on Judiciary - c**

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as:
3 Actions Against Tenants; Venue. Amend RSA 540:13, I to read as follows:

I. A writ of summons [may] **shall** be issued, returnable before [a] **the** district court **with jurisdiction over the city or town where the property is located**, setting forth in substance that the plaintiff is entitled to the possession of the demanded premises, and that the defendant is in possession thereof without right, after notice in writing, to quit the same at a day named therein.

Amendment to HB 1372**(2016-0459h)****Proposed by the Committee on Education - c**

Amend RSA 189:68, V as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) Nothing in this section shall preclude the use of audio or video recordings for use in the instruction of teacher interns or student teachers after written notification to the parent or legal guardian of each affected student as to the purpose of, and privacy policy for, the recordings.

Amendment to HB 1376**(2016-0553h)****Proposed by the Minority of the Committee on Labor, Industrial and Rehabilitative Services - r**

Amend RSA 275:76, II as inserted by section 1 of the bill by replacing it with the following:

II. Every employer who employs a temporary worker shall offer permanent work status to such worker after the worker satisfactorily completes 6 months of service, provided the need for such work is ongoing.

2016-0553h

AMENDED ANALYSIS

This bill requires an employer to offer a temporary employee a permanent position after 6 months of temporary employment.

Amendment to HB 1377**(2016-0247h)****Proposed by the Committee on Election Law - c**

Amend the bill by replacing section 1 with the following:

1 Absentee Voting; Procedure by Voter. Amend RSA 657:17 to read as follows:

657:17 Procedure by Voter. After marking the ballot, the voter or the person assisting a blind voter shall enclose and seal the same in an inner envelope. The voter shall execute the affidavit. The voter or the person assisting the blind voter shall enclose and seal the inner envelope with the affidavit in an outer envelope. The voter shall then endorse on the outer envelope his or her name, address, and voting place and shall mail the envelope, affixing postage, or personally deliver it or have it delivered by the voter's spouse, parent, sibling, or child to the city or town clerk from whom it was sent. The city or town clerk, **or ward clerk on election day at the polls**, shall not accept an absentee ballot from a family member unless the family member completes a form provided by the secretary of state, which shall be maintained by the city or town clerk, and the family member presents a government-issued photo identification or has his or her identity verified by the city or town clerk. **Absentee ballots delivered through the mail or by the voter's spouse, parent, sibling, or child shall be received by the town, city, or ward clerk no later than 5:00 p.m. on the day of the election.**

Amendment to HB 1378**(2016-0496h)****Proposed by the Committee on Election Law - c**

Amend RSA 659:20-a as inserted by section 1 of the bill by replacing it with the following:

659:20-a Assistance in Voting; Disabled Voter. Any voter who declares to the moderator under oath that said voter is unable to access a polling place due to physical disability, after appearing at the polling place location to vote in person shall, upon the voter's request, have an absentee ballot delivered to the voter outside the guardrail by the town or ward clerk or one of his or her assistants. The absentee ballot delivered by the town or ward clerk shall be delivered and processed using the same procedures as any other absentee ballot except that the voter shall be treated on the marked checklist as having voted in person.

**Amendment to HB 1381-FN
(2016-0416h)**

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

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

AN ACT relative to the sale of smoke bombs.

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

1 Smoke Bombs. Amend RSA 644:16-b, II to read as follows:

II. With the exception of persons or groups, including law enforcement organizations, who use smoke bombs for training purposes or to protect property or lives, ***and with the exception of smoke bombs sold or offered for sale by a person licensed to sell permissible fireworks pursuant to RSA 160-C***, any person who sells, barter, lends, or gives to any person a smoke bomb and any person who uses a smoke bomb in a public place shall be guilty of a violation.

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

2016-0416h
AMENDED ANALYSIS

This bill creates an exception for the sale or use of smoke bombs by a person licensed to sell permissible fireworks.

**Amendment to HB 1385-FN-A
(2016-0828h)**

Proposed by the Committee on Ways and Means - c

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

1 Sale or Exchange of an Interest in a Business Organization. RSA 77-A:4, XIV is repealed and reenacted to read as follows:

XIV.(a) In the case of a business organization where an ownership interest in the business organization is sold or exchanged and the transaction, for federal income tax purposes results in an increase in the basis of the assets for one or more of the parties to the transaction, the business organization shall:

(1) Add to the gross business profits of the business organization, for each taxable period, an amount equal to the annual depreciation or amortization attributable to the increase in the basis of the assets recognized by the parties to the transaction for federal income tax purposes; and

(2) Calculate the gain or loss on the sale or other disposition of an asset without regard to the basis increase recognized by any party to the transaction for federal income tax purposes, from the sale or exchange of the ownership interest in the business organization.

(b) A business organization may, for a particular sale or exchange, make an irrevocable election on a timely filed return including any extension period, to recognize the basis increase of the assets for one or more of the parties to the transaction for federal income tax purposes. Such business organization for the purposes of the business profits tax shall:

(1) Be required to make an addition to gross business profits of the business organization equal to the net increase in the basis of all assets transferred or sold in the tax period in which the sale or exchange of the ownership interest occurs;

(2) Be allowed a deduction against its gross business profits for annual depreciation or amortization attributable to the increase in the basis of the assets recognized by the parties to the transaction for federal income tax purposes; and

(3) Calculate the gain or loss on the sale or other disposition of an asset with regard to the basis increase recognized by any party to the transaction for federal income tax purposes, from the sale or exchange of the ownership interest in the business organization.

2 Applicability. This act shall take effect for sales or exchanges of interests in business organizations that occur on and after January 1, 2016.

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

**Amendment to HB 1393
(2016-0687h)**

Proposed by the Minority of the Committee on Education - r

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

198:40-e Report on Differentiated Aid.

I. Beginning November 1, 2016, and annually thereafter, the commissioner shall submit a report to the speaker of the house of representatives, the president of senate, the chairpersons of the house and senate finance committees, and the chairpersons of the house and senate education committees relative to the number of students statewide receiving differentiated aid under RSA 198:40-a sorted into the following categories:

(a) Free and reduced-price meals under RSA 198:40-a, I.

- (b) English language learners under RSA 198:40-a, II.
- (c) Third grade reading proficiency under RSA 198:40-a, II-a.
- (d) Special education under RSA 198:40-a, III.

II. The commissioner shall include in the report the most recently available statewide assessment results of students receiving differentiated aid, sorted by the category of differentiated aid received. The report shall not contain individual student assessment results or any other personally identifiable information relating to any student receiving differentiated aid. The report shall also include information on the number of years each student in each category has received differentiated aid, a comparison of the statewide assessment results of students within each category of aid with the statewide assessment results of students not receiving differentiated aid both at the school in which the student attends and statewide. For the cohort of students who received differentiated aid as non-proficient third grade readers under RSA 198:40-a, I, the commissioner's report shall also include subsequent annual statewide reading assessment results for the same third grade cohorts while attending grades 4-8, in comparison to the cohorts' initial third grade benchmarked non-proficient results.

Amendment to HB 1394

(2016-0693h)

Proposed by the Committee on Health, Human Services and Elderly Affairs - c

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

AN ACT relative to the appropriation for developmental services.

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

1 Health and Human Services; Developmental Services Appropriations. Amend 2015, 275:1, accounting unit 05-95-93-930010-7100 by inserting a class note immediately following such accounting unit as follows:
CLASS NOTE

557 F. This appropriation shall not lapse until June 30, 2017.

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

2016-0693h

AMENDED ANALYSIS

This bill clarifies the appropriation for developmental services contained in the 2016-2017 operating budget.

Amendment to HB 1395

(2016-0577h)

Proposed by the Committee on Municipal and County Government - c

Amend RSA 33-A:5-a as inserted by section 1 of the bill by replacing it with the following:

33-A:5-a Electronic Records. Electronic records as defined in RSA 5:29, VI and designated on the disposition schedule under RSA 33-A:3-a to be retained for more than 10 years shall be transferred to paper[;] *or* microfilm, or [both] ***stored in portable document format on a medium from which it is readily accessible***. Electronic records designated on the disposition schedule to be retained for less than 10 years may be retained solely electronically if so approved by the record committee of the municipality responsible for the records. The municipality is responsible for assuring the accessibility of the records for the mandated period.

Amendment to HB 1409

(2016-0437h)

Proposed by the Committee on Commerce and Consumer Affairs - c

Amend the bill by deleting section 2 and renumbering the original sections 3-9 to read as 2-8, respectively:

Amend the bill by replacing section 8 with the following:

8 Effective Date.

I. Sections 4-6 of this act shall take effect upon its passage.

II. Section 7 of this act shall take effect 30 days after its passage.

III. The remainder of this act shall take effect January 1, 2017.

2016-0437h

AMENDED ANALYSIS

This bill makes various changes in the laws relating to life, accident, and health insurance.

Amendment to HB 1410

(2016-0629h)

Proposed by the Committee on Commerce and Consumer Affairs - r

Amend RSA 259:61, II as inserted by section 1 of the bill by replacing it with the following:

II. Which further provides indemnity for or protection to the named insured, ~~[and to the spouse of such named insured as insured if a]~~ ***any relative of the named insured by marriage, blood, or adoption who is a*** resident of the same household, or ~~[the private chauffeur or]~~ ***any*** domestic servant acting within the

scope of the employment of any such ***named or resident*** insured ~~[with respect to the presence of any such insured in any other motor vehicle;]~~ from liability as a result of accidents which occur ~~[in New Hampshire]~~ ***within the limits of the United States of America, its territories or possessions, and the Dominion of Canada*** due to the ~~[driving]~~ ***operation*** of any motor vehicle, trailer, or semi-trailer not owned in whole or in part by such insured; provided, however, the insurance afforded under this paragraph applies only if no other valid and collectible insurance is available to the insured.

Floor Amendment to HB 1414

(2016-0909h)

Proposed by Reps. Hoell and Itse

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

AN ACT relative to home education.

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

1 Home Education; Program Established. Amend RSA 193-A:2 to read as follows:

193-A:2 ~~[Program Established. There is established the home education program to be administered by the department of education.]~~ ***Home Education. Parents have a fundamental right to direct the education of their children.***

2 Home Education; Notification and Other Procedural Requirements. Amend the introductory paragraph in RSA 193-A:5 to read as follows:

193-A:5 Notification and Other Procedural Requirements. A parent may provide home education to a child or children ~~[at home]~~, subject to the following requirements:

3 Home Education; Authority of School District Officials. Amend RSA 193-A:11 to read as follows:

193-A:11 Authority of School District Officials. No superintendent, school board, school principal, or other school district official shall propose, adopt, or enforce any policy or procedure ~~[governing]~~ ***regarding*** home educated pupils that is inconsistent with or more restrictive than the provisions of this chapter ~~[and any rules adopted pursuant to RSA 193-A:3].~~

4 Repeal. The following are repealed:

I. RSA 193-A:3, department of education rulemaking for home education programs.

II. RSA 193-A:10, relative to the home education advisory council.

5 Effective Date.

I. Paragraph II of section 4 of this act shall take effect July 1, 2022.

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

2016-0909h

AMENDED ANALYSIS

This bill:

I. Provides that parents have a fundamental right to direct the education of their children.

II. Removes the provision specifying that home education shall occur at home.

III. Removes the department of education's rulemaking authority for home education programs.

IV. Repeals the home education advisory council.

Amendment to HB 1417

(2016-0527h)

Proposed by the Minority of the Committee on Judiciary - r

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

I-a. Records of all convenings of a quorum or majority of the members of a public body for the purposes of subparagraphs I(a) or (b) shall be kept and publicly disclosed within 72 hours of the convenings, and shall be treated as permanent public records. Such records shall include the specific exemption which is relied upon as the foundation for the convenings, names of members, meeting places, and beginning and ending times.

Amendment to HB 1420

(2016-0833h)

Proposed by the Committee on Health, Human Services and Elderly Affairs - r

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

1 New Paragraph; Controlled Drug Prescription Health and Safety; Definitions. Amend RSA 318-B:31 by inserting after paragraph IX the following new paragraph:

X. "Law enforcement official" shall have the same meaning as in RSA 318-B:1, XIV-a.

2 Controlled Drug Prescription Health and Safety Program. Amend RSA 318-B:35, I(b)(3) to read as follows:

(3) Authorized law enforcement officials on a case-by-case basis for the purpose of investigation and prosecution of a criminal offense ~~[when presented with a court order based on probable cause. No~~

law enforcement agency or official shall have direct access to the program] *pursuant to the following sections: RSA 318-B:2, V-VI; RSA 318-B:2, VIII; RSA 318-B:2, X; RSA 318-B:2, XII-a; RSA 318-B:21; or RSA 318-B:25. For the purpose of investigation and prosecution of a criminal offense under any other provision of RSA 318-B, law enforcement officials may receive information contained in the prescription health and safety program upon presentment of a court order based on probable cause. No law enforcement agency or official shall have direct access to the program or its database.*

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

**Amendment to HB 1423-FN
(2016-0872)**

Proposed by the Committee on Health, Human Services and Elderly Affairs - c

Amend the bill by replacing section 1 with the following:

1 New Section; Rulemaking for Prescribing Controlled Drugs; Controlled Drug Prescription Health and Safety Program. Amend RSA 318-B by inserting after section 40 the following new section:

318-B:41 Rulemaking for Prescribing Controlled Drugs.

I.(a) Before September 1, 2016, the following boards shall submit to the joint legislative committee on administrative rules final proposed rules for prescribing schedule II, III, and IV opioids, for the management or treatment of pain:

- (1) The board of medicine, concerning physicians and physician assistants.
- (2) The board of dental examiners, concerning dentists.
- (3) The board of nursing, concerning advanced practice registered nurses.
- (4) The board of registration in optometry, concerning optometrists.
- (5) The board of registration in podiatry, concerning podiatrists.
- (6) The naturopathic board of examiners, concerning naturopaths.

(b) The rules required under paragraph I shall, at a minimum, contain mandatory standards for the practice components established in paragraph II.

II. The rules shall, at a minimum, contain mandatory standards for the following practice components:

(a) Standards for the use of opioids for the management or treatment of all pain:

(1) Conducting and documenting a detailed history and a physical exam in response to a complaint of pain or anticipated pain.

