State of
New Hampshire

HOUSE RECORD

First Year of the 165th General Court

Calendar and Journal of the 2017 Session

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Contains: House Deadlines; Reports and Amendments; Meetings and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on Wednesday, January 3, 2018, at 10:00 a.m. and on Thursday, January 4, 2018, at 9:00 a.m. Also, please save the morning of Tuesday, January 9th, for a House session at 9:00 a.m. if necessary.

Looking ahead, please note the following tentative session days: February 7 (and 8th if necessary); February 22nd; March 7th (and 8th if necessary); March 21st (and 22nd if necessary).

There will be no official break week; however, the week of February 26th can be used as a break week for those committees that have finished their reporting. There will not be a House session planned for that week.

You will note that the committee reports on retained bills are printed in this Calendar. Please bring your copy to the sessions on January 3rd and 4th.

State offices will be closed on Monday, December 25th, and on Monday, January 1, 2018.

I extend my very best wishes to all of you for a safe and wonderful holiday season.

Gene G. Chandler, Speaker

NOTICE

ALL reports, scheduling and notices are due in the House Clerk's Office by **3:00 p.m. on WEDNESDAYS.** Reports and scheduling shall be turned in to House Committee Services for processing ***no later than 1:00 p.m.*** on Wednesday. Please be sure to complete that work in a timely fashion to meet the Calendar deadline.

CLOSES AT 3:00 p.m. ON:	**AVAILABLE ON:**
Wednesday, December 27, 2017	Friday, December 29, 2017
Wednesday, January 3, 2018	Friday, January 5, 2018
Wednesday, January 10, 2018	Friday, January 12, 2018

Paul C. Smith, Clerk of the House

2018 HOUSE DEADLINES

Thursday, January 4, 2018	Last day to introduce House legislation
Thursday, February 1, 2018	Last day to report House Bills going to second committee
Thursday, February 8, 2018	Last day to act on House Bills going to a second committee
Thursday, March 1, 2018	Last day to report House Bills not in a second committee
Thursday, March 8, 2018	Last day to act on House Bills not in a second committee
Thursday, March 15, 2018	Last day to report all House Bills
Thursday, March 22, 2018	CROSSOVER. Last day to act on all House Bills
Thursday, April 5, 2018	Last day to report Senate Bills going to a second committee
Thursday, April 12, 2018	Last day to act on Senate Bills going to a second committee
Thursday, April 26, 2018	Last day to report all remaining Senate Bills
Thursday, May 3, 2018	Last day to act on all remaining Senate Bills
Thursday, May 10, 2018	Last day to form committees of conference
Thursday, May 17, 2018	Last day to sign committee of conference reports (4:00 p.m.)
Thursday, May 24, 2018	Last day to act on committee of conference reports

NOTICE

There will be a Republican caucus on **Wednesday, January 3rd at 9:00 a.m.** in Representatives Hall.
There will be a Republican caucus on **Thursday, January 4th at 8:30 a.m.** in Representatives Hall.

Rep. Richard W. Hinch

NOTICE

There will be a Democratic caucus on **Wednesday, January 3rd at 9:00 a.m.** in Rooms 210-211, LOB.

Rep. Stephen Shurtleff

NOTICE

There will be an information session on ***SB193***, relative to education freedom savings accounts, on Tuesday, January 2nd from 10:00 a.m. to 12:00 p.m. in Representatives Hall. There will be a presentation on the bill followed by a question and answer session. This information session is open to all legislators.

Rep. Richard W. Hinch

NOTICE

LEGISLATIVE ETHICS COMMITTEE

Required Disclosure Filing

Copies of the **"2018 Financial Disclosure Form,"** have recently been mailed to each member of the House. Members may fill out and file the paper form or file electronically with the Financial Disclosure E-Form which was recently emailed to you. If you choose to use the hard copy, please return your form to Rich Lambert in **Room 112 of the State House.** All legislators and legislative officers are required to complete and file a hard copy or E-Form with the Legislative Ethics Committee **no later than January 19, 2018**.

Richard M. Lambert, Executive Administrator
Legislative Ethics Committee

WEDNESDAY, JANUARY 3
CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 134-FN, relative to causes for divorce. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Daniel Itse for Children and Family Law. This bill, as amended, updates the causes for divorce to contemporary language and standards, adding abuse and neglect, domestic violence and drug abuse. **Vote 13-0.**

HB 135, relative to the submission of evidence prior to hearings in divorce cases. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Allen Cook for Children and Family Law. This bill, as amended, addresses the current problem with evidence submitted on the day of court. The amendment allows evidence to be submitted 10 days prior to the hearing, allowing for the opposing party to request a continuance. It also addresses the concerns of evidence in relationship to rebuttal and impeachment. **Vote 13-0.**

HB 326, regarding immunity under the child abuse reporting law. **INEXPEDIENT TO LEGISLATE.**
Rep. Lucy Weber for Children and Family Law. The committee was told, at the initial hearing, that the bill as drafted did not reflect the intent of the bill sponsor. No further amendments to the bill having been offered and considerable concern having been expressed in the initial hearing about the bill as drafted, the committee voted to ITL. **Vote 14-0.**

HB 410, relative to the legislative youth advisory council. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Mary Gile for Children and Family Law. The Legislative Youth Advisory Council was created to advise the legislature, President of the Senate, and Speaker of the House of Representatives on proposed or pending legislation, state budget expenditures, and policy matters of concern to youth. This bill, as amended, expands the definition of postsecondary youth to include a member of the workforce, as well as the definition of postsecondary institutions to include career schools and other New Hampshire training or education programs. The amendment further allows for the formation of regional subcommittees, adds administrative changes and requires council officers to submit transactional documents to their successor through the legislative co-chair. **Vote 14-0.**

HB 506, relative to notice of a petition for modification of child support. **INEXPEDIENT TO LEGISLATE.**
Rep. Allen Cook for Children and Family Law. After serious consideration of all angles of this issue, the subcommittee findings indicate that the family court is not yet technologically prepared to go online. Therefore, it was determined that it is best to wait while mechanisms are in place to move forward with this advancement at this time. **Vote 14-0.**

HB 521, revising the alimony statute. **INEXPEDIENT TO LEGISLATE.**
Rep. Daniel Itse for Children and Family Law. This bill was one of two bills introduced to reform our alimony statutes. This bill is recommended ITL and its positive attributes incorporated into the other bill, SB 71. **Vote 14-0.**

SB 71, relative to the law governing alimony. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Mary Beth Walz for Children and Family Law. This bill, as amended, sets clear guidelines for the length and amount of alimony awarded in a divorce. Specifically, alimony should be no more than thirty percent of the difference between the parties' gross income at the time the order is created. Alimony shall be for half the length of the marriage unless the parties agree otherwise. The court may deviate from the duration or amount guidelines in the bill if it finds that any of the enumerated special exceptions apply. Presently, alimony awards in New Hampshire vary by which judge issues the order. This bill will bring necessary consistency and predictability state-wide. **Vote 14-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 377, relative to marijuana sales. **REFER FOR INTERIM STUDY.**
Rep. Barbara Biggie for Commerce and Consumer Affairs. This bill grants the Liquor Commission the exclusive authority to sell marijuana for recreational use if it is not otherwise prohibited by the laws of this state. The committee would like to study this issue further, so that in the event the federal government permits the recreational use of marijuana, we have worked on developing a framework within the Liquor Commission for its regulation. Issues that require review include how the NH Liquor Commission will establish a distribution network, and handle sales and enforcement. As with liquor sales, there may be monthly reports on sales and the collection of the Meals and Rooms tax. **Vote 13-0.**

HB 427, allowing hobby distillation of liquors. **INEXPEDIENT TO LEGISLATE.**
Rep. Edward Butler for Commerce and Consumer Affairs. The Commerce Committee is often supportive of the growth of businesses and hobbyists regarding the distillation and brewing of alcoholic beverages. However our hands are tied when it comes to allowing the home distillation of spirits because a permit from the federal Alcohol and Tobacco Tax and Trade Bureau is required. **Vote 12-1.**

HB 523, relative to limitations on the use of biometric information. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would create significant regulation for businesses who want to collect biometric information from employees or others. While the committee recognizes that this is a rapidly growing nationwide issue, we did not believe the bill as written was ready to pass. The amendment creates a study committee which will study the issue, and make recommendations on rules and limitations on biometric collection. **Vote 13-0.**

HB 555-LOCAL, relative to the enforcement authority of the liquor investigators. **INEXPEDIENT TO LEGISLATE.**
Rep. John Hunt for Commerce and Consumer Affairs. The bill as introduced attempted to limit the enforcement authority of liquor investigators to licensed businesses where liquor is lawfully sold, stored, distributed or manufactured. Since some enforcement may be necessary at an unlicensed establishment and may also be in support of other law enforcement, the committee voted for Inexpedient to Legislate. However, during the work sessions, the issue of "mission creep" came up, and whether the Division of Enforcement and Licensing was going beyond its' purpose. As a result, the division has agreed to report all enforcement activities on non-licensed premises on a quarterly basis. **Vote 13-1.**

HB 590-FN, establishing a state bank. **REFER FOR INTERIM STUDY.**
Rep. Valerie Fraser for Commerce and Consumer Affairs. The argument in favor of interim study is that, for one, public banking is a complex subject that is often misunderstood or misrepresented. A bank's mandate would be to use the public dollars for the benefit of the citizens of NH; a state bank can borrow money at much better rates than currently; it has the ability to assist the borrowing agencies and local community banks to help advance agricultural growth, small business growth and help solve the affordable housing problems; and investing our wealth in NH for NH, can bring the assurances of long-term prosperity to NH. **Vote 12-1.**