(2) Completing a board-approved risk assessment tool to determine whether a patient is an appropriate candidate for a schedule II, III, or IV opioid.

(3) Establishing and documenting an appropriate pain treatment plan that includes consideration of nonpharmacological modalities and non-opioid therapy.

(4)(A) Querying the program database when writing an initial schedule II, III, or IV opioid prescription for the management or treatment of a patient's pain and then periodically, at least twice a year. Such rules shall include exceptions for:

(i) Controlled substances administered to a patient in a health care setting;

(ii) The program is inaccessible or not functioning properly, due to an internal or external electronic issue; or

(iii) An emergency department is experiencing a higher than normal patient volume, and to query the program database would materially delay care.

(B) When a situation falling under exception (A)(ii) or (iii) is applicable, such exception shall be documented in the patient's medical record.

(5) Establishing procedures for informed consent outlining the risks and benefits of opioid use.

(6) Requiring the lowest effective dosage for the fewest number of days with specific dose limits be prescribed for a medical condition or specialty.

(7) Providing for the enforcement of the prescribing rules by specifying that noncompliance with the rules may constitute unprofessional conduct under the board's practice act.

(b) Standards for the use of opioids for the management or treatment of acute pain:

(1) Limiting the amount of days for an opioid prescription issued in an emergency department, urgent care setting, or walk-in clinic. This specific duration limit shall be set by each board no later than August 1, 2016 taking into consideration the recommendation from a majority vote of a policy group consisting of the chief medical officer of the department of health and human services, a physician designated by the New Hampshire chapter of the American College of Emergency Physicians, a physician designated by the New Hampshire Hospital Association, an advanced practice registered nurse designated by the New Hampshire Nurse Practitioner Association, a physician or advanced practice registered nurse designated by the governor, a board certified surgeon, designated by the New Hampshire Medical Society, and an oral surgeon, designated by the New Hampshire Dental Society. Five members of the policy group shall constitute a quorum. All policy group meetings shall be open to the public and noticed in the house and senate calendars.

(2) In settings where continuity of care is anticipated, each board shall establish finite limits considering dose and duration of opioid prescriptions for treatment of acute pain and appropriate timing of office follow up for persistent, unresolved acute pain.

(c) Standards for the use of opioids for the management or treatment of chronic pain:

(1) Mandatory use of written treatment agreements, such as the agreement developed by the American Academy of Pain Medicine. Treatment agreements shall include conduct that triggers the discontinuation or tapering of opioid prescriptions.

(2) Establishing a requirement for periodic review conducted at reasonable intervals to reevaluate treatment plans and use of opioids.

(3) Establishing a procedure for, and documenting consideration of, consultation with, or referral to a specialist for patients receiving a high morphine equivalent dose for longer than 90 days.

(4) Creating exemptions to the prescribing rules for situations in which an opioid is being prescribed for the management of chronic pain for:

(A) Patients with cancer pain;

(B) Patients with a terminal condition;

(C) Long-term, nonrehabilitative, residents of a nursing home facility.

III. Before September 1, 2016, the board of veterinary medicine shall submit to the joint legislative committee on administrative rules final proposed rules for prescribing schedule II, III, and IV opioids by veterinarians for the management or treatment of pain. For the practice components set forth in paragraph IV, the term "patient" refers to the animal being prescribed opioids for the management or treatment of pain, and the term "owner" refers to the legal owner of the animal.

IV. The prescribing rules required by paragraph III shall, at a minimum, contain mandatory standards for the following practice components.

(a) Standards for the use of opioids for the management or treatment of pain:

(1) Conducting and documenting a detailed history and a physical exam in response to a complaint of pain or anticipated pain.

(2) Completing a board-approved risk assessment tool to determine whether a patient is an appropriate candidate for a schedule II, III, or IV opioid.

(3) Establishing and documenting an appropriate pain treatment plan that includes consideration of nonpharmacological modalities and non-opioid therapy.

(4)(A) Querying the program database when writing an initial schedule II, III, or IV opioid prescription for the management or treatment of a patient's pain and then periodically, at least twice a year. The program shall be queried for the patient, its owner, and the individual bringing the patient in to see the veterinarian, if applicable. Exceptions to this requirement shall be limited to situations in which:

(i) Controlled substances are to be administered to a patient in a health care setting.

(ii) The program is inaccessible or not functioning properly, due to an internal or external electronic issue.

(B) For exception (ii), the specific reason why there was no query of the program database shall be documented in the patient's medical record.

(5) Establishing procedures for informed consent outlining the risks and benefits of opioid use.

(6) Requiring the lowest effective dosage for the fewest number of days with specific dose limits, if appropriate, be prescribed for a medical condition or specialty.

(7) Providing for the enforcement of the prescribing rules by specifying that noncompliance with the rules may constitute unprofessional conduct under the board's practice act.

(b) Standards for the use of opioids for the management or treatment of acute pain:

(1) Limiting the amount of days for an opioid prescription issued in an emergency care setting. The board shall base its recommendation on the limit established pursuant to paragraph II(b)(1).

(2) In settings where continuity of care is anticipated, establishing finite limits on dose and duration of opioid prescriptions for treatment of acute pain and appropriate timing of office follow up for persistent, unresolved acute pain.

(c) Standards for the use of opioids in the management or treatment of chronic pain.

(1) Mandatory use of written treatment agreements, such as the agreement developed by the American Academy of Pain Medicine. Treatment agreements shall include conduct that triggers the discontinuation or tapering of opioid prescriptions.

(2) Establishing a requirement for periodic review conducted at reasonable intervals to reevaluate treatment plans and use of opioids.

V. At a minimum, each board's Internet website shall include online links to board approved:

(a) Continuing education on the prescribing of opioids.

(b) Screening tools.

(c) Treatment agreements.

(d) Risks and benefits of opioid use.

(e) Proper storage of opioids.

(f) Proper disposal of unused opioids.

Amend RSA 329:9, XX as inserted by section 2 of the bill by replacing it with the following:

XX. Prescribing controlled drugs pursuant to RSA 318-B:41.

Amend RSA 317-A:12, XIII as inserted by section 3 of the bill by replacing it with the following:

XIII. ***Prescribing controlled drugs pursuant to RSA 318-B:41; and***

Amend RSA 326-B:9, XII as inserted by section 4 of the bill by replacing it with the following:

XII. Prescribing controlled drugs pursuant to RSA 318-B:41.

Amend RSA 327:31, X as inserted by section 5 of the bill by replacing it with the following:

X. Prescribing controlled drugs pursuant to RSA 318-B:41.

Amend RSA 315:4, XII as inserted by section 6 of the bill by replacing it with the following:

XII. Prescribing controlled drugs pursuant to RSA 318-B:41.

Amend RSA 328-E:10, I(e) as inserted by section 7 of the bill by replacing it with the following:

(e) ***Prescribing controlled drugs pursuant to RSA 318-B:41.***

Amend RSA 332-B:7-a, XV as inserted by section 8 of the bill by replacing it with the following:

XV. Prescribing controlled drugs pursuant to RSA 318-B:41.

Amend the bill by replacing section 9 with the following:

9 Repeal. RSA 318-B:39, relative to prescribers required to query the program prior to prescribing controlled substances, is repealed.

10 Effective Date.

I. RSA 318-B:41, II(a)(4), IV(a)(4), and section 9 shall take effect January 1, 2017.

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

Amendment to HB 1426-FN

(2016-0681h)

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

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

AN ACT relative to earned time credits for prisoners participating in educational programming.

Amend RSA 651-A:22-a as inserted by section 1 of the bill by replacing it with the following:

651-A:22-a Earned Time Credits.

I. The commissioner, after reviewing a prisoner's record, shall award to a prisoner or recommend that the prisoner receive a one-time reduction in his or her minimum and maximum sentences for successful completion of each of the following programs while incarcerated:

(a) Education Programs:

(1) [GED] ***High School Equivalency Certificate***

90 day reduction in the prisoner's minimum sentence and 90 day reduction in the prisoner's maximum sentence.

(2) High School Diploma 120 day reduction in the prisoner's minimum sentence and 120 day reduction in the prisoner's maximum sentence.

(3) Associate's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(4) Bachelor's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.

(5) ***Master's Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.***

(6) ***Doctorate Degree 180 day reduction in the prisoner's minimum sentence and 180 day reduction in the prisoner's maximum sentence.***

(b) Vocational Programming. A prisoner who successfully completes a vocational program that is authorized and approved by the department or who successfully completes a vocational program that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a reduction of [up to] 60 days in his or her minimum sentence and a reduction of [up to] 60 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

(c) Mental Health Programming. A prisoner who meaningfully participates in recommended or mandated mental health and/or substance use treatment that is authorized and approved by the department or that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

(d) Participation in Family Connections Center Programming. A prisoner who is a parent and who meaningfully participates in the programming offered by the Family Connections Center that the commissioner deems to be valuable to the prisoner's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence. The commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.

II. The earned time reductions authorized in paragraph I of this section shall be available to prisoners who were incarcerated on or after the effective date of this section and who have been granted this option by the presiding justice at the time of sentencing. The earned time reductions authorized in paragraph I of this section shall be available to prisoners who were incarcerated prior to the effective date of this section upon recommendation of the commissioner and upon approval of the sentencing court in response to a petition which is timely brought by the prisoner.

III. The earned time reductions authorized in paragraph I of this section shall only be earned and available to prisoners while in the least restrictive security classifications of general population and minimum security. The earned time may be forfeited for involvement or membership in a security threat group, attempted escape, escape, or commission of any category A offense listed in the department of corrections policy and procedure directives.

IV. The earned time reductions granted under this section shall not exceed ~~[13]~~ **21** months off the prisoner's minimum sentence and ~~[13]~~ **21** months off the prisoner's maximum sentence.

**Amendment to HB 1428-FN-A-LOCAL
(2016-0632)**

Proposed by the Committee on Finance - r

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

AN ACT establishing the clean water state revolving fund non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program.

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

1 Department of Environmental Services; Clean Water State Revolving Fund; Non-Program Fund Account. There is hereby established a special nonlapsing account within the department of environmental services known as the clean water state revolving (CWSRF) non-program fund account for the purpose of funding years one and two of the payments for the eligible and completed wastewater projects under the state aid grant program in section 2 of this act. Such fund shall be maintained separately and shall not be accounted for in the state's accounting system as general revenue of the state. The account shall be funded in the amount of \$825,933 from the surplus funds available in the clean water state revolving loan management account under RSA 486:14, I(b). The department of environmental services shall file an updated Clean Water State Revolving Loan Fund Intended Use Plan with the U.S. Environmental Protection Agency. Following approval of the plan, the department of environmental services shall commence payments on the tier 2 delayed and deferred projects in section 2 of this act by September 16, 2016 or 45 days after plan approval, whichever is later.

2 Department of Environmental Services. Tier 2 Delayed and Deferred Projects. Funding Authorized.

		<u>FY 2017</u>
Exeter	130-10 Langdon Ave PS Improvements	\$31,687
Rochester	122-11 WWTP Headworks Upgrade	\$63,346
Portsmouth	106-13 Bartlett Area Sewer Improvements	\$168,944
Portsmouth	106-14 Lincoln Area Sewer Separation - Contract 3A	\$196,936
Hanover	197-04 Water Reclamation Facility Improvements	\$284,051
Littleton	D2004-0416 Bishop Street Sanitary Sewer Infrastructure	\$20,386
Littleton	D2004-0717 Bronson Street Sanitary Sewer Improvements	\$26,345
Littleton	02008-0807 Grove Street & S. Grove Street Sanitary Sewer Replacement	\$34,238
Total Tier 2 Delayed and Deferred Projects.		\$825,933

3 Repeal. Clean Water State Revolving Fund, Non-program Fund Account. The CWSRF non-program fund account established in section 1 of this act shall be repealed on the date the commissioner of the department of environmental services certifies to the director of legislative services and the secretary of state that payments on the projects listed in section 2 of this act have been made in full.

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

2016-0632h
AMENDED ANALYSIS

This bill establishes the CWSRF non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program.

**Amendment to HB 1451-FN
(2016-0138h)**

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

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

AN ACT relative to the annulment of certain criminal offenses.

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

2016-0138h
AMENDED ANALYSIS

The bill allows a person to petition for an annulment if the person's criminal conviction was subsequently vacated.

**Amendment to HB 1455
(2016-0644h)**

Proposed by the Majority of the Committee on Municipal and County Government - r

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

AN ACT relative to the application of the municipal budget law to village districts wholly within a town.

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

2 Municipal Budget Law; Application. Amend RSA 32:2 to read as follows:

32:2 Application. RSA 32:1-13, shall apply to all towns, school districts, cooperative school districts, village districts, municipal economic development and revitalization districts created under RSA 162-K, and any other municipal entities, including those created pursuant to RSA 53-A or 53-B, which adopt their budgets at an annual meeting of their voters, except RSA 32:5-b, which shall apply only in those towns or districts adopting that section pursuant to RSA 32:5-c. RSA 32:14-23, concerning budget committees, shall apply only in those towns or districts adopting that subdivision pursuant to RSA 32:14, I, and shall apply automatically in school districts ~~[or village districts]~~ located wholly within towns adopting that subdivision.

3 Municipal Budget Law; Duties and Authority of the Budget Committee. Amend RSA 32:16, I to read as follows:

I. To prepare the budget as provided in RSA 32:5, and if authorized under RSA 40:14-b, a default budget under RSA 40:13, IX(b) for submission to each annual or special meeting of the voters of the municipality, and, if the municipality is a town, the budgets of any school district ~~[or village district]~~ wholly within the town, unless the warrant for such meeting does not propose any appropriation.

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

2016-0644h
AMENDED ANALYSIS

This bill deletes village districts that are wholly within a town from provisions of the municipal budget law.

**Amendment to HB 1459
(2016-0674h)**

Proposed by the Committee on Commerce and Consumer Affairs - c

Amend RSA 412:15, IV(b) and (c) as inserted by section 2 of the bill by replacing them with the following:

(b) No greater than plus or minus 40 percent of the insurer's base rates.

2016-0674h
AMENDED ANALYSIS

This bill makes certain changes to the laws governing property and casualty insurance.

**Amendment to HB 1461
(2016-0456h)**

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

Amend RSA 483:9-c, II as inserted by section 6 of the bill by replacing it with the following:

II. No less than 60 days prior to commencing a protected instream flow study on any designated river, the department shall hold a public hearing jointly with the senate committee with jurisdiction over river management issues and the house committee with jurisdiction over river management issues and provide a public comment period of 30 days. The department shall consider the public comments received before commencing the study.

Amend RSA 483:9-c, VII as inserted by section 6 of the bill by replacing it with the following:

[V:] ***VII. [The maintenance of protected instream flows shall constitute a condition of any permit] Only those permits issued by the department that affect stream flow [for any project or activity] within a designated river shall be required to meet protected instream flows [or segment and corridor].***

2016-0456h

AMENDED ANALYSIS

This bill revises the definition of protected instream flow.

Amendment to HB 1467

(2016-0043h)

Proposed by the Committee on Election Law - c

Amend RSA 670:5 as inserted by section 1 of the bill by replacing it with the following:

670:5 Warrant. Village district elections shall be warned by the commissioners in the same manner as town elections are warned by the selectmen as provided in RSA 669:2 and RSA 39. ***The commissioners shall give the supervisors of the checklist 60 days notice of any village district election.***

2016-0043h

AMENDED ANALYSIS

This bill requires commissioners to give notice of village district elections to supervisors of the checklist.

Amendment to HB 1468

(2016-0309h)

Proposed by the Committee on Election Law - r

Amend the bill by replacing section 1 with the following:

1 Checklists; Session for Correction. Amend RSA 654:27 and 654:28 to read as follows:

654:27 Session for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on ~~[the Saturday 10]~~ ***a day designated by the supervisors which shall be 6 to 13*** days prior to the election and upon which all hearings shall be finally closed; provided that ~~[if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours]~~ ***whenever more than one meeting is required within a 21-day period, the first required meeting may serve to fulfill the requirements of the remaining meetings. All sessions for the correction of the checklist shall be for no less than 30 minutes and at the discretion of the supervisors for additional hours.*** Notice of the day, hour, and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. ~~[The session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 11:30 a.m. and at the discretion of the supervisors for additional hours.]~~ No additions or corrections shall be made after the Saturday session, except as provided in RSA 659:12 or RSA 654:27; ~~provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours.~~ The additions and corrections resulting from such session shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

Amendment to HB 1475-FN-A

(2016-0281h)

Proposed by the Minority of the Committee on Finance - r

Amend RSA 189-A:1, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) "School employee" means any person, full or part time, who works in a public school in the state of New Hampshire for compensation.

Amend RSA 189-A:1, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) "Killed in the line of duty" means the death of a school employee while in the performance of his or her duties as a result of violence by another who purposely causes that death or purposely causes serious bodily injury which is the direct or proximate cause of the death of that school employee.

Amend the introductory paragraph of RSA 189-A:1, III as inserted by section 1 of the bill by replacing it with the following:

III. The commissioner of education, upon notice from the family or school superintendent of any school employee who may be entitled to a line-of-duty death benefit or upon the commissioner's own initiative, shall obtain the available records related to the circumstances, cause, and manner of such death and the

decendent's status as a school employee, may cause further inquiry to be made, and shall make a determination, in conjunction with and after considering the recommendation of the local school superintendent, of whether the death qualifies as a line-of-duty death. The determination shall be made within 30 days of the determination of the cause and manner of death by the office of the chief medical examiner, or within 30 days or as soon as records become available from the date the commissioner received notice from the family or school superintendent of the school employee, whichever is later. For deaths that are not reviewed by the office of the chief medical examiner, the determination shall be made within 30 days or as soon as records become available of a determination that the decedent qualifies for a workers' compensation death benefit by a worker's compensation carrier, self-insured worker's compensation plan, or the labor commissioner pursuant to RSA 281-A, or within 30 days or as soon as records become available from the date the commissioner received notice from the family or school superintendent of the school employee, whichever is later.

Amendment to HB 1482

(2016-0676h)

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

Amendment to HB 1482

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

AN ACT relative to the Interstate Voter Registration Crosscheck Program.

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

1 New Paragraph; Centralized Voter Registration Database; Agreements to Share Voter Information or Data with Other States. Amend RSA 654:45 by inserting after paragraph VII the following new paragraph:

VIII. The secretary of state may enter into an agreement to share voter information or data from the statewide centralized voter registration database for the purpose of comparing duplicate voter information with other states or groups of states. The secretary of state shall only provide information that is necessary for matching duplicate voter information with other states and shall take precautions to make sure that information in the database is secure in a manner consistent with RSA 654:45, VI. The secretary of state may solicit input from the department of safety and the department of information technology and shall ensure that any information or data shared between the agencies that is of a confidential nature remains confidential.

2 Interstate Voter Registration Crosscheck Program. Pursuant to the authority in RSA 654:45, VIII, the secretary of state may enter into the agreements necessary for the state of New Hampshire to participate in the Interstate Voter Registration Crosscheck Program. The secretary of state shall review the data resulting from its participation in the Interstate Voter Registration Crosscheck Program and forward any voter irregularities identified to the attorney general.

3 Effective Date. This act shall take effect 10 days after its passage.

2016-0676h

AMENDED ANALYSIS

This bill authorizes the secretary of state to enter into an agreement to share voter information and data through the Interstate Voter Registration Crosscheck Program.

Amendment to HB 1493

(2016-0712h)

Proposed by the Majority of the Committee on Judiciary - r

Amend the bill by replacing section 3 with the following:

3 New Section; Genetic Testing; Individual Right to Genetic Information. Amend RSA 141-H by inserting after section 2 the following new section:

141-H:2-a Individual Right to Genetic Information. An individual's genetic information and DNA sample are the property of the individual, and, except as expressly otherwise provided in statute, shall not be acquired, retained, or disclosed without the written consent of the individual or his or her legal representative or, after the individual's death, his or her executor or other legal representative. This section shall not apply to the identification of individuals in criminal investigations.

2016-0712h

AMENDED ANALYSIS

This bill provides that an individual's genetic information and DNA sample are the property of the individual and, with limited exception, shall not be acquired, retained, or disclosed without consent.

Amendment to HB 1508

(2016-0625h)

Proposed by the Majority of the Committee on Municipal and County Government - r

Amend RSA 202-A:26 as inserted by section 2 of the bill by replacing it with the following:

202-A:26 Cryptographic Privacy Software. Public libraries may allow the installation and use of cryptographic privacy platforms on public library computers for library patrons use. Cryptographic privacy software shall include Tor or other privacy software that encrypts user's information to protect it from surveillance or collection. Public libraries may also support infrastructure for cryptographic software that helps to promote a free and open Internet, such as running Tor relays.

Amendment to HB 1515

(2016-0721h)

Proposed by the Committee on Commerce and Consumer Affairs - c

Amend RSA 657:4, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) Any person, *other than the city or town clerk or the secretary of state*, that publishes, mails, or distributes in any manner any written communication that contains a form or post card which a reasonable person would consider as intended to be used by the recipient of the communication to submit a request for an absentee ballot shall *identify who is publishing, mailing, or distributing the communication, and* attach a copy of the form prepared by the secretary of state pursuant to paragraph I of this section to the communication or include in the communication a complete facsimile of the form prepared by the secretary of state pursuant to paragraph I of this section.

Amendment to HB 1529-FN

(2016-0031h)

Proposed by the Committee on Election Law - r

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Duties of Commissioner of Safety. Amend RSA 21-P:4 by inserting after paragraph XVI the following new paragraph:

XVII. Provide monthly reports to the secretary of state of all persons who have lost their right to vote pursuant to RSA 607-A:2 during the prior month.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Subparagraph; Criminal Records; Disclosure. Amend RSA 106-B:14, I by inserting after subparagraph (e) the following new subparagraph:

(f) The commissioner of the department of safety may provide monthly reports to the secretary of state pursuant to RSA 21-P:4, XVII.

Amendment to HB 1546-FN

(2016-0731h)

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

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

AN ACT relative to the prohibition on interception and disclosure of telecommunication or oral communications.

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

2 Repeal. RSA 570-A:2, I-a, relative to the penalty for knowing interception of a telecommunication or oral communication without consent, is repealed.

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

2016-0731h

AMENDED ANALYSIS

The bill permits the interception of telecommunication or oral communications if at least one party consents to the recording. The bill also repeals the criminal penalty for the knowing interception of a telecommunication or oral communication without the consent of all parties to the communication, or the consent of one party as part of a criminal investigation.

Amendment to HB 1547-FN

(2016-0775h)

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 prohibiting bestiality.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Bestiality. Amend RSA 632-A by inserting after section 24 the following new subdivision:
Bestiality

632-A:25 Bestiality.

I. A person commits, bestiality by knowingly committing any of the following acts:

(a) Engaging in copulation with an animal.

(b) Offering or accepting the offer of an animal for consideration with the intent that it be subject to sexual contact or sexual penetration by a human.

(c) Photographing or filming or distributing such photographs or films, for the purpose of sexual arousal or gratification, of a person engaged in sexual contact or sexual penetration with an animal.

II. Any person convicted of a violation of this section shall be guilty of a class A misdemeanor for a first offense and a class B felony for a second or subsequent offense.

III. In addition to any other penalty imposed for a violation of this section, the court shall order that the convicted person:

(a) Submit to a psychological assessment and participate in appropriate counseling at the convicted person's own expense.

(b) Reimburse an animal shelter for any reasonable costs incurred for the care and maintenance of any animal that was taken to the animal shelter as a result of conduct proscribed by this section.

(c) Shall not own, harbor, exercise control over, or reside in the same household with any animal for a period of time deemed reasonable by the court.

IV. This section shall not apply to:

(a) Accepted veterinary medical practices.

(b) Insemination of animals for the purpose of procreation.

(c) Accepted animal husbandry practices that provide necessary care for animals.

V. For purposes of this section, "animal" means a nonhuman mammal, bird, reptile, or amphibian, either dead or alive.

2016-0775h

AMENDED ANALYSIS

This bill establishes the crime of bestiality.

Amendment to HB 1569-FN

(2016-0633h)

Proposed by the Committee on Judiciary - c

Amend RSA 216-A:3-h as inserted by section 1 of the bill by replacing it with the following:

216-A:3-h Indemnification of Department of Resources and Economic Development Volunteers.

Any person recognized by the commissioner of the department of resources and economic development as a volunteer **or, notwithstanding RSA 508:17, II, a corporation or other nonprofit legal entity that is recognized by the commissioner of the department of resources and economic development**, and who is under the general supervision of authorized department of resources and economic development personnel, and is actually performing assigned volunteer duties or activities at a state park, forest, reservation, trail, or historic site, shall be considered **as** a state employee for the purpose of defense and indemnification from civil suits under RSA 99-D.

2016-0633h

AMENDED ANALYSIS

This bill indemnifies volunteer organizations working for the department of resources and economic development.

Amendment to HB 1586-FN

(2016-0603h)

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

Amend the bill by replacing section 1 with the following:

1 Penalty; Impersonation of a Firefighter. Amend RSA 154:9 to read as follows:

154:9 Penalty.

I. If any person present at a fire, emergency or service call, at or to which the fire department is responding shall refuse or neglect to obey the commands of any member who is recognized as, or should have been recognized as, a member of the fire department, or shall unlawfully assume the office or badge of office of a fire chief, fire officer or firefighter, such person shall be guilty of a violation.

II. Any person who knowingly and falsely assumes or exercises the functions, powers, duties, or privileges incident to the position of firefighter of any city, town, or private fire department, or any other firefighter or fire investigator employed by any state, county, or political subdivision of a state or county, or who wears or displays without authority any uniform, badge, or other identification by which such firefighter or investigator is lawfully identified, and with the intent to be recognized as such, shall be guilty of a class B felony. This paragraph shall not apply to a retired firefighter who wears apparel with his or her former station's insignia upon it.

Amend RSA 153-A:21-a as inserted by section 2 of the bill by replacing it with the following:

153-A:21-a Emergency Medical Technicians and Paramedics; False Personation. Any person who knowingly and falsely assumes or exercises the functions, powers, duties, or privileges incident to the position of

emergency medical technician or paramedic of any city, town, or private entity, or any emergency medical technician or paramedic employed by any state, county, or political subdivision of a state or county, or who wears or displays without authority any uniform, badge, or other identification by which such emergency medical technician or paramedic is lawfully identified, and with the intent to be recognized as such, shall be guilty of a class B felony.

Amendment to HB 1588

(2016-0570)

Proposed by the Committee on Executive Departments and Administration - c

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

1 Executive Branch; Commissioners; Employment Restrictions. Amend RSA 21-G:26 to read as follows:

21-G:26 Employment Restrictions. ***For 12 months after leaving the office of commissioner and for 6 months after leaving office or employment with the state[; no] as any other executive branch official, no person*** shall appear as a lobbyist:

I. To promote or oppose directly any specific legislation pending or proposed before the general court; or

II. To directly promote or oppose action or inaction on any matter, contract, license, permit, or administrative rule pending before the executive branch or with regard to any matter over which that executive branch official had personal and direct responsibility while in state government.

2 Application. The provisions of RSA 21-G:26 as amended by section 1 of this act shall apply to persons newly appointed as commissioners of executive branch agencies on and after the effective date of this act.

3 Repeal. The following are repealed:

I. RSA 284:21-u, relative to the prohibition on future employment for employees of the lottery commission.

II. RSA 21-I:14-b, relative to the prohibition on future employment for employees of the department of administrative services.

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

2016-0570h

AMENDED ANALYSIS

This bill prohibits a commissioner of an executive branch agency from lobbying for a period of 12 months after leaving state employment. The bill also repeals provisions on future employment by former employees of the lottery commission and the department of administrative services.

Amendment to HB 1589-FN

(2016-0488h)

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

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

AN ACT prohibiting the transport of aquatic plants and aquatic weeds.