SB 88-FN, (New Title) authorizing wine manufacturer retail outlets. **INEXPEDIENT TO LEGISLATE.**
Rep. Kermit Williams for Commerce and Consumer Affairs. This bill exactly matches the final language in HB 140, which was signed into law in June. Therefore this bill is no longer necessary. **Vote 13-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 544-FN, relative to earned time credits for prisoners participating in rehabilitative or educational programming. **REFER FOR INTERIM STUDY.**
Rep. Laura Pantelakos for Criminal Justice and Public Safety. This bill amends current statutes which allow certain inmates in the N.H. State Prison system to earn days off by completing educational programs. The

goal is to reduce recidivism by allowing inmates to improve their qualifications for employment when released from prison. At the present time, we do not have data to indicate whether or not the program is working. The Department of Corrections wants more time to review the current program before making changes. They are willing to work with the committee to formulate a bill that makes a workable program that accomplishes a reduction in recidivism. **Vote 20-0.**

EDUCATION

HB 155-FN, relative to funding for kindergarten programs. **REFER FOR INTERIM STUDY.**
Rep. Terry Wolf for Education. This bill calls for full funding of full-day kindergarten. SB 191 passed last spring and there is an LSR for 2018, making this bill unnecessary. **Vote 18-0.**

HB 180, requiring postsecondary education institutions to compile and submit reports on remedial education courses. **INEXPEDIENT TO LEGISLATE.**
Rep. Dan Wolf for Education. In the time since this bill was introduced, further information was received by the subcommittee regarding programs that exist to assist remedial students along with receipt of specific data requested from post secondary education that identifies percentages and more statistical information of remedial students at the community college level. An LSR has been prepared and submitted to the general court that provides for the Community College System of New Hampshire implementing the goals of HB180 and working with high schools in providing corrective, remedial support at the secondary level. **Vote 18-0.**

HB 207, prohibiting the implementation of common core in public elementary and secondary schools. **INEXPEDIENT TO LEGISLATE.**
Rep. Victoria Sullivan for Education. The committee as a whole identifies HB207 as no longer necessary. During the past year, SB44, an identical bill, passed the house, senate, and was signed into law. The new law, as would HB 207, prohibits the department of education and the state board of education from requiring the implementation of the common core standards in any school or school district in this state. The bill also prohibits the state board of education from amending any existing academic standards or approving any new academic standards without prior review and recommendation of the legislative oversight committee. **Vote 18-0.**

ELECTION LAW

HB 403, relative to domicile affidavits. **INEXPEDIENT TO LEGISLATE.**
Rep. Yvonne Dean-Bailey for Election Law. This bill modifies the domicile affidavit that was eliminated last session with the adoption of SB 3. Since this affidavit is no longer in use, the committee determined that this legislation is not needed. **Vote 19-0.**

HB 404, relative to eligibility to vote, voter registration forms, and absentee ballot requests. **INEXPEDIENT TO LEGISLATE.**
Rep. Norman Silber for Election Law. This legislation proposes to modify the same day registration process by eliminating a separate same day registration form. Recently passed legislation addressed the election day registration process for proving the qualifications of new registrants. The current same day registration process is a component of our federally compliant voter registration process and there was concern that should this bill be enacted other methods of voter registration would need to be modified. The committee believes that before further altering this process, we should allow for the new statute and process to stand. **Vote 20-0.**

HB 459, relative to challenged voter affidavits. **INEXPEDIENT TO LEGISLATE.**
Rep. Norman Silber for Election Law. This legislation modifies the content of the Challenged Voter Affidavit by requiring additional information to be provided by the voter. One use of the Challenged Voter Affidavit is for those who have already registered to vote but have forgotten to bring their photo identification to the polls. The additional information to be recorded on the form is already recorded on other documents used to register to vote. The committee found that at this time the alterations to the form as set forth in this bill were unnecessary. **Vote 19-1.**

HB 465, relative to domicile for the purposes of voting or holding elective office. **INEXPEDIENT TO LEGISLATE.**
Rep. Barbara Griffin for Election Law. This legislation proposed to specify certain actions that will establish that a person has abandoned their domicile for the purposes of voting or holding elective office. Though many committee members agree that these actions would be signs of a voter abandoning their domicile, the committee believed that there were certain other federal and state laws that needed to be considered before expanding the list of actions. While the committee did believe a list of specific acts would be helpful, there was concern that the bill as proposed might create conflict in interpretation and compliance with other state and federal laws. **Vote 20-0.**

HB 533, relative to political advocacy organizations. **INEXPEDIENT TO LEGISLATE.**
Rep. Norman Silber for Election Law. This bill modified the definition of political advocacy organization for purposes of registration and reporting of expenditures and contributions. The committee also considered a bill which was exactly the same, SB 33. Given the duplicate legislation, the committee felt this bill was unnecessary. **Vote 20-0.**

HB 616-FN-LOCAL, relative to persons executing election affidavits. **INEXPEDIENT TO LEGISLATE.**
Rep. Lisa Freeman for Election Law. This bill requires persons executing the Qualified Voter Affidavit to provide proof of qualification to the Supervisors of the Checklist or the Town or Ward Clerk within 10 days. SB 3, enacted earlier this year, addressed this bill in part, and the Secretary of State works with communities on the use of this form in ongoing training. Given the current status, the committee believed further changes to this affidavit at this time were not appropriate. **Vote 20-0.**

HB 639, relative to affidavits used to prove qualifications to vote. **INEXPEDIENT TO LEGISLATE.**
Rep. Yvonne Dean-Bailey for Election Law. This legislation limits the use of affidavits and changed forms in use at the polling place on Election Day, similar in some ways to HB 404. Much of what this bill proposed to do in regards to same day registrants was handled by SB 3. Given the changes that had already occurred, the committee determined that this legislation is not needed. **Vote 20-0.**

HB 651-FN, relative to wrongful voting and penalties for voter fraud. **INEXPEDIENT TO LEGISLATE.**
Rep. Barbara Griffin for Election Law. This bill proposed to amend the section of law that dealt with penalties for voter fraud by making the listed acts more specific. Some of what was proposed by this bill has been amended by SB 3. The committee believed the new statute and process should stand without further changes. **Vote 20-0.**

SB 33, relative to the definition of political advocacy organization. **REFER FOR INTERIM STUDY.**
Rep. Norman Silber for Election Law. This bill addresses the definition of political advocacy organizations as to registration requirements for the origination and registration of expenditures and donors. While the committee heard testimony supporting the bill, because of a belief it would provide full transparency, the committee also heard testimony that it failed to appropriately distinguish issue advocacy and candidate advocacy. While the ideas expressed were of interest for legislation, given the concerns of its effect the committee recommended referring the bill for Interim Study. **Vote 18-2.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 80, relative to the administration of building code enforcement. **INEXPEDIENT TO LEGISLATE.**
Rep. Steven Beaudoin for Executive Departments and Administration. This bill would transfer the enforcement of building codes to the Public Utilities Commission, an organization with no enforcement capability. After five work sessions with stakeholders, the committee agreed that this bill would not accomplish the sponsors' intent, nor improve building code compliance in the state. **Vote 17-0.**

HB 101-FN, relative to certification for solid waste operators. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Peter Hansen for Executive Departments and Administration. This bill originally proposed to extend the re-certification of solid waste operators from 1 year to 3 years and exempt supervised volunteer workers at the waste facility from certification. The committee concluded that a 3 year certification renewal period was not in the best interest of the state, due to the high risks to public health and safety if solid wastes were mishandled. However, we did agree that the current 1 year re-certification requirement was excessive, as was the requirement that volunteers take the same training as full time-workers. The committee amended the bill to establish a 2 year re-certification requirement and exempt supervised volunteers from certification. **Vote 17-0.**

HB 192, relative to rulemaking of the department of corrections. **REFER FOR INTERIM STUDY.**
Rep. J.R. Hoell for Executive Departments and Administration. This bill would have increased the number of Department of Corrections rules that would go through the formal rule making process, including review by the Joint Legislative Committee on Administrative Rules (JLCAR). Upon examination, it was found that most of the rules the sponsors were concerned with already required JLCAR approval, and the department has started updating their rules. The committee voted to study this bill further, to ensure that these rules completed the process. **Vote 17-0.**

HB 298, relative to the mechanical licensing board. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Carol McGuire for Executive Departments and Administration. This bill was originally a request of the Mechanical Licensing Board (plumbing and gas fitting) and contained a number of different sections. The public hearing revealed difficulties with nearly all the sections, and the committee was unable to resolve them to its satisfaction. One section, easing the requirements for plumber apprenticeship, was supported by everyone; the committee amendment strips out all other sections for later action. **Vote 17-0.**

HB 369-FN, relative to the amortization of retirement system unfunded accrued liability. **INEXPEDIENT TO LEGISLATE.**
Rep. Jeffrey Goley for Executive Departments and Administration. This bill would have extended the amortization for the unfunded accrued liability of the NH Retirement System from 30 to 40 years. Extending the amortization period another 10 years may sound good because it will lower payments for cities and towns, but by extending the time to pay off the unfunded accrued liability, the amount of money that cities and towns end up paying over time will significantly increase. Due to the increased costs to cities and towns, the committee recommends that this bill be found Inexpedient to Legislate. **Vote 17-0.**