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

1 Purpose; Clean Lakes Program. Amend RSA 487:15 to read as follows:

487:15 Purpose. The general court recognizes that rapidly escalating pressures of shorefront development and recreational uses of public waters have placed increasing strains upon the state's lake resources, thereby accelerating the eutrophication process in many of our public lakes through nuisance growths of aquatic ***macrophytes (aquatic plants)*** [macrophyton] and phytoplankton (algae) and thus posing a threat to water quality. ***The general court further recognizes that transporting boats from one water body to another increases the risk of inadvertent transport of aquatic nuisance species, some of which are invisible to the unaided eye. This risk can be reduced by inspecting and draining all boats and water-related equipment upon leaving state waters.*** The general court further recognizes the need to restore, preserve and maintain the state's lakes and ponds in order that these significant environmental, aesthetic and recreational assets will continue to benefit the social and economic well-being of the state's citizens.

2 New Paragraph; New Definition; Aquatic Plants. Amend RSA 487:16 by inserting after paragraph IV the following new paragraph:

V. "Aquatic plants" means plants that are adapted to live in freshwater aquatic environments, also referred to as aquatic macrophytes.

3 Exotic Aquatic Weed Penalties. Amend RSA 487:16-b to read as follows:

487:16-b Exotic Aquatic Weed Penalties. It shall be unlawful to [~~knowingly, recklessly, or purposely~~] offer for sale, distribute, sell, import, purchase, propagate, ***transport***, or introduce exotic aquatic weeds into New Hampshire waterbodies. Notwithstanding RSA 487:7, any person engaging in such an activity shall be guilty of a violation.

4 New Sections; Aquatic Plants or Exotic Aquatic Weeds; Requirements for Draining Water Conveyances. Amend RSA 487 by inserting after section 16-b the following new sections:

487:16-c Transport of Aquatic Plants or Exotic Aquatic Weeds On Outside of Boats, Vehicles, and Equipment. No person shall transport any aquatic plants or plant parts or exotic aquatic weed or weed parts to or from any New Hampshire waters on the outside of a vehicle, boat, ski craft as defined in RSA 270:73, trailer, or other equipment.

487:16-d Draining of Water Conveyances.

I. When leaving waters of the state, a person shall drain their boat and other water-related equipment that holds water, including live wells and bilges.

II. Drain plugs, bailers, valves, or other devices used to control the draining of water from ballast tanks, bilges, and live wells shall be removed or opened while transporting boats and other water-related equipment, if the vessel is so equipped.

III. Commercial enterprises transporting boats for off-site storage, maintenance, or repairs, and emergency response vehicles and their related equipment are exempted from paragraphs I and II, however all such exempt commercial enterprises shall drain all water-related equipment holding water and live wells and bilges prior to transporting the equipment to another waterbody.

487:16-e Penalties. Notwithstanding RSA 487:7, any person who violates RSA 487:16-c through 487:16-d shall be guilty of a violation punishable by a fine of \$50 for a first offense and \$250 for any subsequent offense. The authority to enforce these sections shall extend to all peace officers in the state of New Hampshire.

5 Enforcement Powers Conferred. Amend RSA 270:12-a, I(e)-(f) to read as follows:

(e) Any crime or offense, excluding a violation of title XVIII or a violation of title XXI not involving a boat or watercraft, that occurs on an island or on the mainland contiguous to inland or coastal bodies of water in the absence of any law enforcement agency with jurisdiction immediately available when immediate action is required; ~~and~~

(f) Any crime or offense when requested to render assistance to another peace officer having jurisdiction in the area~~[-]; and~~

(g) The provisions of RSA 487:16-c and RSA 487:16-d, relative to the transport of aquatic plants or plant parts or exotic aquatic weeds or weed parts on the outside of boats, vehicles, and equipment, and the draining of water conveyances.

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

2016-0488h

AMENDED ANALYSIS

This bill prohibits the transport of aquatic plants and exotic aquatic weeds.

Amendment to HB 1591-FN-A

(2016-0889)

Proposed by the Majority of the Committee on Finance - r

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

AN ACT relative to the health care premium contribution for retired state employees who are eligible for Medicare Parts A and B due to age or disability, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services.

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

1 Department of Administrative Services; State Employees Group Insurance; Retiree Medical Benefits. Amend RSA 21-I:30, II to read as follows:

II.(a) The state shall pay a ***partial*** premium for each Medicare-eligible retired employee, as defined in paragraphs VI and VII of this section, and his or her spouse for their lifetimes, toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan is approved by the fiscal committee of the general court prior to its adoption.

(b) A retired employee and/or spouse receiving medical and surgical benefits provided under this section who becomes eligible for Medicare Parts A and B due to age or disability on or after July 1, 2016, shall continue payment of the percentage of premium contribution determined under paragraph XIII.

(c) Retired employees who are eligible for Medicare may voluntarily cease participation in plan benefits at any time and may reenroll without restriction.

2 Department of Administrative Services; State Employees Group Insurance; Retiree Medical Benefits; Premium Contribution. Amend RSA 21-I:30, XIII to read as follows:

XIII.(a) The commissioner of administrative services shall invoice and collect from retired state employees and/or each applicable spouse ~~[who are not Medicare eligible and]~~ receiving medical and surgical benefits provided under this section, who do not receive a retirement allowance as defined in RSA 100-A:1, XXII, [a] ***the*** premium contribution amount ***for either Medicare-eligible or non-Medicare-eligible retiree health benefit plans*** based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse, as deter-

mined by the commissioner of administrative services, with prior approval by the fiscal committee of the general court[, provided the percentage is not lower than 12.5 percent]. ***Beginning January 1 2017, the commissioner of administrative services shall determine, with prior approval by the fiscal committee of the general court, a premium contribution amount for Medicare-eligible retiree health benefit plans and a premium contribution amount for non-Medicare-eligible retiree health benefit plans.***

(b) Retired state employees and/or spouses under subparagraph (a) who become eligible for Medicare Parts A and B due to age or disability on or after July 1, 2016, shall continue payment of the premium contribution amount based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse, as approved by the fiscal committee of the general court under subparagraph (a). The commissioner of administrative service is authorized to invoice and collect such contribution amounts.

(c) The commissioner of administrative services is also authorized to invoice and collect from such other participants contribution amounts as specified by law.

(d) Collected amounts shall be deposited in the employee and retiree benefit risk management fund. Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective from the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. If a participant fails to remit payment in full for participation within 30 days of billing, on the 30th day the participant shall be notified by certified mail, return receipt requested, that he or she shall remit payment to the department within 10 business days of receiving the letter or his or her benefits shall be terminated effective upon the 10th business day after receipt of the letter and that reenrollment shall be dependent upon payment of any outstanding contribution or other amount within 6 months of the termination date.

3 New Hampshire Retirement System; Deductions; Retiree Medical Benefits. Amend RSA 100-A:54, III to read as follows:

III.(a) The retirement system shall deduct from the monthly retirement allowance of retired state employees and/or each applicable spouse ~~[who are not Medicare eligible and]~~ receiving medical and surgical benefits provided pursuant to RSA 21-I:30, [a] ***the premium contribution amount for either Medicare-eligible or non-Medicare-eligible retiree health benefit plans*** based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse, as determined by the commissioner of administrative services with prior approval by the fiscal committee of the general court ~~[provided the percentage is not lower than 12.5 percent]~~ ***under RSA 21-I:30, XIII.***

(b) ***The retirement system shall continue to deduct from the monthly retirement allowance of a retired state employee and/or spouse receiving medical and surgical benefits provided pursuant to RSA 21-I:30, who become eligible for Medicare Parts A and B due to age or disability on or after July 1, 2016 the premium contribution amount based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse as approved by the fiscal committee of the general court under RSA 21-I:30, XIII.***

(c) The department of administrative services shall provide information as to the total monthly premium cost for each participant to the retirement system for purposes of calculating this deduction. Deducted amounts, which shall be in addition to and notwithstanding any amounts payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b, shall be deposited in the employee and retiree benefit risk management fund. In the event the retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree and/or each applicable spouse the remaining contribution amount. Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective from the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. The department of administrative services shall provide notice of the termination of benefits as provided in RSA 21-I:30, XIII.

4 Judicial Retirement Plan; Deductions; Retiree Health Insurance. Amend RSA 100-C:11-a to read as follows: 100-C:11-a Retiree and Spouse Health Insurance Premium Contribution.

I. Retired judges and their applicable spouses ~~[who are not Medicare eligible and]~~ receiving medical and surgical benefits shall be responsible for payment of [a] ***the premium contribution amount for either Medicare-eligible or non-Medicare-eligible retiree health benefit plans*** based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse, as determined by the commissioner of administrative services, with prior approval by the fiscal committee of the general court~~[, provided the percentage is not lower than 12.5 percent]~~ ***under RSA 21-I:30, XIII.***

II. ***Retired judges and/or spouses receiving medical and surgical benefits under RSA 21-I:30 who become eligible for Medicare Parts A and B due to age or disability on or after July 1, 2016 shall continue to be responsible for payment of the premium contribution amount based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse as approved by the fiscal committee of the general court under RSA 21-I:30, XIII.***

III. The department of administrative services shall provide information as to the total monthly premium cost for each participant to the judicial retirement plan for purposes of calculating this deduction. The judicial retirement plan shall deduct the payment required under this section from the retiree's monthly retirement allowance. Deducted amounts shall be remitted to the administrative office of the courts within 14 days along with a statement identifying from whom the deduction was made, and shall be used to pay for plan retiree and spouse health care expenses and any administrative costs related thereto.

5 Appropriation; Department of Administrative Services; Risk Management; Overtime. In addition to any other sums appropriated, the sum of \$20,000 for the biennium ending June 30, 2017 is hereby appropriated to the department of administrative service for the purpose of overtime charged to the risk management accounting unit, class 18. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Health Care Consultant Contract; Benefit Plan; Appropriation.

I. The commissioner of administrative services is hereby authorized to contract with a health care consultant for the purpose of a long-term design for funding state retiree health benefits and to provide training for state retirees on the benefit plan and its funding. The total amount expended by the department of administrative services for the health care consultant contract, benefit plan design, and training shall not exceed \$300,000.

II. The sum of up to \$300,000 for the biennium ending June 30, 2017 is hereby appropriated to the commissioner of the department of administrative services for the purpose of payment for the cost of the contract with the health care consultant under paragraph I. The source of funds for the appropriation shall be the employee and retiree benefit risk management fund under RSA 21-I:30-e.

7 New Paragraph; Legislative Budget Assistant; Fiscal Committee; Retiree Health Advisory Council. Amend RSA 14:30-a by inserting after paragraph VI the following new paragraph:

VII. The committee shall establish a retiree health advisory council as a subcommittee to the committee. The advisory council shall convene public meetings as needed to review options under consideration for changes to the retiree health plan if additional changes are needed after the new retiree health benefits plan is established. The advisory council shall also receive testimony from retirees and other interested members of the public.

8 Repeals; January 1, 2017. The following are repealed:

I. RSA 21-I:30, II(b), relative to continuation of premium contribution amounts for certain retired state employees and spouses who become Medicare eligible.

II. RSA 21-I:30, XIII(b), relative to continuation of premium contribution amounts for certain retired state employees and spouses not receiving a retirement allowance who become Medicare eligible.

III. RSA 100-A:54, III(b), relative to continuation of premium contribution amounts for certain retired state employees and spouses receiving a retirement allowance who become Medicare eligible.

IV. RSA 100-C:11-a, II, relative to continuation of premium contribution amounts for certain retired judges and spouses who become Medicare eligible.

9 Effective Date.

I. Section 8 of this act shall take effect January 1, 2017.

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

2016-0889h

AMENDED ANALYSIS

This bill requires premium contribution amounts for retiree health benefits for retired state employees who are Medicare eligible. The bill continues the premium contributions for retired persons receiving medical and surgical benefits who become Medicare eligible on or after July 1, 2016 until separate rates are approved effective January 1, 2017. The bill also makes an appropriation to the department of administrative services for a health care consultant to design a long-term retiree health care funding plan.

Amendment to HB 1595-FN

(2016-0782h)

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

Amend the bill by replacing section 5 with the following:

5 New Paragraph; New Hampshire Rivers Management and Protection Program; Definitions. Amend RSA 483:4 by inserting after paragraph XII the following new paragraph:

XII-a. "Meander belt" means the width on either side of a river channel which the river can occupy through time as a result of migration.

Amend RSA 483:6, I as inserted by section 9 of the bill by replacing it with the following:

I. Any New Hampshire organization or resident may nominate a *perennial* river or any segment or segments of such river for protection by submitting to the commissioner a description of the river or segment or segments of such river and its values and characteristics. The completed nomination shall be submitted to

the rivers coordinator on or before June 1 in order for it to be considered in the next legislative session. This nomination shall include, but not be limited to, an assessment of fisheries; geologic and hydrologic features; vegetation; wildlife; historical and archaeological features; open space and recreation features and potential; water quality and quantity; dams, hydropower generation, buildings, and other manmade structures; riparian interests and public water supply, including flowage rights known by the nominating individual or group, and other pertinent instream and riverbank and tributary drainage area information. The nominating party shall hold at least one public meeting on the information prior to final submittal to the commissioner. The department shall encourage the nominating party to include tributary drainage area information in the nomination. ***Nominations shall include identification of the stream order of each river or river segment proposed for designation and the provisions of RSA 483-B that apply to each segment.*** The nominating party shall advertise the meeting ***publicly*** in cooperation with the rivers coordinator and shall give written notice to riparian landowners and the governing body of any municipality where segments of the river are located. The rivers coordinator shall provide assistance to the nominating party in the presentation of the nomination at the public meeting.

Amend RSA 483:8, I(g) as inserted by section 14 of the bill by replacing it with the following:

(g) A representative of the conservation community [~~chosen from a list of 3 nominees submitted~~] ***nominated*** by the Society for Protection of New Hampshire Forests, ***the*** Audubon Society ***of New Hampshire***, and the New Hampshire [~~Wildlife Federation~~] ***Council of Trout Unlimited***.

Amend RSA 483:8-a, III(b) as inserted by section 17 of the bill by replacing it with the following:

(b) To consider and comment on any federal, state, or local governmental plans to approve, license, fund, or construct facilities ***or applications for permits, certificates, or licenses***, that [~~would~~] ***may*** alter the resource values and characteristics for which the river or segment is designated.

Amend RSA 483:10, II (j) as inserted by section 31 of the bill by replacing it with the following:

(j) State-owned lands within the corridor and tributary drainage areas thereof. The plan shall include a description of the importance of those lands to the characteristics for which the river was designated.