HB 593-FN, granting group II retirement system status to certain positions in the department of corrections. **REFER FOR INTERIM STUDY.**
Rep. J.R. Hoell for Executive Departments and Administration. This bill started as a list of 40 positions to convert to Group II, with job titles such as "supervisor" and "nutrition consultant." Further work revealed that these positions required full corrections training at the police standards and training academy, involved close contact with inmates, and demanded that these personnel take responsibility for incidents. That information was available in the supplemental job description, while the generic titles are used throughout state government. This issue has come up before, as Group II personnel are promoted to new positions that are classified as Group I; it hampers recruitment and creates unrest, as people working next to each other have different benefits depending on whether or not they had been "grandfathered." The committee realizes that some action is needed, if only out of fairness, but does not believe that HB 593 as written is the solution. Interim study was chosen as the most appropriate disposition. **Vote 15-2.**

HB 653-FN, relative to health care premium contributions for Medicare eligible state retirees. **INEXPEDIENT TO LEGISLATE.**
Rep. Carol McGuire for Executive Departments and Administration. This bill would require retirees over 65 to contribute at least 12.5% towards their health insurance. It was retained while the budget and trailer bill were being worked on. This issue was settled in the final budget and HB 653 is no longer necessary. **Vote 17-0.**

FINANCE

HB 435-FN, relative to funding of the national guard scholarship fund. **INEXPEDIENT TO LEGISLATE.**
Rep. Peter Spanos for Finance. This bill proposed funding a National Guard scholarship in the amount of $10,000. The matter was included in the budget, so the bill is unnecessary. **Vote 26-0.**

HB 572-FN, extending the suspension of prior authorization requirements for a community mental health program on drugs used to treat mental illness. **INEXPEDIENT TO LEGISLATE.**
Rep. David Danielson for Finance. This bill sought to continue the suspension of prior authorization for Community Mental Health Centers (CMHC) to prescribe medication to those patients suffering from severe mental illness. The committee learned through testimony that the ability of the CMHC to prescribe is important to the mental health of those residents in need of the medications. As this legislation was included in the trailer bill for the state budget it was therefore found to be redundant. **Vote 26-0.**

HB 641-FN-A, relative to high school students participating in New Hampshire's dual and concurrent enrollment program and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**
Rep. Kenneth Weyler for Finance. The concept of supporting high school students' ability to take college level courses in their high schools, or to take courses on a college campus that would give credits in both their college and high school records, was well supported by the committee. The reason for Inexpedient to Legislate is that both the concept and the funding were included in the current budget. The bill was retained until the committee was assured that this would happen. Now that the program is safely secured, the bill is no longer necessary. **Vote 26-0.**

HB 646-FN, relative to the placement and detention of a minor in a secure facility. **INEXPEDIENT TO LEGISLATE.**
Rep. David Danielson for Finance. This bill dealt with the appropriateness of the placement and detention of minors in the Sununu Youth Services Center, the state's secure facility for juveniles. The issue was dealt with comprehensively in the 2018/19 state budget. Consequently, this bill is no longer necessary. **Vote 26-0.**

SB 132, (New Title) establishing a New Hampshire inventory of historic burial grounds and cemeteries. **OUGHT TO PASS WITH AMENDMENT.**
Rep. J. Tracy Emerick for Finance. This bill establishes a New Hampshire inventory of historical burial grounds and cemeteries. The estimate of such burial grounds and cemeteries is estimated by the state to be approximately 4,000 of which New Hampshire has an inventory of about 2,000. The amendment authorizes the use of non-government organizations (NGO) to assist the state in updating the inventory to the anticipated levels of the 4,000 sites. One organization, the New Hampshire Old Graveyard Association, has volunteered their information on about 4,000 sites in the state and would appreciate the state keeping the database for public and governmental uses. **Vote 26-0.**

SB 197-FN-A, making an appropriation to the department of justice to enforce election and lobbying laws. **INEXPEDIENT TO LEGISLATE.**
Rep. Peter Spanos for Finance. This bill would fund the Department of Justice for election and lobbying law enforcement. The funding was placed in the budget, thus obviating the need for this bill. It should be noted that the Secretary of State has hired the necessary personnel to fulfill the intent of the bill. **Vote 25-1.**

SB 215-FN, (New Title) requiring the department of administrative services to assess the costs of allowing the community college system employees to participate in the state health plan. **OUGHT TO PASS WITH AMENDMENT.**
Rep. J. Tracy Emerick for Finance. Requiring the Department of Administrative Services (DAS) to assess the costs of allowing the Community College System of New Hampshire (CCSNH) employees to participate in the state health plan. The bill was amended to include the University System of New Hampshire (USNH) so that both entities have the same guidelines for working with DAS to develop the costs. All expenses of cost development will be paid by the entity, not by the state. The bill does not authorize either entity's employees to participate in the state health plan; rather, an additional bill must be developed and voted on by the House for their inclusion. **Vote 26-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 286, requiring reporting on suicide deaths of individuals receiving services through the department of health and human services or its subcontractors. **INEXPEDIENT TO LEGISLATE.**
Rep. Martin Bove for Health, Human Services and Elderly Affairs. The aim of this bill was fulfilled by the Health and Human Services Oversight Committee forming a subcommittee to review all aspects of suicide reporting, and so the committee voted unanimously to recommend it Inexpedient to Legislate. **Vote 20-0.**

HB 610-FN, implementing needle exchange programs in New Hampshire. **INEXPEDIENT TO LEGISLATE.**
Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill is now unnecessary as SB 234 was passed and signed into law. **Vote 20-0.**

HB 630-FN-A, relative to the establishment of a publicly transparent interdepartmental health information and analysis program for New Hampshire and establishing a special fund. **REFER FOR INTERIM STUDY.**
Rep. Charles McMahon for Health, Human Services and Elderly Affairs. The work described, and the funding requested, within this bill requires additional work between the departments affected to ensure cooperative collaboration. The request for Interim Study is the consensus of the committee. **Vote 20-0.**

SB 7-FN-LOCAL, (New Title) relative to eligibility for food stamps and establishing the Granite Workforce pilot program. **INEXPEDIENT TO LEGISLATE.**
Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill was referred to a subcommittee which considered stripping the bill down to requiring the election of a USDA waiver for mandatory child support cooperation for SNAP recipients. The Department of Health and Human Services reported that such a waiver would cost the state $584,025 to implement and save no general fund dollars, although it would save $1,159,380 federal dollars. This is not cost effective for the state. **Vote 20-0.**

JUDICIARY

HB 252, relative to pro se litigants under the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Kurt Wuelper for Judiciary. This bill, as amended, ensures that all documents submitted with or in response to a petition for a right-to-know dispute be considered as evidence in that case. **Vote 17-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 438, eliminating the automatic union dues payment for state employees. **INEXPEDIENT TO LEGISLATE.**
Rep. Mark MacKenzie for Labor, Industrial and Rehabilitative Services. The committee determined the legislation presented which would have eliminated the ability of employers to deduct union dues was unnecessary. The proposal would have set aside negotiated provisions in collective bargaining agreements throughout the state. The sponsor of such legislation did not present a compelling argument which would have warranted this change. **Vote 19-0.**

LEGISLATIVE ADMINISTRATION

HB 245, relative to identification of the source of legislative bill proposals. **INEXPEDIENT TO LEGISLATE.**
Rep. Sherman Packard for Legislative Administration. This bill establishes a process for the identification of an entity that produces model legislation to be included in a bill's analysis. The committee felt that this bill went way too far in trying to identify where an idea for legislation originated. Many times a suggestion or thought could come from any number of sources. This bill was written so broadly it could apply to a great number of bills coming before the legislature each year. **Vote 8-0.**

HB 509, requiring the university system to disclose annual expenditures in its operating budget. **INEXPEDIENT TO LEGISLATE.**
Rep. Sherman Packard for Legislative Administration. This bill requires the trustees of the University System to submit a report every year on the operating budget for each institution in the University System to three

legislative committees and the Governor. The committee felt that with other measures that have taken place, such as the Speaker and the Senate President becoming members of the USNH Board, sufficient checks are in place to oversee the money given by the state to the University System. **Vote 8-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 182, relative to the adoption of a default budget. **INEXPEDIENT TO LEGISLATE.**
Rep. Franklin Sterling for Municipal and County Government. This bill as presented would enact a new section of law that would allow a political subdivision that has adopted the official ballot form of government to adopt the option of placing the "default budget" on the ballot as a separate article. Voters could vote for or against the proposed operating budget and for or against the default budget, and it would allow the governing body to call a special session to deal solely with the budget if neither the operating or default budgets are defeated. The committee concluded that there is already a provision in the current statue to allow for the calling of a special meeting and this new provision would be redundant. **Vote 12-3.**

HB 565-FN-LOCAL, relative to collection of delinquent property tax payments by manufactured housing owners. **INEXPEDIENT TO LEGISLATE.**
Rep. Francis Gauthier for Municipal and County Government. As a result of several subcommittee meetings held over the summer for this retained bill, the sub-committee recommended, and the full committee concurred, that this bill should be found Inexpedient to Legislate. A new bill for 2018 will be introduced to better resolve the issues investigated in mobile home parks. **Vote 16-0.**

HB 619-FN-LOCAL, relative to medical services for prisoners. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Clyde Carson for Municipal and County Government. As amended this bill puts in statute the current practice used by state and county prison officials of requiring prisoners to authorize a claim for payment of medical care from Medicaid, when care is provided outside of the prison. This practice helps prisons avoid paying high private care rates. Although prisoners can refuse to sign the authorization, most don't. Having the practice in statute gives prison officials a basis for urging prisoners to sign the authorization. **Vote 16-0.**

PUBLIC WORKS AND HIGHWAYS

HB 426-FN, relative to hazardous duty pay for certain department of transportation employees. **REFER FOR INTERIM STUDY.**
Rep. John Cloutier for Public Works and Highways. This bill would require hazardous duty pay for certain New Hampshire Department of Transportation construction workers. The committee decided to put this bill into Interim Study because there are presently negotiations between the department and its unionized employees on a new employment contract which might result in hazardous duty pay being included in the new contract. The committee is interested in seeing whether such pay is included before making a final recommendation on this bill. **Vote 15-0.**

HB 512, establishing a commission to develop a memorandum of understanding between the department of transportation and the department of resources and economic development for staffing, operating, and maintaining the state's rest areas and welcome centers. **INEXPEDIENT TO LEGISLATE.**
Rep. Mark McConkey for Public Works and Highways. Presently the Department of Transportation and the Department of Business and Economic Affairs are staffing, operating and maintaining the States Rest Areas and Welcome Centers under the terms of an expired memorandum of understanding. The two agencies are presently finalizing a new Memorandum of Understanding (MOU) and the prime sponsor thought this legislation not necessary and requested that HB 512 should be ITL. The committee will also send a letter to both departments asking them to conclude this MOU in a timely manner. **Vote 15-1.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 393-FN, relative to the Winnipesaukee river basin control program reserve account. **INEXPEDIENT TO LEGISLATE.**
Rep. Chris Christensen for Resources, Recreation and Development. This bill was filed in anticipation of updated agreements between the various municipalities involved in the Winnipesaukee River Basin project. The arrangements are still being worked out so the bill is unnecessary at this time. **Vote 16-0.**

HB 486, relative to the protection of wetlands. **REFER FOR INTERIM STUDY.**
Rep. Judith Spang for Resources, Recreation and Development. This bill was retained to enable the committee to study the science of wetlands, including water quality and quantity and wildlife habitat, and what is needed to protect them. The first part of the study was completed. The committee recommends interim study to now evaluate different approaches to wetlands protection to determine what may be appropriate for New Hampshire. **Vote 16-0.**

HB 582-FN-A, relative to public bathing facilities. **INEXPEDIENT TO LEGISLATE.**
Rep. Kevin Maes for Resources, Recreation and Development. This bill would have instituted a new licensing program for public pools and spas in the state. The fees raised by the licensing would have enabled the Department of Environmental Services to increase inspections and subsequently improve water quality in the facilities. After thorough evaluation, the department and the committee agree that improving water quality in these pools and spas is very important, but may be accomplished without burdening businesses and municipalities with higher fees. The department is examining new and revised procedures and requirements, and the committee therefore agreed that this bill is not needed. **Vote 16-0.**

SB 73, relative to septic requirements in conversions to accessory dwellings. **INEXPEDIENT TO LEGISLATE.**
Rep. John Mullen for Resources, Recreation and Development. The subject matter of this bill was included in HB 258 which was passed and signed by the Governor during the 2017 session, making this bill unnecessary. **Vote 16-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 111, relative to recovery of stranded costs on certain purchased power agreements. **INEXPEDIENT TO LEGISLATE.**
Rep. Michael Vose for Science, Technology and Energy. The original intent of this retained bill was to require that the over market costs (potentially stranded) of a specific purchase power agreement (PPA) be borne by the PPA agreeing parties and not electric ratepayers. The specific PPA, with over market costs rapidly approaching $100 million, is between Eversource and Berlin Biopower. The committee retained the bill to determine if a broader measure to protect ratepayers from PPA overreach was an appropriate public policy. Given the Public Utilities Commission's recent resistance to PPAs due to possible conflicts with an earlier electricity market restructuring law, the danger from future PPAs is deemed remote. **Vote 21-0.**

HB 324, relative to the valuation of utility property. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Michael Vose for Science, Technology and Energy. This retained bill sought to require that all utility property assessments be handled by the Department of Revenue Administration rather than local selectmen and their appointed representatives. This action was designed to prevent all utility ratepayers from shouldering a disproportionate share of a single municipality's tax burden. Such passing along to ratepayers of taxpayer responsibility leads to unnecessary lawsuits that both ratepayers and taxpayers ultimately must fund. Municipalities opposed this move as a state usurpation of local control and authority. The major sticking point centered on the method used to assess utility property. Despite 14 hours of subcommittee work sessions, no compromise was forthcoming. The amendment replaces the bill's original content with the establishment of a study commission of stakeholders charged with finding a compromise that can be turned into proposed legislation in the fall of 2018. It also imposes a temporary moratorium on municipalities that prohibits a change in their assessment method in place at the time of passage of this bill. This action should ultimately lead to a solution that will satisfy the Supreme Court's admonishment to the legislature to choose an assessment methodology. **Vote 20-0.**

HB 401, relative to the implementation of the recommendations of grid modernization. **INEXPEDIENT TO LEGISLATE.**
Rep. Herbert Richardson for Science, Technology and Energy. The committee feels that this legislation has merit, but is not yet ready for prime time. The prime sponsor also agrees. The committee, therefore, does not recommend the bill's passage. **Vote 21-0.**

HB 518, eliminating the cap on net metering. **INEXPEDIENT TO LEGISLATE.**
Rep. Michael Vose for Science, Technology and Energy. The original intent of this retained bill was to set the price of electricity sold by net metering customers. Such a reset might have been prudent depending on the outcome of a Public Utility Commission (PUC) docket to determine a fair and reasonable net metering price, known in PUC jargon as a tariff. The June 2017 completion of the docket process resulted in a new net metering tariff (NEM 2.0) that took effect on September 1, 2017. This tariff replaced a previous one (NEM 1.0) that let net metering customers receive credit for the excess energy generated by solar panels and other sources and fed into the grid at the full retail unit price charged by a net metering customer's utility. The new tariff lowered the amount new net metering customers can obtain by three to four cents compared to the older tariff. Existing customers were grandfathered under the older tariff until 2040 by legislation passed in 2016. The subcommittee assigned the bill briefly explored applying the new tariff to all net metering customers, but deferred that idea due to uncertainty about existing contracts and the ethics of government reneging on an earlier promise. **Vote 20-1.**

TRANSPORTATION

HB 193, relative to traffic control measures. **OUGHT TO PASS.**
Rep. Peter Torosian for Transportation. This bill takes a common sense approach to using a standard that is currently in place and used successfully when determining whether a road project requires a uniformed

police officer or an approved "traffic flagger." This bill simply uses the same current standard that has been used for many years and which provides for the safe flow of traffic around work areas. This bill gives local town and city officials the discretion to make exceptions for unique circumstances in their towns. **Vote 12-0.**

HB 267, repealing the rail transit authority. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Steven Smith for Transportation. The original bill was a repeal of the New Hampshire Rail Transit Authority (NHRTA) due to concerns about eminent domain authority, bonding authority, and the lack of a specific project to manage. The committee amendment repeals the NHRTA and establishes the New Hampshire Transportation Council. This new council is formed with the previous concerns addressed and requires no funding. This will be a clearing house for vetting new transportation technologies and projects. This new council will be a valuable vetting tool for the state, and for the newly formed Public Private Partnership Commission. **Vote 15-0.**

HB 314, relative to autonomous vehicles. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Thomas Walsh for Transportation. The amendment replaces the original bill; it sets up structure and guidelines for the testing of autonomous vehicles, particularly level 5, in the state of New Hampshire. Licensing, registration, insurance requirements, certification, and compliance with federal law are among the things set up. After countless hours of work, this bill came out of committee with a unanimous vote. **Vote 15-0.**

HB 492, relative to motorized scooters and wheelchairs operating on public streets. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Werner Horn for Transportation. This bill clarifies the lack of safety requirements for motorized scooters and wheelchairs operated on pubic ways. The committee amendment updates definitions in the existing statutes regulating Electric Personal Assistive Mobility Devices (EPAMD) to include scooters and wheelchairs. **Vote 15-0.**

HB 500, relative to organizations that are authorized to issue decals. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Thomas Walsh for Transportation. The original bill sought to allow tax exempt organizations under 501(c)(4) to issue decals for multi-use plates. The amendment narrows that down to 501(c)(4) organizations if they have an affiliated 501(c)(3) and also adds 501(c)(10) organizations. It narrows that group of organizations down further by stating that qualifying organizations must be secular, nonpolitical, and service-oriented. If passed, this bill will help expand the multi-use plate program as well as help many deserving organizations. **Vote 14-0.**

WAYS AND MEANS

HB 96-FN, relative to the price of Lucky 7 tickets. **REFER FOR INTERIM STUDY.**
Rep. Russell Ober for Ways and Means. This bill simply allows the price of Lucky 7 tickets to be raised from $.50 to $1.00. This permits the price to remain the same or be raised depending upon the location. Much discussion ensued about the introduction of Lucky 7 machines and whether they are "slot" machines. The amount of revenue from Lucky 7 for charities may be affected. The committee feels this bill requires further study. **Vote 23-0.**