Amend RSA 483:12-a, I as inserted by section 33 of the bill by replacing it with the following:

I. Any state agency considering any action affecting any river or segment designated under this chapter shall notify the rivers coordinator ***and the local river management advisory committee*** prior to taking any such action. Such agency shall forward to the rivers coordinator ***and the local river management advisory committee*** for review and comment copies of all notices of public hearings, or, where a public hearing is not required, a copy of the application for issuance of a permit, certificate, or license within the designated river or corridor under RSA 485-C, RSA 485-A, RSA 483-B, RSA 12-E, RSA 270:12, RSA 482, RSA 482-A, ***except notifications for minimum impact activities under RSA 482-A:3, V and XII and for routine roadway maintenance under RSA 482-A:3, XVI on land used for agricultural purposes***, RSA 149-M, RSA 430, or RSA 147-A. If an agency is notified by the rivers coordinator that a proposed activity would violate a protection measure under RSA 483:9, 483:9-a, 483:9-aa, or 483:9-b, such agency shall deny the application. Amend the bill by replacing all after section 35 with the following:

36 New Hampshire Rivers Management and Protection Program; Definitions. Amend RSA 483:4, VIII to read as follows:

VIII. "Designated river" means that portion of a ***perennial*** river which has been specifically designated by the general court pursuant to RSA 483:15.

37 New Hampshire Rivers Management and Protection Program; Definitions. Amend RSA 483-B:4, XV to read as follows:

XV. "Protected shore land" means, for natural, fresh water bodies without artificial impoundments, for artificially impounded fresh water bodies, except private garden water features and ponds of less than 10 acres, and for coastal waters and rivers, all land located within 250 feet of the reference line of public waters. ***For river segments of third order or lower designated as protected under RSA 483:15 which are either designated after or for which specific exemptions are repealed after December 31, 2015, "protected shore land" means all land located within 50 feet of the reference line of public water.***

38 Repeal. The following are repealed:

I. RSA 483:10-a, relative to long-range river management plans.

II. RSA 483:14, II, relative to state owned property included in a long-range river management plan.

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

2016-0782h
AMENDED ANALYSIS

This bill:

I. Adds definitions for aquatic connectivity, fluvial geomorphology, and meander belt.

II. Expands the criteria for nomination of a river to the rivers management and protection program.

III. Changes the mechanism by which members of the rivers management advisory committee are selected.

**Amendment to HB 1599-FN
(2016-0252h)**

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

Amend the bill by replacing section 1 with the following:

1 Assault and Related Offenses; Conduct Involving Laser Pointing Devices. Amend RSA 631:3-a to read as follows:

631:3-a Conduct Involving Laser Pointing Devices.

I. *(a)* Any person who knowingly shines the beam of a laser pointing device at an occupied motor vehicle, *vessel, or* window, or *at a* person shall be guilty of a violation and the laser pointing device shall be *seized and* forfeited upon conviction.

(b) Any person who knowingly shines the beam of a laser pointing device at an occupied aircraft shall be guilty of a misdemeanor and the laser pointing device shall be seized and forfeited upon conviction.

II. ~~Notwithstanding the provisions of paragraph I,~~ Any person who knowingly shines the beam of a laser pointing device at a law enforcement officer or law enforcement vehicle shall be guilty of a class A misdemeanor and the laser pointing device shall be *seized and* forfeited upon conviction.

III. It shall be an affirmative defense under this section if the laser pointing device was used in an organized meeting or training class by the instructor or speaker. Nothing in this section shall be construed so as to limit the use of medical lasers by qualified medical personnel, or construction lasers used by construction personnel *in the course of their work*, or laser devices utilized by law enforcement personnel in the performance of their official duties.

2016-0252h
AMENDED ANALYSIS

This bill establishes penalties for offenses involving shining a laser pointing device at an aircraft or vessel, or at another person.

**Amendment to HB 1601
(2016-0008h)**

Proposed by the Committee on Commerce and Consumer Affairs - c

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Certain Continuing Care Communities. Amend RSA 420-D:7 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding paragraph II, the commissioner shall not prescribe by rule or otherwise require submission of an actuarial report from any facility which does not offer a contract in which all or part of the risk of uncertain future health care costs is borne by the facility and not the resident.

2016-0008h
AMENDED ANALYSIS

This bill declares that any continuing care community which charges an entrance fee but which does not assume risk of uncertain future health care costs shall not be required to submit actuarial studies to the insurance department.

**Amendment to HB 1605-FN
(2016-0258h)**

Proposed by the Committee on Health, Human Services and Elderly Affairs - r

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

1 New Section; Latex Prohibited. Amend RSA 143-A by inserting after section 9-b the following new section:

143-A:9-c Latex Prohibited. No person licensed under this chapter shall use or allow the use of disposable, non-sterile, or sterile natural rubber latex gloves or utensils in food preparation at a licensed food service establishment or licensed food retail store. Any person who violates this section shall be guilty of a violation and shall pay a fine of not less than \$250 and not more than \$500.

2 Effective Date. This act shall take effect June 30, 2017.

**Amendment to HB 1608-FN
(2016-0799)**

Proposed by the Committee on Commerce and Consumer Affairs - r

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

1 New Paragraph; Utilization Review; Prior Authorization Forms. Amend RSA 420-J:6 by inserting after paragraph VI the following new paragraph:

VII. All health insurers, health maintenance organizations, health services corporations, medical services corporations and preferred provider programs, including Medicaid managed care entities under RSA 126-A:5, XIX, shall, when requiring prior authorization for a prescription drug, use and accept only the prior authorization form described in this paragraph.

(a) On or before March 1, 2017, the commissioner shall adopt rules, pursuant to RSA 541-A, specifying the contents of the uniform prior authorization form for prescription drug benefits, consistent with the requirements of this paragraph. In developing the form, the commissioner shall seek input from interested stakeholders, and shall consider standards established by the federal Centers for Medicare and Medicaid Services and any other national standards pertaining to prior authorization.

(b) The prior authorization form adopted under this paragraph shall:

- (1) Not exceed 2 pages;
- (2) Be made available electronically; and
- (3) Be capable of being submitted electronically.

(c) If an entity listed in this paragraph fails to use or accept the uniform prior authorization form, or fails to respond within 2 business days after receiving a completed prior authorization request from a provider, the prior authorization request shall be deemed to have been granted.

(d) Nothing in this paragraph shall prohibit use of prior authorization methodology that utilizes an Internet webpage, Internet webpage portal, or similar electronic, Internet, and web-based system in lieu of a paper form, provided that the form used is consistent with the rules developed under this paragraph.

(e) Nothing in this paragraph shall prohibit the use of prior authorization for prescription drug benefits.

2 New Section; Licensure of Medical Utilization Review Entities; Uniform Prior Authorization Forms for Prescription Drug Benefits. Amend RSA 420-E by inserting after section 4 the following new section:

420-E:4-a Uniform Prior Authorization Forms for Prescription Drug Benefits.

I. All licensees under this chapter shall, when requiring prior authorization for a prescription drug, use and accept only the prior authorization form adopted by the commissioner under RSA 420-J:6, VII.

II. If a licensee fails to use or accept the uniform prior authorization form, or fails to respond within 2 business days after receiving a completed prior authorization request from a provider, the prior authorization request shall be deemed to have been granted.

III. Nothing in this section shall prohibit use of prior authorization methodology that utilizes an Internet webpage, Internet webpage portal, or similar electronic, Internet, and web-based system in lieu of a paper form, provided that the form used is consistent with the rules developed under RSA 420-J:6, VII.

IV. Nothing in this section shall prohibit the use of prior authorization for prescription drug benefits.

V. This section shall apply to RSA 420-J and shall not apply to the Medicaid managed care program under RSA 126-A:5, XIX.

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

2016-0799h

AMENDED ANALYSIS

This bill requires health insurers, health maintenance organizations, health services corporations, medical services corporations, preferred provider programs, and Medicaid managed care entities to use and accept only the uniform prior authorization forms developed by the commissioner of insurance in accordance with rules adopted pursuant to RSA 541-A.

Amendment to HB 1618

(2016-0811h)

Proposed by the Committee on Commerce and Consumer Affairs - c

Amend RSA 399-D:1, IX(f) as inserted by section 1 of the bill by replacing it with the following:

(f) Any person that serves as an intermediary between a debtor and one or more creditors of the debtor for the purpose of obtaining concessions.

(1) An intermediary includes but is not limited to any person that:

- (A) Engages in the business of mortgage loan loss mitigation; and
- (B) Is not subject to RSA 397-A or RSA 397-B.

(2) An intermediary does not include any person specifically exempted pursuant to RSA 397-A:4 or RSA 397-B:10.

Amend the bill by replacing section 2 with the following:

2 Exemptions; Debt Adjustment Services. Amend RSA 479-B:11, I(g) through (h) to read as follows:

(g) A nonprofit organization or government entity that offers counseling or advice to homeowners in foreclosure or loan default, if the organization is not directly or indirectly related to and does not contract for services with for-profit lenders, foreclosure consultants, or pre-foreclosure purchasers; [or]

(h) A creditors' committee or trustee participating in a place of reorganization or repayment through a proceeding under the jurisdiction of the United States Bankruptcy Court[-] **or**

(i) A person licensed to engage in the business of debt adjustment under RSA 399-D.

**Amendment to HB 1625-FN
(2016-0869h)**

Proposed by the Majority of the Committee on Judiciary - r

Amend RSA 132-B:1, X as inserted by section 2 of the bill by replacing it with the following:

X. "Unborn child" means the offspring of human beings in the womb.

Amend RSA 132-B:2, II(b) and (c) as inserted by section 2 of the bill by replacing it with the following:

(b) If the physician determines that the gestational age of the unborn child is 21 weeks or more, prior to performing or inducing an abortion upon the woman, the physician shall determine if the unborn child is viable by using and exercising that degree of care, skill, and proficiency commonly exercised by a skillful, careful, and prudent physician. In making this determination of viability, the physician shall perform or cause to be performed such medical examinations and tests as are necessary to make a finding of the gestational age, weight, and lung maturity of the unborn child and shall enter such findings and determination of viability in the medical record of the woman.

(c) If the physician determines that the gestational age of the unborn child is 21 weeks or more, and further determines that the unborn child is not viable and performs or induces an abortion upon the woman, the physician shall report such findings and determinations and the reasons for such determinations to the health care facility in which the abortion is performed and to the board of medicine, and shall enter such findings and determinations in the medical records of the woman and in the individual abortion report submitted to the department under paragraph III.

Amend RSA 132-B:2, II(f) and (g) as inserted by section 2 of the bill by replacing it with the following:

(f) Before a physician proceeds with performing or inducing an abortion upon a woman when it has been determined that the unborn child is viable, the physician who is to perform the abortion shall obtain the agreement of a second physician with knowledge of accepted obstetrical and neonatal practices and standards who shall concur that the abortion is necessary per RSA 132-B:2, II(e). This second physician shall also report such reasons and determinations to the health care facility in which the abortion is to be performed and to the board of medicine, and shall enter such findings and determinations in the medical record of the woman and the individual abortion report submitted to the department. The second physician shall not have any legal or financial affiliation or relationship with the physician performing or inducing the abortion, except that such prohibition shall not apply to physicians whose legal or financial affiliation or relationship is a result of being employed by or having staff privileges at the same hospital, physician network, or hospital network.

(g) Any physician who performs or induces a termination of pregnancy upon a woman when it has been determined that the unborn child is viable shall utilize the available method or technique of the termination of the pregnancy most likely to preserve the life or health of the unborn child. In cases where the method or technique of the termination of the pregnancy most likely to preserve the life or health of the unborn child would present a greater risk to the life or health of the woman than another legally permitted and available method or technique, the physician may utilize such other method or technique. In all cases where the physician performs an abortion upon a viable unborn child, the physician shall document the method or technique employed.

Amend RSA 132-B:2, III by deleting subparagraph (d) and renumbering the original subparagraph (e) to read as (d).

Amend RSA 132-B:4 as inserted by section 2 of the bill by replacing it with the following:

132-B:4 Penalty. Any person who intentionally or recklessly performs or attempts to perform an abortion in violation of RSA 132-B:2 of this chapter shall be guilty of a class A misdemeanor. No penalty shall be assessed against the woman upon whom the abortion is performed or attempted to be performed. The anonymity of any woman upon whom an abortion has been performed shall be preserved from public disclosure unless she consents.

Amend section 2 of the bill by deleting RSA 132-B:5 and RSA 132-B:6.

**Amendment to HB 1626-FN
(2016-0221h)**

Proposed by the Committee on Health, Human Services and Elderly Affairs - r

Amend RSA 318-E:1, I as inserted by section 2 of the bill by replacing it with the following:

I. A local, county, regional, state, or other governmental entity or private entity in conjunction with the chief law enforcement officer of a law enforcement agency may establish a controlled and non-controlled pharmaceutical [drug] **and illicit drug and drug paraphernalia** take-back program. For the purposes of this chapter, ["pharmaceutical drug"] **"drug"** means a prescription or over-the-counter drug, including, but not limited to, controlled drugs as defined in this chapter **and any illicit drugs such as cocaine, heroin, and paraphernalia.**

Amend RSA 318-E:1, VII and VIII as inserted by section 2 of the bill by replacing them with the following:

VII. Persons who return drugs or paraphernalia may be provided with the opportunity to speak with an employee, staff member, or volunteer who shall aid them in finding suitable rehabilitation assistance.

2016-0221h

AMENDED ANALYSIS

This bill adds illicit drugs and drug paraphernalia to the drug take-back programs. Under this bill, the drug take-back program may have an on site employee, staff member, or volunteer to offer aid to persons returning the drugs in finding suitable rehabilitation assistance.

Amendment to HB 1633-FN

(2016-0680h)

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

Amend the bill by replacing section 1 with the following:

1 New Section; Leave Time; Notification Required. Amend RSA 281-A by inserting after section 19 the following new section:

281-A:19-a Leave Time Due to Workers' Compensation Injury; Notification Required. An employer shall notify an employee, in writing, relative to the benefits and adverse effects of signing an application for, or accepting time off under the Family and Medical Leave Act of 1993, as amended, as a result of a workers' compensation injury when the employee is eligible. The employer shall provide such notification either prior to the employee being placed on family and medical leave or the employer accepting an application for family and medical leave from the employee.

2016-0680h

AMENDED ANALYSIS

This bill requires an employer to notify an employee, in writing, relative to the benefits and adverse effects of signing an application for, or accepting time off under the Family and Medical Leave Act as a result of a workers' compensation injury.

Amendment to HB 1637-FN

(2016-0878h)

Proposed by the Majority of the Committee on Education - r

Amend the introductory paragraph of RSA 193:1, I as inserted by section 1 of the bill by replacing it with the following:

I. A parent of any child at least 6 years of age and under 18 years of age shall cause such child to attend the public school to which the child is assigned in the child's resident district. ***If there is no public school for the child's grade in the resident district, the district may assign the child to another public school in another school district or to a non-religious private school which has been approved for attendance by the department of education.*** Such child shall attend full time when such school is in session unless:

Amend RSA 194:22 as inserted by section 2 of the bill by replacing it with the following:

194:22 Contracts With Schools. Any school district may make a contract with an academy, high school, ***non-religious private school***, or other literary institution located in this or, when distance or transportation facilities make it necessary, in another state, ***to provide for the education of a pupil who resides in the district*** and raise and appropriate money to carry the contract into effect. ~~[If the contract is approved by the state board the school with which it is made shall be deemed a high school maintained by the district.]~~ ***Notwithstanding any provision of law to the contrary, a school board may make a contract with any non-religious private school to provide for the education of a pupil who resides in the school district, and may raise and appropriate money for the purposes of the contract, if the school district does not have a public school at the pupil's grade level and the school board decides it is in the best interest of the pupil.***

Amend RSA 194:27 as inserted by section 3 of the bill by replacing it with the following:

194:27 Tuition. Any district not maintaining a high school or school of corresponding grade shall pay for the tuition of any pupil who with parents or guardian resides in said district, or who, as a resident of said district, after full investigation by the state board of education is determined to be entitled to have his or her tuition paid by the district where the pupil resides, and who attends an approved public high school [or], public school of corresponding grade in another district [or], an approved public academy, ***or a non-religious private school which has been approved for attendance by the department of education.*** Except under contract as provided in RSA 194:22, the liability of any school district hereunder for the tuition of any pupil shall be the current expenses of operation of the receiving district for its high school, as estimated by the state board of education for the preceding school year. This current expense of operation shall include all costs except costs of transportation of pupils.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6: 5 New Paragraph; School Boards; Duty to Provide Education. Amend RSA 189:1-a by inserting after paragraph III the following new paragraph:

IV. Notwithstanding any provision of law to the contrary, a school board may make a contract with any non-religious private school to provide for the education of a pupil who resides in the school district, and may raise and appropriate money for the purposes of the contract, if the school district does not have a public school at the pupil's grade level and the school board decides it is in the best interest of the pupil.

2016-0878h

AMENDED ANALYSIS

This bill allows a school district to assign a child to another public school in another school district or to an approved, non-religious private school if there is no public school for the child's grade in the child's resident district. The bill also allows a school board to make a contract with a non-religious private school to provide for the education of a child who resides in a district which does not have a public school at the child's grade level.

Amendment to HB 1645

(2016-0617h)

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

Amend RSA 159:4 as inserted by section 1 of the bill by replacing it with the following:

159:4 Carrying Without License. No person shall carry a loaded pistol or revolver ~~[in any vehicle or]~~ concealed upon his *or her* person, except in his *or her* dwelling, *vehicle*, house, or place of business, without a valid license therefor as hereinafter provided. A loaded pistol or revolver shall include any pistol or revolver with a magazine, cylinder, chamber, or clip in which there are loaded cartridges. Whoever violates the provisions of this section shall, for the first such offense, be guilty of a misdemeanor. For the second and for each subsequent violation of the provisions of this section, such person shall be guilty of a class B felony, provided such second or subsequent violation has occurred within 7 years of the previous conviction.

2016-0617h

AMENDED ANALYSIS

This bill amends the statute relating to carrying a loaded pistol or revolver in a vehicle.

Amendment to HB 1654-FN

(2016-0390h)

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

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

AN ACT relative to flying a drone above a correctional facility.

Amend the bill by replacing section 1 with the following:

1 New Section; Breaches of the Peace; Flying a Drone Above a Correctional Facility. Amend RSA 644 by inserting after section 21 the following new section:

644:22 Flying a Drone Above a Correctional Facility.

I. Except as otherwise provided in this section, no person shall fly a drone in the airspace above a state or county correctional facility or municipal jail. Any person who violates this section shall be guilty of a class A misdemeanor.

II.(a) State, county, or municipal correctional authorities may fly a drone above a correctional facility over which they have control for security purposes.

(b) State, county, or municipal correctional authorities may authorize a request by a person to fly a drone above a correctional facility over which they have control, provided the person:

(1) Requests permission from the appropriate correctional authority;

(2) Is authorized by the Federal Aviation Administration to operate a drone for commercial purposes;

and

(3) Operates the drone in a manner that complies with the authorization.

III. In this section:

(a) "Airspace" means the space above the ground on which a state or county correctional facility or municipal jail is sited.

(b) "Drone" means a powered, aerial vehicle, excluding a geosynchronous satellite, that:

(1) Does not carry a human operator;

(2) Uses aerodynamic forces to provide vehicle lift;

(3) Can fly autonomously or be piloted remotely; and

(4) May be expendable or recoverable.

(c) "Person" means an individual, corporation, organization, and for-profit or not-for-profit entities.

2016-0390h
AMENDED ANALYSIS

This bill prohibits, with certain exceptions, a person from flying a drone above a state or county correctional facility or a municipal jail.

**Amendment to HB 1660-FN-LOCAL
(2016-0677h)**

Proposed by the Committee on Judiciary - r

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Eminent Domain; Residential Owner Option. Amend RSA 371:15 by inserting after paragraph VI the following new paragraph:

VII. When private real property which is used for residential purposes is proposed to be acquired in part, temporarily or permanently, for the construction of a high pressure gas pipeline or appurtenance thereto, the owners of the residential property shall have the option to require the pipeline company to condemn and take in fee the entire tract of land impacted by the proposed partial taking including all buildings and improvements thereon if all owners, excluding lienholders and mortgagees, of the private real property make such an election and provide the commission and the pipeline company with written notice of their election within 30 days after receipt of the notice under paragraph II.

**Amendment to HB 1661-FN
(2016-0067h)**

Proposed by the Committee on Health, Human Services and Elderly Affairs - c

Amend the introductory paragraph of RSA 332-L:3, I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Advertise for the provision of conversion therapy for monetary compensation in exchange for such services where such advertising claims:

Amend the bill by deleting RSA 332-L:4 as inserted by section 2 of the bill.

**Amendment to HB 1664-FN
(2016-0846)**

Proposed by the Committee on Health, Human Services and Elderly Affairs - c

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

AN ACT relative to contracts between carriers or pharmacy benefit managers and certain pharmacies.

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

1 New Paragraph; Managed Care; Definitions. Amend RSA 420-J:3 by inserting after paragraph X the following new paragraph:

X-a. "Contracted pharmacy" or "pharmacy" means a pharmacy participating in the network of a pharmacy benefit manager through a direct contract or through a contract with a pharmacy services administration organization or group purchasing organization.

2 New Paragraph; Managed Care; Definitions. Amend RSA 420-J:3 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Drug product reimbursement" means the amount paid by a carrier or pharmacy benefit manager to a contracted pharmacy or pharmacist for the cost of the drug dispensed to a patient and does not include a dispensing or professional fee.

3 New Paragraph; Managed Care; Definitions. Amend RSA 420-J:8 by inserting after paragraph XIV the following new paragraph:

XV.(a) All contracts between a carrier or pharmacy benefit manager and a contracted pharmacy shall include:

(1) The sources used by the pharmacy benefit manager to calculate the drug product reimbursement paid for covered drugs available under the pharmacy health benefit plan administered by the carrier or pharmacy benefit manager.

(2) A process to appeal, investigate, and resolve disputes regarding the maximum allowable cost pricing. The process shall include the following provisions:

(A) A provision granting the contracted pharmacy or pharmacist at least 30 business days following the initial claim to file an appeal;

(B) A provision requiring the carrier or pharmacy benefit manager to investigate and resolve the appeal within 30 business days; and

(C) A provision requiring that, if the appeal is denied, the carrier or pharmacy benefit manager shall:

(i) Provide the reason for the denial; and

(ii) Identify the national drug code of a drug product that may be purchased by contracted pharmacies at a price at or below the maximum allowable cost.

(D) A provision requiring that, if an appeal is granted, the carrier or pharmacy benefits manager shall within 30 business days after granting the appeal:

(i) Make the change in the maximum allowable cost; and

(ii) Permit the challenging pharmacy or pharmacist to reverse and rebill the claim in question.

(b) For every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the pharmacy benefit manager shall:

(1) Include in the contract with the pharmacy information identifying the national drug pricing compendia or sources used to obtain the drug price data.

(2) Make available to a contracted pharmacy the actual maximum allowable cost for each drug.

(3) Review and make necessary adjustments to the maximum allowable cost for every drug for which the price has changed at least every 14 days.

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

2016-0846h

AMENDED ANALYSIS

This bill establishes procedures for contracts between carriers or pharmacy benefit managers and contracted pharmacies.

Amendment to HB 1680-FN

(2016-0622h)

Proposed by the Committee on Education - c

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

Amendment to HB 1681-FN

(2016-0634h)

Proposed by the Committee on Health, Human Services and Elderly Affairs - c

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

AN ACT relative to hypodermic syringes and needles containing residual amounts of controlled drugs.

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

2 New Paragraph; Controlled Drug Act; Definition Added. Amend RSA 318-B:1 by inserting after paragraph XXIX the following new paragraph:

XXIX-a. "Residual amount" means an unusable amount of a controlled substance in or on a hypodermic syringe or needle.

3 Controlled Drug Act; Acts Prohibited. Amend RSA 318-B:2, IV(d) to read as follows:

(d) The proximity of any residue of controlled substances, *except for hypodermic syringes and needles with or without residual amounts*;

4 Controlled Drug Act; Disposal of Controlled Drugs in Possession of Practitioner. Amend RSA 318-B:17-a to read as follows:

318-B:17-a Disposal of Controlled Drugs in Possession of Practitioner. No person other than the pharmacy board, its officers, agents, and inspectors is authorized to destroy any out-dated, deteriorated, excessive or otherwise unwanted or confiscated controlled drugs which are in the possession of a practitioner, veterinarian, pharmacy, peace officer, nursing home, manufacturer, wholesaler, clinic, or laboratory or hospital. No payment shall be made to any person or institution for any drug surrendered for destruction. A record shall be maintained which indicates the name, strength, and quantity of all drugs destroyed; the place and manner of destruction; the date and time destroyed; the name of the practitioner or institution surrendering the drugs; and the signature and title of the person witnessing destruction. Such records shall conform to any federal requirements and shall be open to inspection by all federal or state officers charged with the enforcement of federal or state controlled drug laws. *This section shall not apply to residual amounts in hypodermic syringes and needles.*

5 Controlled Drug Act; Penalties; Exception Added. Amend the introductory paragraph of RSA 318-B:26, I(c) to read as follows:

(c) *Except for residual amounts in hypodermic syringes and needles*, in the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$100,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 15 years, a fine of not more than \$200,000, or both:

6 Repeal. RSA 318:52-d, recording and filing of prescriptions for hypodermic syringes and needles, is repealed.

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

2016-0634h

AMENDED ANALYSIS

This bill exempts residual amounts of controlled substances in hypodermic syringes and needles from the provisions of the controlled drug act. The bill also authorizes persons other than pharmacists to dispense hypodermic syringes and needles and allows them to be sold in retail establishments other than pharmacies.

**Amendment to HB 1684-FN
(2016-0874h)**

Proposed by the Committee on Judiciary - r

Amend RSA 132:43 as inserted by section 1 of the bill by replacing it with the following:

132:43 Public Employees; Certain Activities Prohibited. It shall be unlawful for any public employee within the scope of his or her employment to perform an abortion not necessary to save the life of the mother. It shall be unlawful for a doctor, nurse, or other health care personnel, a social worker, a counselor, or a person of similar occupation who is a public employee within the scope of his or her public employment to encourage or counsel a woman to have an abortion not necessary to save her life.

2016-0874h
AMENDED ANALYSIS

This bill prohibits the use of public funds and public facilities for the purpose of performing or assisting in an abortion which is not necessary to save the life of the mother. The bill also prohibits the use of public employees for the purpose of performing an abortion which is not necessary to save the life of the mother.

The bill also prohibits such funds, employees, and facilities to be used to encourage or counsel a woman to have an abortion not necessary to save her life.

The bill further requires a second opinion from a licensed physician before any abortion is performed when a mother's life is deemed to be in danger.

The bill includes penalty provisions for violations of this law.

**Amendment to HB 1691-FN
(2016-0350h)**

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

Amend the bill by replacing section 3 with the following:

3 Renewable Energy Fund; Annual Report. RSA 362-F:10, IV is repealed and reenacted to read as follows:

IV. The commission shall make an annual report by October 1 of each year to the legislative oversight committee on electric utility restructuring established under RSA 374-F:5, the house, science, technology and energy committee, and the senate energy and natural resources committee detailing how the renewable energy fund is being used and any recommended changes to such use. The report shall also include:

(a) Annual aggregated data of the number of renewable energy certificates used for New Hampshire renewable portfolio standards compliance by class for the previous calendar year.

(b) Data, by quarter, of the number of renewable energy certificates generated by each facility eligible under New Hampshire renewable portfolio standards by class for the previous calendar year.

(c) Information on the total peak generating capacity that is net metered under RSA 362-A:9 within the franchise area of each electric distribution utility, and the percentage this represents of the amount that is allowed to be net metered within each franchise area. Information shall be provided on net metered group host registrations and the associated customer groups, including number and location of group host facilities, generation by renewable source and size of facility, and group load served by such facilities.