HB 124-FN, repealing certain aircraft registration fees. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Patrick Abrami for Ways and Means. The original bill that came out of the Transportation Committee and voted ought to pass on the consent calendar by this body called for the elimination of all aircraft registration fees. The bill came to the Ways and Means Committee as the second committee since it involved taxes and fees. Ways and Means amended the bill to be revenue neutral since it was clear no money would be forthcoming from the general fund to support aviation which in round numbers comes from $1 million in registration fees and $0.25 million in fuel taxes. It was apparent that we were looking at a zero-sum game and that we needed to alter fees and taxes with the end result in revenue of $1.25 million. The reason for recasting how we achieve the $1.25 million is that our system for coming up with registration fees for an individual aircraft is based upon millage rates and weight. This formula has resulted in new large aircraft being charged up to $300,000 for the first year of registration. In short, this policy has chased away all aircraft owners from registering new and larger planes in NH. At the same time, Massachusetts eliminated its sales tax on planes and now has a top rate of $300 per year to register there. We are losing these aircraft to fields like Hanscom in Massachusetts. Everyone agreed we need to fix this problem. Upon research we discovered that our fuel taxes were extremely low as compared to other states and much lower than Massachusetts. With much input from the small plane owners, the large plane owners, the small airports, the large airports, and the base operators, a compromise was reached that lowered the registration fees on average, but increased the fuel taxes but in a way that we are still well below most states. The result is this bill will generate $1.25 million a year in revenue which would come from $0.41 million in registration fees and $0.84 million in fuel taxes. This compromise was supported by most of the various interest groups that participated in a total of five subcommittee meetings. We are certain that this will help bring back the aviation industry to NH. In addition, we feel this will help us retain the airplane timeshare companies that are based in our state. These

changes should help companies that modernize their fleets to stay in NH and not move their operations to Massachusetts. This bill also insures that our 25 airports in this state would continue to be given modest assistance from the revenues generated from these registration fees. **Vote 22-1.**

HB 169-FN, relative to limits on wagers in charitable games of chance. **OUGHT TO PASS.**
Rep. Arthur Barnes for Ways and Means. The bill would increase "table stakes" from $4.00 to $10.00 for charitable games of chance. The committee considered two points: 1) the increase would allow NH charities to compete with Maine and Massachusetts which both have similar limits; 2) an estimated increase of more than $800,000 in state revenues and greater revenues for the charity organizations. **Vote 23-0.**

HB 263, relative to facilities licenses for charitable gaming. **OUGHT TO PASS.**
Rep. Charlie Burns for Ways and Means. This bill allows the lessee of a facility, with a written lease, to apply for a facility license to conduct charitable gaming purposes, rather than the facility owner, and removes the requirement of a certificate of good standing from the department of revenue administration. It also removes the limit on facilities licenses that may be issued per year to an applicant. The committee agreed with these changes since it not only helps charities but will increase state revenues. **Vote 23-0.**

HB 360-FN-A, reducing the pari-mutuel tax. **INEXPEDIENT TO LEGISLATE.**
Rep. Bill Ohm for Ways and Means. This bill proposes to reduce the fee paid to the state for simulcast horse racing from 1.25% to 0.5% of the pari-mutual pool. In addition, it adjusts the fee paid to the city or town from a minimum of $300 or $400, to $10 per $10,000 of the pari-mutual pool. Supporters feel that this would help sustain simulcast racing after the close of Rockingham Park. Opponents feel that the current fees are minimal and appropriate, and should not be changed. **Vote 23-0.**

HB 529-FN-A-LOCAL, phasing out and repealing the interest and dividends tax. **REFER FOR INTERIM STUDY.**
Rep. Patrick Abrami for Ways and Means. The committee felt that the phasing out and repealing of the interest and dividends tax was not prudent fiscal policy at this time. More specifically, many want to see the full impact of the business tax cuts on overall revenues before we consider this. However, there was support for increasing the exemptions for all filers. Being mid-biennium with the state's budget set, it was felt amending the bill at this time could not be done in a revenue-neutral manner. It is important to point out that there was a bill filed to be heard in session year 2018 addressing the increasing of exemptions. The committee voted interim study on this bill to work in sync with the bill that has been filed. **Vote 20-3.**

HB 562-FN, allowing online gambling. **INEXPEDIENT TO LEGISLATE.**
Rep. Marc Abear for Ways and Means. This bill legalized online gambling done on an internet connection to a web site. The committee feels the bill is unusually broad, lacks specificity of the type of gambling contemplated, lacks any specification of fee(s) to be collected to the state, fails to enumerate needed requirements and lacks definition of costs of any associated regulatory structure. **Vote 23-0.**

SB 2-FN-A, reducing the rates of the business profits tax and the business enterprise tax. **INEXPEDIENT TO LEGISLATE.**
Rep. Timothy Lang for Ways and Means. The topic of this bill, reducing the rate of business profits tax and business enterprise tax, was covered in this year's budget bill and passed by both House and Senate. Therefore, this bill is no longer required. **Vote 23-0.**

SB 205-FN-A, establishing the small business jobs fund and tax credit. **REFER FOR INTERIM STUDY.**
Rep. Jordan Ulery for Ways and Means. Due to last minute concerns raised and stake holders who recently became aware of the benefits, the committee felt that additional study was warranted. Issues included both meshing this business growth bill with recent legislation and potential increase or decrease in net revenues. The committee voted interim study on this bill to further understand its revenue and economic impact. **Vote 23-0.**

WEDNESDAY, JANUARY 3
REGULAR CALENDAR PART ONE

CHILDREN AND FAMILY LAW

HB 236, relative to determination of parental rights and responsibilities and establishing a presumption in favor of shared residential responsibility. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Itse for the **Majority** of Children and Family Law. This bill, as amended, shifts the paradigm of parental rights and responsibilities for parents no longer living together, principally pursuant to divorce. It is premised on the principle that children have a right to the companionship with and protection of both of their parents. Therefore, it reserves 35% of the parenting time and responsibilities to each parent unless it is detrimental to the best interests of the child, per the balance of our statutes. It leaves 30% of the parenting time and responsibilities to the discretion of the court based upon the best interest of the child in that particular case. Finally, it adds one cause for petitioning to modify an existing parenting plan at the behest of one parent due to a change in circumstances, but raises the level of proof to clear and convincing, so as to discourage frivolous or antagonistic petitions. **Vote 8-6.**

Rep. Lucy Weber for the **Minority** of Children and Family Law. The minority is very concerned about the adoption of a last minute amendment without adequate input from interested parties. Concerns raised, among others, included the removal of criteria currently in the statute which focus on the well-being of the child and their replacement with an emphasis on the rights of parents. In a time when our focus has been on ensuring consistency of judicial decisions, this bill as amended leaves too much up to judicial interpretation. For example, when the bill speaks of 35% of parenting time and responsibilities, there is no guidance as to the timing, quality of time, whether sleeping or waking hours, how to deal with travel or other issues. The bill raises the current standard of a preponderance of the evidence to clear and convincing proof that the change is in the best interests of the child.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 156-FN, including a fetus in the definition of "another" for purposes of certain criminal offenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Shannon Chandley for Criminal Justice and Public Safety. This bill was retained by the committee so that another bill, SB 66, including a fetus in the definition of "another" for purposes of certain criminal offenses, could be heard and passed by the House. SB 66 was subsequently enacted into law as Chapter 188, Laws of 2017. At the present time it was deemed by the committee not to pursue the idea further. **Vote 14-6.**

HB 287, establishing a committee to study decriminalizing sex work. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert Renny Cushing for Criminal Justice and Public Safety. This bill, as amended, establishes a committee to study issues related to changing prostitution laws in New Hampshire. The duties of the committee include: determining the scope of the issue in the state; the mental and physical health and well-being of those involved; the experiences of law enforcement and individuals involved; the availability of services to individuals; the impacts of arrest, conviction and incarceration on individuals and the cost to law enforcement. The majority of the committee believes that further study is important to understanding this issue. **Vote 14-6.**

HB 613-FN, amending the procedures for use of segregated housing for inmates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Scott Wallace for Criminal Justice and Public Safety. This bill as introduced established standards and procedures for the use of long-term isolation confinement in state correctional facilities. The committee finds that there is limited use of this procedure but we also found that the prison is no longer an accredited facility. Therefore we have amended the bill to require that the prison be audited by the American Correctional Association. Accreditation is important when the prison is involved in a lawsuit; having the accreditation positively impacts such actions by helping to prevent frivolous lawsuits being brought forth due to lack of accreditation and ensures that our state prisons are up to code, thereby providing a safer environment for prison staff and inmates. **Vote 19-1.**

HB 656-FN-A-LOCAL, relative to the legalization and regulation of marijuana. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Dave Testerman for the **Majority** of Criminal Justice and Public Safety. This bill legalizes the possession of up to one ounce of marijuana and up to five grams of hashish, possessing or growing up to six marijuana plants, and transferring up to one ounce of marijuana and up to six immature marijuana plants by a person twenty-one years old or older without remuneration. Additionally, this bill establishes a regulatory system for the cultivation, transport, sale, and taxation of marijuana. This bill identifies four regulatory agencies responsible for regulating businesses involved in the production, purchase, and sale of marijuana; (1) Depart-

ment of Agriculture, Markets and Food, (2) Department of Health and Human Services, (3) New Hampshire Liquor Commission and (4) Department of Revenue Administration. Currently there is a commission studying issues relative to legalizing marijuana. The findings of that commission won't be realized until the fall of 2018. Of the states that have legalized the sale, possession and manufacture of the substance, much is to be learned about the process. The committee feels the appropriate action is to wait for the final report of the commission. **Vote 13-7.**

Rep. Frank Sapareto for the **Minority** of Criminal Justice and Public Safety. The minority of the committee believes the war on pot is over. The minority supports the home-grow option of three immature and three mature plants. It sets specific fines and regulates marijuana related products. The minority supports amending the bill and passing it.