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

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

**Floor Amendment to HB 1696-FN
(2016-0902)**

**Proposed by Reps. Umberger, Rosenwald, Wallner, Kotowski, S. Schmidt, Fothergill, Leishman
and Sherman**

Amend RSA 126-A:5, XXX(a) as inserted by section 1 of the bill by inserting after subparagraph (5) the following new subparagraph:

(6) If any provision of subparagraph (a), (c), or (d), or the application thereof to any person or circumstance, is held invalid, including, but not limited to, being contrary to federal law or not approved by the Centers for Medicare and Medicaid Services(CMS) in necessary state plan amendments or waivers, such determination shall not affect the provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of these subparagraphs are severable.

**Amendment to HB 1696-FN
(2016-0910)**

Proposed by the Majority of the Committee on Finance - r

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

1 New Paragraph; New Hampshire Health Protection Plan. Amend RSA 126-A:5 by inserting after paragraph XXIX the following new paragraph:

XXX.(a)(1) Newly eligible adults who are unemployed shall be eligible to receive benefits under RSA 126-A:5 XXIV-XXV, if the commissioner finds that the individual is engaging in at least 30 hours per week of one or a combination of the following activities:

- (A) Unsubsidized employment.
- (B) Subsidized private sector employment.
- (C) Subsidized public sector employment.
- (D) Work experience, including work associated with the refurbishing of publicly assisted housing, if sufficient private sector employment is not available.
- (E) On-the-job training.
- (F) Job search and job readiness assistance.
- (G) Community service programs.
- (H) Vocational educational training not to exceed 12 months with respect to any individual.
- (I) Job skills training directly related to employment.
- (J) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency.
- (K) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

(L) The provision of child care services to an individual who is participating in a community service program.

(2) The requirements under subparagraph (1) shall be consistent with the federal Temporary Assistance for Needy Families Program, 42 U.S.C. section 607(d).

(3) Grounds for disqualification for benefits under this subparagraph shall be consistent with the federal Temporary Assistance for Needy Families Program, 42 U.S.C. section 607(e).

(4) This subparagraph shall only apply to those considered childless, abled-bodied adults as defined in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42 U.S.C. section 1396a(a)(10)(A)(i). In this subparagraph, "childless" means an adult who does not live with a dependent child which includes a child under 18 years of age or under 20 years of age if the child is a full-time student in a secondary school or the equivalent.

(5) This subparagraph shall not apply to:

(A) A person who is temporarily unable to participate in the requirements under subparagraph (a)(1) due to illness or incapacity as certified by a licensed physician, an advanced practice registered nurse (APRN), a licensed behavioral health professional, a licensed physician assistant, or a board-certified psychologist. The physician, APRN, licensed behavioral health professional, licensed physician assistant, or psychologist shall certify, on a form provided by the department, the duration and limitations of the disability.

(B) A person participating in a state-certified drug court program, as certified by the administrative office of the superior court.

(C) A parent or caretaker as identified in RSA 167:82, II(g) where the required care is considered necessary by a licensed physician, APRN, board-certified psychologist, physician assistant, or licensed behavioral health professional who shall certify the duration that such care is required.

(b) Newly eligible adults who visit the emergency room for non-emergency purposes shall be required to make a co-payment of \$8 for the first visit and \$25 for each and every non-emergency visit thereafter.

(c) All veterans who are current New Hampshire residents shall receive medical and medical-related services from any hospital in this state providing services to the newly eligible Medicaid population.

(d) A person shall not be eligible to enroll or participate in the New Hampshire health protection program, established under RSA 126-A:5, XXIV-XXV, unless such person verifies his or her United States citizenship by 2 forms of identification and proof of New Hampshire residency by either a New Hampshire driver's license or a nondriver's picture identification card issued pursuant to RSA 260:21.

(e) No person, organization, department, or agency shall submit the name of any person to the National Instant Criminal Background Check System (NICS) on the basis that the person has been adjudicated a "mental defective" or has been committed to a mental institution, except pursuant to a court order issued following a hearing in which the person participated and was represented by an attorney.

(f) The commissioner shall seek any new waiver or state plan amendments to implement the provisions of this paragraph. Any such waivers or amendments necessary shall be in place by November 1, 2016. Prior to submitting the waiver or state plan amendments to the CMS, the commissioner shall present the waiver or state plan amendments to the fiscal committee of the general court for approval. The program shall not be reauthorized until such waivers or state plan amendments have been approved by CMS. If the waiver or state plan is not approved, the commissioner shall immediately, no later than November 1, 2016, notify all program participants that the program has not been reauthorized beyond December 31, 2016.

2 Insurance Premium Tax; New Hampshire Health Protection Program. Amend RSA 400-A:32, III to read as follows:

III.(a) *Except as provided in subparagraph (b)*, the taxes imposed in paragraphs I and II of this section shall be promptly forwarded by the commissioner to the state treasurer for deposit to the general fund.

(b) *Taxes imposed attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under RSA 126-A:5, XXIV-XXVI shall be deposited into the New Hampshire health protection trust fund, established in RSA 126-A:5-b. The commissioner shall notify the state treasurer of sums for deposit into the New Hampshire health protection trust fund no later than 30 days after receipt of said taxes.*

3 Department of Health and Human Services; Premium Assistance Program. Amend RSA 126-A:5, XXV(a) to read as follows:

XXV.(a) Consistent with the time frames in this paragraph, there is hereby established the marketplace premium assistance program. This will be a premium assistance program for newly eligible adults and their eligible spouse and dependents, if applicable, until December 31, [2016] **2018** and shall be administered by the department of health and human services. In order to receive medical assistance from the program, newly eligible adults who are ineligible for the HIPP program shall choose from any qualified health plans (QHPs) offered on the federally-facilitated exchange if cost effective; provided, however, that any newly eligible adult who had coverage under an alternative benefit plan (ABP) offered by a managed care organization (MCO) under paragraph XIX during the voluntary bridge to marketplace premium assistance program established under RSA 126-A:5, XXIV shall be automatically enrolled at the beginning of open enrollment in a comparable QHP by that same MCO if one is available, unless such newly eligible adult subsequently chooses a different QHP during the enrollment period. If a comparable QHP is not offered by the newly eligible adult's MCO then the newly eligible adult may choose from any QHPs, if cost effective. Provider payments shall be in an amount which shall be no less than before the effective date of this paragraph.

4 Department of Health and Human Services; Premium Assistance Program. Amend RSA 126-A:5, XXV(c) to read as follows:

(c) If the waiver to implement the marketplace premium assistance program is approved on or before March 31, 2015 then, coverage under the voluntary bridge to marketplace premium assistance program established in RSA 126-A:5, XXIV shall terminate on December 31, 2015. Enrollment in the marketplace premium assistance program shall begin on October 15, 2015 and coverage shall begin on January 1, 2016. Coverage shall end on December 31, [2016] **2018**. The cost of the medical assistance provided under the marketplace premium assistance program shall be paid solely from *non-general fund sources, including* federal funds as provided under 42 U.S.C. section 1396d(y).

5 New Hampshire Health Protection Trust Fund. Amend the introductory paragraph of RSA 126-A:5-b, I to read as follows:

I. There is hereby established the New Hampshire health protection trust fund which shall be accounted for distinctly and separately from all other funds and shall be non-interest bearing. The trust fund shall be administered by the commissioner of the department of health and human services and shall be used solely to provide [~~payment and reimbursement for medical and other medical-related services~~] **coverage** for the newly eligible Medicaid population as provided for under RSA 126-A:5, [XXIII] **XXIV-XXVI** and RSA 126-A:67 *in qualified health plans on the federal marketplace and pay for the administrative costs for the program. The commissioner may accept any gifts, grants, donations, or other funding from any source and shall deposit all such revenue received into the fund. No state general fund appropriations shall be deposited into the fund.* All moneys in the trust fund shall be nonlapsing and shall be continually appropriated to the commissioner of the department of health and human services for the purposes of the trust fund. The trust fund shall be authorized to pay and/or reimburse:

6 New Sections; Funding the State Share of the New Hampshire Health Protection Program; Voluntary Provider Contributions. Amend RSA 126-A by inserting after section 5-b the following new sections:

126-A:5-c Funding the State Share of the New Hampshire Health Protection Program.

I. In this section:

(a) "Program" means the New Hampshire health protection program under RSA 126-A:5, XXIV-XXV.

(b) "Remainder amount" means the cost of the program for coverage effective between January 1, 2017 and June 30, 2017 plus administrative costs attributable to the program, less all federal reimbursement for the program and federal reimbursement for the related administrative costs; and the cost of the program for coverage effective between July 1, 2017 and December 31, 2018, plus administrative costs attributable to the program, less all federal reimbursement for the program and federal reimbursement for administrative costs attributable to the program, and taxes attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under RSA 126-A:5, XXIV-XXVI, consistent with RSA 400-A:32, III(b).

II. Funding for the program from January 1, 2017 until December 31, 2018 shall not be funded from general funds. The program shall be funded as follows:

- (a) Federal funds as made available by 42 U.S.C. section 1396d(y)(1).
- (b) Revenue generated under RSA 400-A:32, III(b).
- (c) Other non-general fund revenues.

III. If the commissioner determines that at any time the sum total of the federal match rate applied, as set forth in 42 U.S.C. section 1396d(y)(1), and insurance premium tax revenues attributable to the program and revenue from non-general fund sources is insufficient to fully fund the program for newly eligible adults under RSA 126-A:5, XXIV-XXV, then RSA 126-A:5, XXIV and XXV shall be repealed 180 days after such determination upon notification by the commissioner of the department of health and human services to the secretary of state and the director of legislative services and consistent with the terms of the waiver for this program issued by the Centers for Medicare and Medicaid Services. Upon such determination, the commissioner shall immediately issue notice to program participants of the program's pending repeal.

IV. On or before August 15th of each year, the department of health and human services, in consultation with the insurance department, shall calculate the remainder amount pursuant to this section for the next calendar year. The remainder amount shall be calculated utilizing estimated insurance premium taxes attributable to medical and other medical-related services for the newly eligible Medicaid population as provided for under RSA 126-A:5, XXIV-XXVI for each calendar year. The commissioner of health and human services shall report the remainder amounts to the insurance department, any contributing charitable foundation, the New Hampshire Health Plan, the governor, the speaker of the house of representatives, and the senate president.

V. After the close of each calendar year, on or before January 15th, the department of health and human services, in consultation with the insurance department, shall recalculate the remainder amount utilizing actual insurance premium tax revenues attributable to medical and other medical-related services for the newly eligible Medicaid population provided for under RSA 126-A:5, XXIV-XXVI for the completed calendar year. The commissioner of health and human services shall compare the remainder amount calculations under this paragraph with the remainder amount calculations under paragraph IV and report the results to the insurance department, any contributing charitable foundation, the New Hampshire Health Plan, the governor, the speaker of the house of representatives, and the senate president. Any difference between amounts calculated under paragraphs IV and V for a completed calendar year shall be added to the remainder amount due and payable during the current calendar year. In the event that actual program costs are less than funds received, the difference shall be credited against the remaining amount for the next payable period.

VI. The commissioner of the department of health and human services shall be responsible for determining, on a quarterly basis commencing no later than December 31, 2016, whether there is sufficient funding in the New Hampshire health protection trust fund, established in RSA 126-A:5-b, to cover projected program costs for the non-federal share for the next quarter. If at any time the commissioner determines that a projected shortfall exists, he or she shall terminate the program in accordance with paragraph III.

126-A:5-d Voluntary Provider Contributions. For the period of January 1, 2017 through December 31, 2018, voluntary provider donations received from the Foundation for Healthy Communities or any other charitable foundation may be deposited into the New Hampshire health protection trust fund, established pursuant to RSA 126-A:5-b.

7 Individual Health Insurance Market; Purpose. Amend RSA 404-G:1, II to read as follows:

II. Create a nonprofit, voluntary organization to facilitate the availability of affordable individual nongroup health insurance by establishing an assessment mechanism and an individual health insurance market mandatory risk sharing plan as a mechanism to distribute the risks associated within the individual nongroup market **and to support the marketplace premium assistance program established in RSA 126-A:5, XXV.**

8 Individual Health Insurance Market; Definitions. Amend RSA 404-G:2, X-a to read as follows:

X-a. "Plan of operation" means the plan of operation of the risk sharing mechanism, the high risk pool, **support for the program established in RSA 126-A:5, XXV**, and the federally qualified high risk pool, including articles, bylaws and operating rules, procedures and policies adopted by the association.

9 New Paragraph; Individual Health Insurance Market; Definitions. Amend RSA 404-G:2 by inserting after paragraph X-b the following new paragraph:

X-c. "Program" means the marketplace premium assistance program established pursuant to RSA 126-A:5, XXIV.

10 Plan of Operation for the High Risk Pool. Amend RSA 404-G:5-a, IV(b) and (c) to read as follows:

(b) Established no later than November 1 in the year preceding the calendar year for which the carrier's experience shall be used to calculate the assessment; ~~and~~

(c) Anticipated to be sufficient to meet the high risk pool's funding needs **and the association's share of the costs of the program, as defined in subparagraph (d); and**

(d) For the period of January 1, 2017 through December 31, 2018, an amount not to exceed 50 percent of the remainder amount, as defined in RSA 126-A:5-c, I(b), less the amount made available to the program pursuant to RSA 404-G:11, VI. The association shall transfer all amounts collected pursuant to this subparagraph and the amount made available to the program pursuant to RSA 404-G:11, VI to the New Hampshire health protection trust fund, established pursuant to RSA 126-A:5-b.

11 High Risk Pool; Termination Activities and Dissolution. Amend RSA 404-G:11, VI to read as follows:

VI. Following the cessation of coverage on December 31, 2013, the association shall take such actions as are necessary and desirable to wind down its affairs under this chapter in accordance with the plan of termination. The association shall retain all of its powers and duties, including, but not limited to, its power to establish and collect regular and special assessments under RSA 404-G:5 and RSA 404-G:5-a, and the immunity provided by RSA 404-G:9 and the bylaws of the association. Any excess funds remaining after the satisfaction of all of the association's liabilities shall be ~~returned to the association's members in proportion to their respective liability for the last regular assessments imposed by the association~~ **used for the program and for the association's reasonable costs for collecting its share of the remainder amount.**

VI-a. No later than October 1, 2016, the board of directors shall prepare and submit to the commissioner and the commissioner of health and human services for approval an amendment to the plan of termination that provides for the continuation of the association for the limited purpose of compliance with the provisions of RSA 404-G:5-a, IV(d).