EDUCATION

HB 505, establishing an independent commission as an additional authorizing entity for chartered public schools. **REFER FOR INTERIM STUDY.**

Rep. Terry Wolf for Education. This bill would establish an independent commission from the state board of education that would have statutory authority to authorize charter public schools. The bill as proposed makes changes to the charter public school statute relating to who may apply for a charter. Charter public schools have a critical role in providing our student population an alternative choice to the regular public school of residence. In principle, the majority believes that another authorizing entity assisting charters with policies and practices in accordance with principles and standards of the National Association of Charter School Authorizers would benefit all charter schools. The committee recommends interim study as it recognizes many positive attributes; however, the committee is also interested in tracking and determining the effectiveness of the new charter coordinator position at the department. The additional time provided by the study will enable the committee to gather research and to better understand functions and successes associated with organizational structures in other states. **Vote 13-6.**

HB 525-FN, relative to stabilization grants for education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Shaw for Education. The elimination of stabilization grants by 4% per year has created unnecessary economic hardship to many communities around the state that depend on the allocation to support services and programming at a time when per pupil costs are increasing for many reasons including higher per capita costs due to declining enrollments in both small and large schools. This is making it very difficult and burdening districts with increased local costs to maintain the opportunity for an adequate education. As amended, this bill restores the stabilization allocation within the education funding formula to 100% for the fiscal years 2020 and 2021 and thereafter. The education policy committee supports efforts being made by the committee pursuant to recently passed HB356 that is tasked with studying education funding and the cost of an opportunity for an adequate education. Education policy encourages that committee to examine the entire state adequacy-funding program to ensure proper funding statewide through the adequacy funding formula. **Vote 19-0.**

HB 609-FN-A, establishing a children's savings account program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Heath for Education. This bill establishes a student and career and college investment program which will be available to any student who completes a financial literacy education program beginning in the second grade to grade twelve and makes an appropriation for the biennium ending June 30, 2019 to fund student accounts. NH demographics are clear, NH students carry the highest college debt and the number of high school graduates is declining. Furthermore, NH is seeing an increase in the population of young families eligible for free and reduced price lunch programs. Purposeful intervention can break this cycle and create a culture of savings, interest, investment and attainment of postsecondary credentials. Student's savings accounts are a proven vehicle for achieving this goal. NH students shall be eligible to participate in the student career and college investment program upon completion of a financial literacy education program approved by the department of education and offered at the student's school (public, private or home school) in the second grade through grade twelve. The student accounts will be established by a responsible adult on behalf of the child pursuant to RSA 195-H, that complies with the requirements of section 529 of the Internal Revenue Code of 1986. No funds shall be required to establish the student account. No personally identifiable information shall be disseminated, collected or retained in accordance with RSA 189:65-68. Upon establishment, the state treasurer shall transfer $250 from the student career and college investment program trust fund, established in RSA 195-J: 5, into the student account. The commission shall ensure proper record keeping and reporting. When the balance of a student account reaches $500, the state treasurer shall transfer an amount (determined annually) to the student account. The student career and college investment commission established in RSA 195-J: 2 will oversee and may accept, budget, and expend moneys and the state treasurer shall deposit in the program trust all moneys appropriated to the fund. **Vote 16-3.**

ELECTION LAW

HB 249, relative to showing a ballot. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Norman Silber for the **Majority** of Election Law. This legislation proposes to repeal a law adopted in 2014 that prohibited the photography and distribution of a marked ballot. The bill was originally retained because of a pending lawsuit. While the decision in this lawsuit determined that the law violates free speech protections, this conclusion is not the same as those reached by other similar courts. Courts in other jurisdictions have found that such a restriction is permissible as to conduct, an issue not addressed in the New Hampshire case. The majority of the committee recommends referring the bill for interim study given the current state of legal opinions on this issue. **Vote 12-8.**

Rep. Wayne Moynihan for the **Minority** of Election Law. The secret ballot, introduced in American elections in the 20th century, squelched a trend of corruption and intimidation of voters that was growing larger in the 19th century. With the intention of securing the secret ballot in the modern era of social media, as well as preventing voter intimidation, this legislature, in 2014, passed a prohibition against photographing and distributing images of a voter's marked ballot; i.e. taking a "ballot selfie." This bill would change that by allowing a NH voter to take a photo or image of their marked ballot and to distribute the image by social media or other means. This bill was filed because the NH federal courts ruled that the 2014 NH law against "ballot selfies" violated a voter's right to free speech. However, the committee also learned that, in other states, the federal courts have issued rulings that are contrary to what happened in NH. The federal court rulings in other states have found that a law which bans the display, photographing, and distribution of a marked ballot, in order to protect the secrecy of the ballot, is not in violation of the right of free speech. The minority seeks a vote that determines that HB 249 is Inexpedient to Legislate. While NH alone cannot settle the differences of opinion among the federal courts, we can keep the principal of the secret ballot alive in NH until that happens.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 366-FN, relative to the calculation of average final compensation under the retirement system for certain members. **INEXPEDIENT TO LEGISLATE.**

Rep. Henry Marsh for Executive Departments and Administration. This bill would delete a cost saving pension provision that applies to retirement system members who started working on or after July 1, 2011 or were not vested before January 1, 2012. This limitation prevents artificially spiking one's pension by working additional overtime late in one's career, while being fair to those who work considerable overtime throughout their working life. This "spiking" can create increased costs to the pension system by increasing final pay beyond that anticipated, with no time for contributions for this compensation to compound. The committee, and the sponsor, recommended this bill as Inexpedient to Legislate due to the fiscal impact. **Vote 11-5.**

HB 421-FN, relative to revocation of retirement and other benefits for persons convicted of certain crimes while in public service. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration. No one wants to see someone collecting a state pension if they've been convicted of stealing from the state. This well-intentioned bill would permit the forfeiture of a NH Retirement System (NHRS) pension in such instances. The committee had no problem with the provision permitting a court to order restitution from a pension for clearly defined, relevant crimes. However, there are due process concerns raised by the bill, such as including undefined "other crimes." Also, there was no provision for determining whether a "resignation" was related to a crime. The major problem, however, was that the NHRS would be charged with an adjudicatory role of weighing such factors as "the degree of public trust." The NHRS has no mechanism for conducting such a determination. This would result in the NHRS being placed in a situation with potential political consequences. The NHRS is widely respected as a neutral agency and that respect should not be jeopardized. The committee would be receptive to a bill more limited in scope. **Vote 15-2.**

HB 631-FN, establishing a cash balance pension plan for new hires and non-vested employees. **REFER FOR INTERIM STUDY.**

Rep. Carol McGuire for Executive Departments and Administration. This bill was retained to allow a recommendation from the Decennial Retirement Commission to be adopted quickly, if that commission recommended such a plan. The commission has not finished its work, and so HB 631 was recommended for Interim Study so as not to block any commission results. **Vote 11-6.**

FINANCE

HB 485-FN, relative to standards for emerging contaminants in drinking water. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Tracy Emerick for Finance. This bill is relative to standards for emerging contaminants in drinking water. The amendment to this bill did two things: It fixed the responsibility for developing or adopting stan-

dards that protect the health of the citizens with a review of each standard at least once every five years, and it empowered the Department of Environmental Services to have authority to test air quality as previously passed by the house, twice, in HB 463. Incorporating the air testing is essential as airborne chemicals may end up on the ground and into the aquifer. Two positions, one toxicologist and one environmentalist, are authorized in the bill with the understanding that these two professionals will be working 100% on the testing and standards review of this bill. **Vote 23-3.**

SB 247-FN-A, preventing childhood lead poisoning from paint and water and making an appropriation to a special fund. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Frank Byron for Finance. This bill preventing childhood lead poisoning from paint and water, was amended by Finance to reduce the cost to the state budget and to support the House position of reducing childhood lead exposure. As a proactive approach towards lead poisoning prevention, the amended bill reduces the allowable blood lead level (BLL) in children from the current 10 ug/dL down to 7.5 ug/dL in 2019 and to 5 ug/dL in 2021 aligning them with recommended guidelines, and allows for the Department of Health and Human Services (DHHS) and the legislature to incorporate any requests for costs of implementation into the next two biennial budgets. This reduction also allows the state and landlords to ascertain the impact of these changes in a considered approach. Universal testing for children ages 1 year and 2 years old were retained in the bill. Finance determined that there are no additional costs to these tests as they are already included in all insurance policies. The modified bill utilizes a child BLL alert limit to provide landlords an opportunity to address lead contamination before DHHS intervenes. The early intervention by landlords reduces the costs associated with lead mitigation. Landlords are also provided relief from the "all or none" approach to apartment building mitigation orders of DHHS by restricting mitigation when lead is found to only those apartments with pregnant women or children 6 years old or younger. This is a significant relief from the current statute. The amended bill provides landlords a state-backed loan guarantee program that also protects the state should there be a default of the landlord. In order to avoid an issue with Article 28-a, Part 1 of the state constitution, Finance eliminated the requirements that public schools test their water systems every 2 years and stipulated that testing would only be required for private schools should they be served by a well rather than a public water supply. Finance also eliminated the requirement of the original bill for public water systems to identify their pipework and mitigate any questionable piping. **Vote 23-3.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 471-FN, relative to induced termination of pregnancy statistics. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Jess Edwards for the **Majority** of Health, Human Services and Elderly Affairs. The committee voted to adopt the subcommittee amendment which strengthened the patient privacy and security requirements while clarifying reporting dates and the effective date of the statute. New Hampshire will join 47 other states that report abortion statistics to the Centers for Disease Control while using the data to improve women's health services. **Vote 12-8.**
Rep. Jerry Knirk for the **Minority** of Health, Human Services and Elderly Affairs. This bill singles out a legal, low-risk medical procedure for reporting to the Department of Health and Human Services (DHHS) at significant expense. Other medical procedures are not routinely reported to DHHS in the absence of a public health threat necessitating the gathering of such data.

JUDICIARY

HB 476, relative to the duties of registers of probate. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Claire Rouillard for the **Majority** of Judiciary. This bill as amended modifies the current statutory duties of the registers of probate, an elected official under the New Hampshire Constitution. It removes the courts' authority over the county registers of probate, consistent with other county elected officials, such as county treasurers, county attorneys, registers of deeds and sheriffs, and it also returns the authority over the registers of probate to the counties where they are elected. Our constitution provides that registers of probate shall be elected (Part II, Article 71) and that the judges of the courts shall appoint the clerk of the court, "those of probate excepted" (Part II, Article 82). There have been six unsuccessful attempts to remove the election of registers of probate or remove their position as the clerk of the probate court from our constitution since 1996, most recently in 2017. In 2011, after failed attempts to remove the election of the register of probate, a dramatic change in our Judicial Branch was proposed by our courts. Costs of operating the courts were increasing and the legislature at that time wanted to decrease spending. The court presented its plan in HB 609, which by statute eliminated the elected registers of probate as clerks of the probate court. That legislation also repealed 44 statutes, many of which directly impacted the duties of the registers of probate as clerk of the probate court. HB 609 passed out of the House Judiciary Committee with a committee report

that never mentioned the registers of probate, was put on the consent calendar, and passed the full House on a voice vote with no debate. HB 2, the budget trailer bill, reduced the registers of probate salary to $100 per year. The majority of the current Judiciary Committee believes that these statutory changes were contrary to the constitution, since the effect of the changes made the registers no longer the clerks of the probate court. Each county-elected register receives a letter from the Judicial Branch stating that the court will not provide "a telephone, office, desk, or key to the courthouse," thereby preventing the registers from access to court filings and performing the few statutory duties that remain. One statute that did remain was that the register could be charged with a misdemeanor if a register violated any provision in the statute. Recent court improvements, such as electronic filing, have caused many citizens, including the elderly, to seek assistance outside of the courts, including filings in probate. Our probate court handles estates, trusts, guardianships, adoptions, name changes, etc. This bill, as amended, seeks to address citizens' concerns and provides that registers of probate will work within the current court system to assist any citizen with questions or issues on all probate matters. The registers will be provided training by the court on the court computer system, telephone system and processes. The registers will be provided with a computer, work station or office, the location of which will be decided upon by the county, along with a telephone and e-mail for remote access to probate filings. Court record access by the registers will be "read-only." Registers will work with the courts in the retention and destruction of court records, including electronic storage, as well as in the preservation of historical documents. The funding for registers of probate will come from a percentage of probate court filing fees. The court will forward a percentage of the fees collected in that county's probate court to the county treasurer. Each county will decide the hours of the registers of probate, whether the position is per diem, part time or full time, depending on the needs of the citizens and funding received. The county will decide the salary and benefits, if any, paid to the county-elected register. There should not be a downshift of costs. The bipartisan majority of the committee believes this bill is a good compromise for our citizens. **Vote 11-6.**
Rep. Paul Berch for the **Minority** of Judiciary. This bill, while containing some kernels of valuable out-of-the-box thinking, creates a program out of step with the modernization efforts of the Judicial Branch, appears overly expensive, while raiding dedicated funds, and its real life functionality seems questionable. It appears to not fit within the state's e-court system, especially with the electronic case monitoring system. While there appear to be problems in the probate arena, this solution may create more problems than it solves.

HB 596-FN, relative to review hearings in involuntary admission cases. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Michael Sylvia for the **Majority** of Judiciary. This bill as amended addresses an inequity within the area of involuntarily admissions. Under the current structure, a person admitted to a term of more than 2 years would need to have a certificate from a psychiatrist in order to get a hearing before a probate court for discharge. The person being held under involuntarily admission would need to hire a private psychiatrist. For those without the means to hire a private psychiatrist, only the current treating psychiatrist would be available to sign the certificate needed to petition the court. If the current psychiatrist agreed to the discharge, no hearing would be required, as that treating psychiatrist can recommend termination of the involuntarily admission. The amendment addresses the concerns of administrators and assures that the psychiatrist currently treating the petitioner will receive notice of the filing from the court. Under this bill a person being held under involuntarily admission, with a term of up to 5 years, would have the opportunity to petition the probate court for discharge every 2 years. **Vote 12-5.**
Rep. Linda Kenison for the **Minority** of Judiciary. This bill allows involuntary committed patients to request a court hearing every two years under a different standard than what currently exists. Currently, a petition for a hearing requires a psychiatric evaluation to accompany the petition. The bill allows the patient to petition the court for a hearing without an accompanying evaluation. Prior to the hearing, the court will order an evaluation to be paid for by the state. The average total cost per evaluation is $3,567. An additional cost to the state per hearing is $232. It is estimated that 15 to 16 patients will petition for a total cost to the state of $76,000. The current system works well. There is no need for this bill which sets up a dual court discharge process.

SB 249, relative to procedures related to the disclosure of exculpatory evidence by police officers. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Paul Berch for Judiciary. This bill, as amended, clarifies the duties of the prosecutors, law enforcement officers and courts regarding the obligation to provide exculpatory evidence, while conforming New Hampshire law with the requirements of the U.S. and N.H. Constitutions. It provides clear definitions, protects confidentiality to the extent allowed by law, and protects law enforcement officers from improper discharge. **Vote 15-2.**

PUBLIC WORKS AND HIGHWAYS

HB 347-FN-A-LOCAL, making an appropriation for rural bus service. **REFER FOR INTERIM STUDY.**
Rep. John Cloutier for Public Works and Highways. This bill would make a total appropriation of $200,000 for rural bus service in Fiscal Years 2018 and 2019, in counties of under 100,000 people. At the most recent

work session the committee received information from the Department of Transportation (DOT) that the state had not funded the operating expenses for any bus services since 2009. While the majority of the committee understands that including an appropriation for any bus services is too late because the operating budget has become law, it is interested in seeing whether the next 10-Year Transportation Plan to be adopted in 2018 might include language requiring a state appropriation for bus service in the Fiscal Year 2020-2021 Operating Budget. **Vote 10-6.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 119, (New Title) relative to the length of docks on a water body, water body size. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris Christensen for Resources, Recreation and Development. This bill enabled extensions of temporary seasonal docks in response to the drought conditions of 2016. The amendment simplifies the language and deletes some of the regulatory definition differences on docks and boat slips that had been based on lake size. The committee recognizes that similar boat length, draft, and beam characteristics apply on both large and small water bodies. **Vote 12-4.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 317, prohibiting the public utilities commission from increasing the system benefits charge without legislative approval. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Vose for the **Majority** of Science, Technology and Energy. The NH constitution stipulates that the citizens of our state, through their elected representatives, must agree to the imposition of any "subsidy, charge, tax, impost, or duty." Only the legislature can impose a mandatory taking from its citizens. This retained bill restores to the legislature its constitutional authority over a taking known as the System Benefits Charge (SBC). This charge, inferred by the electricity restructuring law passed in 1996 and imposed since 2002 by the Public Utilities Commission, currently collects approximately $35 million from NH ratepayers; this amount will increase between now and 2020 to over $40 million (the average ratepayer pays $2.21 per month now and will pay nearly $4 by 2020). In the most recent budget as passed by this legislature and signed by the Governor, language similar to that of this bill protects the budgeting process going forward by requiring legislative approval of any change to the SBC. This bill codifies in statute that already approved budget language. Budget writers felt it was prudent to provide the legislature such oversight because NH government operations spent an average of $11.5 million per year on electricity in the three years 2014-2016, which included a total of $700,000 for the SBC, an amount that will rise to nearly $1 million over three years by 2020. The SBC funds low-income bill assistance and energy efficiency subsidies. This bill, as amended, does not affect any programs through 2020. The amendment changes the wording of the original bill to match that of the language in the budget. It restores an important measure of constitutional governance, and provides the legislature with the oversight and control needed to prevent a slide into economic stagnation caused by over regulation and excessive taxation. **Vote 11-10.**

Rep. Robert Backus for the **Minority** of Science, Technology and Energy. This bill would oust the Public Utilities Commission (PUC) of its ability to make changes to the System Benefits Charge. This modest charge ($2.15 on a typical customer's 650 kWh monthly bill) was authorized in 1996 as part of NH's commitment to ending cost plus regulation of electric generation and instead trusting to the competitive markets to provide the lowest cost power sources. The charge benefits the system by funding low income bill assistance and energy efficiency. It has always been set by the PUC, subject to notice and hearing requirements and a cap on the amount. Instead, with this bill the charge could only be changed by the legislature, which is no better equipped to set the charge than it is to set other parts of electric rates. In addition, the legislature lacks the ability to act in a timely fashion should a need to make changes up or down quickly arise. Testimony before the committee was overwhelmingly opposed to this bill, including that of the Consumer Advocate, the Department of Environmental Services, and the PUC itself. Subjecting this small charge to the political process of the legislature may threaten its very existence, which would eviscerate NH's still modest but vital commitment to achieving all cost effective energy efficiency, as well as threatening low income assistance programs. Testimony indicates that the dollar value obtained exceeds this small cost by four or five to one. The minority believes this bill should not pass.