12 New Section; Commission to Evaluate the Effectiveness and Future of the Premium Assistance Program. Amend RSA 126-A by inserting after section 126-A:5-d the following new section:

126-A:5-e Commission to Evaluate the Effectiveness and Future of the Premium Assistance Program.

I. There is hereby established a commission to evaluate the effectiveness and future of the premium assistance program.

(a) The members of the commission shall be as follows:

(1) Three members of the senate, appointed by the president of the senate, one of whom shall be a member of the minority party.

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the minority party.

(3) The commissioner of the department of health and human services, or designee.

(4) The commissioner of the department of insurance, or designee.

(5) A representative of an insurance carrier that offers policies for sale in New Hampshire on the exchange, appointed by the senate president.

(6) A representative of a hospital that operates in New Hampshire, appointed by the speaker of the house of representatives.

(7) A public member, who is a taxpayer, appointed by the senate president.

(8) A public member, who currently receives insurance coverage through the program, appointed by the speaker of the house of representatives.

(9) A licensed physician, appointed by the governor.

(10) A licensed mental health professional, appointed by the governor.

(11) A masters level licensed alcohol and drug counselor, appointed by the governor.

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

II.(a) The commission shall evaluate the effectiveness and future of the premium assistance program. Specifically the commission shall:

(1) Review the program's financial metrics

(2) Review the program's product offerings.

(3) Review the program's impact on insurance premiums for individuals and small businesses.

(4) Make recommendations for future program modifications, including, but not limited to whether the premium assistance program is the most cost-effective model for the long term versus a return to private market managed care.

(5) Evaluate non-general fund funding options for longer term continuation of the program.

(b) Any funding solutions recommended by the commission shall not include the use of new general funds.

(c) The commission shall solicit information from any person or entity the commission deems relevant to its study.

III. 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 senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

IV. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2017.

13 New Hampshire Health Protection Program. Amend 2014, 3:10, I to read as follows:

I. If at any time the federal match rate applied to medical assistance for newly eligible adults under RSA 126-A:5, ~~XXIII~~ **XXIV-XXV** between July 1, 2014 – December 31, 2016 is less than 100 percent, **less than 95 percent in 2017 and less than 94 percent in 2018, of** the amount as set forth in 42 U.S.C. section 1396d(y)

(1), then RSA 126-A:5[~~XXHH~~] XXIV[;] and XXV shall [immediately] be repealed ***180 days after the event under this subparagraph occurs*** upon notification by the commissioner of the department of health and human services to the secretary of state and the director of legislative services. ***The commissioner shall immediately issue notice to program participants of the program's pending repeal.***

14 New Hampshire Health Protection Plan Extended. Amend 2014, 3:13, I-a as amended by 2015, 276:260 to read as follows:

I-a. Section 12, paragraphs II-VII of this act shall take effect December 31, [2016] **2018**.

15 Repeal. RSA 126-A:5-e, relative to the commission to evaluate the effectiveness and future of the premium assistance program, is repealed.

16 Effective Date.

I. Section 2 of this act shall take effect July 1, 2017.

II. Section 15 of this act shall take effect December 1, 2017.

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

Amendment to HB 1697-FN

(2016-0876h)

Proposed by the Majority of the Committee on Commerce and Consumer Affairs - r

Amend RSA 376-A:5 as inserted by section 1 of the bill by replacing it with the following:

376-A:5 Fare. On behalf of a TNC driver, a TNC may charge a fare for the services provided to riders; provided that, if a fare is collected from a rider, the TNC shall disclose to the rider the fare calculation method on its website or within the vehicle or the software application service. The TNC shall also provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC driver's vehicle.

Amend RSA 376-A:7 as inserted by section 1 of the bill by replacing it with the following:

376-A:7 Receipt. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an itemized receipt to the rider on behalf of the TNC driver.

Amend RSA 376-A:8, IV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Primary automobile liability insurance that provides at least \$300,000 for death, bodily injury, and property damage.

Amend RSA 376-A:8 as inserted by section 1 of the bill by inserting after paragraph IX the following new paragraph:

X. Every TNC driver shall contact the driver's personal vehicle insurer or insurance producer to advise the insurer or producer that the driver will be providing TNC services.

Amend RSA 376-A:9 as inserted by section 1 of the bill by replacing it with the following:

376-A:9 Disclosures. Every TNC shall disclose in writing to the TNC driver the following:

I. The insurance coverage, including the types of coverage and the limits for each coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with a TNC's digital network.

II. That the TNC driver's own motor vehicle insurance policy might not provide any coverage while the TNC driver is logged on to the TNC's digital network or is engaged in a prearranged ride, depending on its terms.

III. That the TNC driver shall contact the driver's personal vehicle insurer or insurance producer to advise the insurer or producer that the driver will be providing TNC services.

IV. That if the personal vehicle that the TNC driver uses to provide TNC services has a lien against it, using the personal vehicle for TNC services without physical damage coverage may violate the terms of the contract with the lienholder.

V. That if a TNC's insurer makes a payment for a claim covered under comprehensive coverage or collision coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the personal vehicle or jointly to the owner of the personal vehicle and the primary lienholder on the covered personal vehicle.

Amend RSA 376-A:16-376-A:19 as inserted by section 1 of the bill by replacing them with the following:

376-A:16 Discrimination Prohibited; Accessibility.

I. The TNC shall adopt a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to riders and potential riders and notify TNC drivers of such policy.

II. TNC drivers shall comply with all applicable laws regarding nondiscrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

III. TNC drivers shall comply with all applicable laws relating to accommodation of service animals.

IV. No TNC shall impose additional charges for providing services to persons with physical disabilities because of such disabilities.

V. Every TNC shall provide riders an opportunity to indicate whether they require a wheelchair accessible vehicle. If a TNC cannot arrange a wheelchair accessible prearranged ride in any instance, it shall direct the rider to an alternate provider of wheelchair accessible service, if available.

376-A:17 Records Every TNC shall maintain the following customer records:

I. Individual trip records for at least one year from the date each trip was provided.

II. TNC driver records at least until the one year anniversary of the date on which a TNC driver's customer relationship with the TNC has ended.

376-A:18 Controlling Authority. Notwithstanding any other provision of law, TNCs and TNC drivers are governed exclusively by this chapter and any rules by the department of safety consistent with this chapter. No municipality or other local entity may impose a tax on, or require a license for, a TNC, a TNC driver, or a vehicle used by a TNC driver where such tax or licenses relates to providing prearranged rides, or subject a TNC to the municipality's or other local entity's rate, entry, operational, or other requirements.

Amendment to HB 2016

(2016-0903h)

Proposed by the Committee on Public Works and Highways - r

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 12:

2 Issuance of Revenue Bonds. Amend RSA 228-A:2 to read as follows:

228-A:2 Issuance of Revenue Bonds. The state may issue bonds under this chapter to be known as "federal highway grant anticipation bonds." The bonds may be issued from time to time for the purpose of financing project costs related to the widening of Interstate 93 from Manchester to the Massachusetts border, the replacement of the Sarah Mildred Long Bridge in Portsmouth, New Hampshire, and any other federally aided highway project hereafter authorized by the general court to be financed under this chapter. Bonds issued hereunder shall be special obligations of the state and the principal of, premium, if any, and interest on all bonds shall be payable solely from the particular funds provided therefor under this chapter. The issuing of bonds shall be contingent upon the availability of sufficient anticipated federal aid over the term of the bonds. The bonds shall be issued by the treasurer in such amounts as the fiscal committee of the general court and the governor and council shall determine, and shall not exceed \$490,000,000. Debt service for federal highway grant anticipation bonds (GARVEE bonds) for the projects shall be paid from a portion of future federal funds. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate, or other method as may be determined by the treasurer, and shall mature at such time or times as may be determined by the treasurer, except that no bond shall mature more than 15 years from the date of its issue. Bonds may be made redeemable before maturity either at the option of the state or at the option of the holder, or on the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the treasurer prior to the issue of bonds. The treasurer shall determine the form and details of bonds. Subject to RSA 93-A, the bonds shall be signed by the treasurer and countersigned by the governor. The bonds may be sold in such manner, either at public or private sale, for such price, including above or below par value, at such rate or rates of interest, or at such discount in lieu of interest, as the treasurer may determine. ***The state may further issue GARVEE bonds for the purpose of financing the project costs related to the replacement and/or rehabilitation of 2 Connecticut river bridges, located in Lebanon, New Hampshire and Hinsdale, New Hampshire, pursuant to the issuance process in this paragraph.***

3 Turnpike System; Authority Granted. Amend RSA 237:2, VII(b) and (c) to read as follows:

(b) Plan ~~[and]~~, engineer, ***and construct*** improvements ~~[to]~~, ***and acquire land as necessary for*** the central New Hampshire turnpike, including, but not limited to the addition of a traffic lane or lanes in each direction from the junction of interstate 89 in the city of Concord to the northerly expansion joint of the Interstate 93 bridge over Loudon Road and N.H. Route 9 (bridge no. 163/106).

(c) Plan ~~[and]~~, engineer, ***and construct*** improvements ~~[to]~~, ***and acquire land as necessary for*** the central New Hampshire turnpike, including, but not limited to the addition of a traffic lane or lanes in each direction from exit 6 to exit 7 in the city of Manchester, as well as the reconstruction of the exit 6 and exit 7 interchanges.

4 Turnpike System; Funds Provided. Amend RSA 237:7, I(h) to read as follows:

(h) Improvements to central New Hampshire turnpike.

RSA 237:2, IV(h), VII, VII(b), VII(c), IX.

[\$574,900,000]

\$697,000,000

5 Turnpike System; Funds Provided. Amend RSA 237:7, I(j) to read as follows:

(j) Study of exit 10 on Spaulding turnpike.

RSA 237:2 II-a.

[\$1,100,000]

\$3,500,000

6 Department of Transportation; Transportation Infrastructure Finance and Innovation Act. In accordance with RSA 6:13-d, the department of transportation anticipates securing a loan of \$200,000,000 through the federal Transportation Infrastructure Finance and Innovation Act (TIFIA), 23 U.S.C. sections 601-609, to complete the widening of Interstate 93 from Salem to Manchester. It is anticipated that

the loan will be structured to require revenue collected under 2014, 17 (SB 367-FN-A), to be used for the improvement of approximately 1,160 miles of rural roads (\$12,000,000 per year) and approximately 23 red list bridges (\$8,000,000 per year) during the first 9 years of the loan. Subsequent to the ninth year, funds collected under 2014, 17 shall be used to make interest and principal payments on the loan. Consequently, the department will no longer be able to invest in rural roads and red list bridges at the same levels. The state 10-year transportation improvement plan sets forth projects to improve roads and bridges in accordance with the conditions of the loan.

7 Department of Transportation; Grants. If the department of transportation or any municipality is successful in obtaining additional grant funding (such as TIGER grants) for projects in the state 10-year transportation improvement plan, the department may modify and/or advance project funding, as practical, for such projects in order to leverage these additional grant funds.

8 Department of Transportation; Purchase of Fleet Vehicles. The department of transportation may expend up to \$2,500,000 in excess funds from the winter maintenance accounting unit (2928) from fiscal year 2016 for the purchase of fleet vehicles. Eighty-five percent of said funds shall be appropriated for trucks and heavy equipment. Fifteen percent of said funds shall be appropriated for light trucks and passenger vehicles. Said funds shall be appropriated from the undesignated highway surplus account and shall be continually appropriated and nonlapsing.

9 Department of Transportation; Expenditure for State Bridge Aid Program. The department of transportation may expend up to \$2,500,000 in excess funds from the winter maintenance accounting unit (2928) from fiscal year 2016 for the state bridge aid program under RSA 234:5. Said funds shall be appropriated from the undesignated highway surplus account and shall be continually appropriated and nonlapsing.

10 Department of Transportation; Highway Bridge and Betterment. Pursuant to the intent of 2014, 17 (SB 367-FN-A), excess funds in highway maintenance accounting unit (3007) should be spent on roads and bridges. Notwithstanding any law to the contrary, any lapsing funds up to \$4,000,000 in the highway maintenance accounting unit (3007) from fiscal year 2016 shall be appropriated to the department of transportation from the undesignated highway surplus account and shall be continually appropriated for use in class 400 in accounting unit 8910 for highway bridge and betterment district resurfacing and district rehabilitation programs. Said funds shall be nonlapsing.

11 Department of Transportation: Transfer of Funds: \$200,000 of the undesignated programmatic funds under the State Aid Highway Program (SAH) in 2018 shall be designated to the Littleton Saranac Street project. Amend the bill by replacing section 12 with the following:

12 Effective Date.

I. Sections 8, 9, and 10 of this act shall take effect July 1, 2016.

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

2016-0903h

AMENDED ANALYSIS

This bill:

I. Adopts the 10-year transportation improvement plan for 2017-2026.

II. Adds purposes for which the state may issue GARVEE bonds.

III. Modifies funding for projects on the central New Hampshire turnpike and the Spaulding turnpike.

IV. Authorizes the department of transportation to expend certain funds for the purchase of fleet vehicles, for the state bridge aid program, and for highway bridge and betterment district resurfacing and rehabilitation programs.

V. Transfers certain funds under the state aid highway program to the Littleton Saranac Street project.

Amendment to SB 155-FN-A

(2016-0440h)

Proposed by the Committee on Finance - c

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 donations 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.

(b) Two members of the senate commerce committee and 2 members of the senate finance committee.

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 a private attorney/administrator to collect gifts and donations, review applications for assistance submitted pursuant to this chapter, and make awards of assistance in accordance with the procedures of this chapter. A quorum of 4 committee members shall be required to consent to any awards of assistance which are \$5,000 or over. The attorney shall be compensated at a rate which is no more than 10 percent of the donated funds.

IV. In the event of a tie vote on any matter, the chairperson's vote shall break the tie.

V. The attorney 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 for the committee 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 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 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 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 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 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.

2015-2421h

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 restitution assistance from the FRM victims' contribution recovery fund for such victims.