HB 559-FN, relative to expenditures from the energy efficiency fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Ammon for the **Majority** of Science, Technology and Energy. The intent of this bill is to remove residential RGGI rebates and to use this money ($5.25 million) for energy efficiency projects. The bill would preserve rebates to commercial/industrial electricity customers, which effectively would put residential customers in the position of subsidizing business customers. It also would increase the cost of electricity for residential

customers. Since 2012, 80% of NH's share of funds generated by the sale of RGGI auction proceeds has been rebated to customers. This bill would have reduced those rebates for residential customers to zero. Since the non-rebated 20% of RGGI auction proceeds have been used to subsidize a variety of government-sponsored programs, elimination of any increase in subsidies will forestall the growth of government regulation while preventing further cost increases to ratepayers. **Vote 11-10.**

Rep. Herbert Richardson for the **Minority** of Science, Technology and Energy. This bill would create close to $40 million in new energy savings each year. The bill directs the business allocation from the Energy Efficiency Fund to go to rebates for business, thereby driving down electrical costs for our businesses, especially those large energy users. It directs the residential allocation from the Energy Efficiency Fund to support high demand, cost effective energy efficiency programs, all of which are privately managed, award winning statewide programs run by the utilities and overseen by the NH Public Utilities Commission within the so-called CORE docket. Unlike previous proposals, this bill increases money going to low-income weatherization from the current 15% to 35%. This will service over 400 additional low-income renters and homeowners across the state and will cut their household energy bills by up to 30%, allowing them to afford other basic necessities, avoid springtime evictions and foreclosures, and reduce reliance on local welfare. Importantly, the low-income energy efficiency waitlist of over 10,000 households across our state will finally begin to be chipped away at. Hundreds more middle income residential customers falling above the qualification for the low-income program will also receive energy efficiency assistance. Moreover, aging school district and municipal buildings across our state will receive needed upgrades to significantly reduce their energy bills, which directly reduces operating expenses and thereby property tax liability. Finally, our manufacturing sector on the LG electric rate (greater than 1,000 kilowatt demand) will receive an average reduction of $200 per month. The majority argues we should socialize the residential allocation and give an average of between $1.30 and $1.70 per month to every residential customer from the Energy Efficiency Fund, rather than supporting high quality energy efficiency for hundreds of residential households, municipalities, and school districts across the state that are clearly struggling to get their energy bills under control. The minority believes it is a much better return on investment to support hundreds of jobs, provide property tax relief, create about $40 million in new energy savings each year, and drastically reduce energy and grid demands that drive down prices for all ratepayers. This bill is supported by a wide array of stakeholders, including the Business and Industry Association, the Office of Consumer Advocate (which represents residential ratepayers), NH Legal Assistance which represents low-income residential ratepayers, the NH Municipal Association, and Community Action Programs which provide services to low-income clients across our state.

HB 592-FN, repealing the regional greenhouse gas initiative. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Vose for the **Majority** of Science, Technology and Energy. The original intent of this retained bill was to repeal the Regional Greenhouse Gas Initiative, commonly known as RGGI. RGGI implements a carbon emissions cap and trade program that requires any electricity generator that emits carbon dioxide to purchase an allowance for each ton of its emissions. An auction process implements the sale of these allowances. Generators pass along the cost of these allowances in the price of the power they sell to the grid. Therefore, all ratepayers pay them. The funds collected from generators then get combined and divided amongst the RGGI participating states according to a formula that accounts for population and other factors. Since all ratepayers pay these costs, but only get a return if they live in a RGGI state, a NH repeal of RGGI would be a net loss to ratepayers. Since 2012, 80% of NH's share of funds generated by the sale of RGGI auction proceeds has been rebated to electricity ratepayers. The amendment recommended by the committee increases that rebate from 80% to 100%, less administrative costs. This change will reduce electricity costs and return funds generated by what is essentially a carbon tax to the pockets of the ratepayers from whom they are extracted. The House passed legislation in 2015 that is identical to the recommended amendment. **Vote 11-10.**

Rep. Marjorie Shepardson for the **Minority** of Science, Technology and Energy. This bill, as originally presented, would have repealed the law under which NH participates in the Regional Greenhouse Gas Initiative, or RGGI. On the day the committee was to vote on this repeal, an amendment was offered which entirely replaced the original bill and instead of an outright repeal, zeroed out all funding for energy efficiency projects through the program. The minority believes that, in addition to the other problems with the bill, an opportunity for a public hearing on the amendment should have been provided. RGGI is a cap and trade system among nine northeastern states to cut greenhouse gas emissions. It is a model for the rest of the country because it has been successfully reducing these emissions while providing the states with money for energy efficiency, which cuts their power demand even more. But our state is not using most of this money for efficiency, so we are seeing our energy use continue to rise while other states' use has flattened out. Under this bill, as amended, NH would entirely eliminate the funding that RGGI provides to advance energy efficiency and better our ranking as only the 21st most efficient state. As a result, NH is likely to pay a bigger share of the region's rapidly rising costs for regional transmission projects, perhaps moving us toward the highest electric bills in New England. For less than a dollar a month we can reap the benefits of better health, clean

energy jobs, fuel diversity, and keeping more of our energy dollars in the state to work for all of us. There is a substantial wait list for energy efficiency projects and eliminating RGGI funding that can be used for this purpose will only increase this problem. Energy efficiency has long been NH's priority choice for meeting our energy needs. It remains the lowest cost choice and is also the most environmentally friendly. It is the best tool we have to meet the problem of high electric bills in our state, since customers have the power to cut their bills by reducing the number of kilowatt-hours they use.

REGULAR CALENDAR PART TWO

EDUCATION

CACR 7, relating to public education. Providing that the general court shall have the authority to define standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Wolf for the **Majority** of Education. This bill proposes that the general court shall have the authority to define standards of accountability for funding state education. Currently, the legislature has a committee tasked with the responsibility of studying the adequacy formula that also includes elements such as community disparities and fiscal capacity. Although some in the majority believe the responsibility for developing and appropriating funding for an adequate education as stated in CACR 7 is the direct responsibility of the general court, it is believed that the legislature can accomplish this end through the legislative process without the need for a constitutional amendment and once again, initiating the debate regarding donor and non donor communities. Members also voiced concerns that communities would not have the ability to appeal and resolve any education issues through the court system. **Vote 12-7.**

Rep. Glenn Cordelli for the **Minority** of Education. We believe that the funding of education should be the responsibility of the representatives of the people. This constitutional amendment will place that responsibility with the general court rather than the judicial branch.

HB 477, relative to free speech on campuses in the university system and the community college system. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn Halstead for the **Majority** of Education. This bill has been the subject of hearings and subcommittee discussions and has directly resulted in the University System of New Hampshire (USNH) reviewing and improving policies and procedures with regard to freedom of expression on campuses. A recommendation to interim study keeps this bill alive and serves important notice that the New Hampshire legislature values the first amendment and remains prepared to pursue appropriate legislative recommendations if necessary to protect this constitution right on all state post secondary campuses. **Vote 10-9.**

Rep. Wayne Burton for the **Minority** of Education. Free speech is the life blood of a true democracy. Especially on our college campuses, the free flow of ideas and information comprises an essential component of the next generation's postsecondary education. We are grateful the sponsors of this bill sought to assure themselves and our state that speech is truly free at NH's publicly supported institutions. During the process of hearing and considering this bill, leaders from the University System of New Hampshire (USNH) reviewed and modified campus policies to assure consistency and only include provisions necessary to protect the safety of those exercising their free speech and others living on or visiting the campuses. Also reviewed in terms of assuring free speech rights were those policies aimed at forestalling any substantial disruption of ongoing institutional activities. In so doing USNH policies and practices were aligned with the expectations of this bill. Every bill needs a purpose but not every purpose requires a bill. In this instance, HB 477 had the effect desired without enacting a new statute. The rationale for Interim Study provided by the member making the motion was to have a legislative vehicle for studying incidents occurring in secondary schools, a worthy activity. But because any legislation on that initiative would be non-germane to this bill, the minority believes, having served its purpose, HB 477 should now be voted Inexpedient to Legislate and a new bill initiated for the stated reason for interim study.

SB 193-FN, establishing education freedom savings accounts for students. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the **Majority** of Education. As amended, this bill establishes education savings accounts (ESAs) to provide a path for lower income and working class families to find the best education for their children. All NH children deserve the best education possible. We have many great schools in NH but even a great school might not be the best fit for every child. And what about children in a continually low performing school? Wealthy families have the means to find the best school for each child. Should not all NH parents? This bill is targeted to the children who need it most. It has strong educational and financial accountability. This bill has grants for the districts that might lose students and state dollars above ¼ of 1% of their budget. It is a pilot bill for a 5-year period. This bill has an oversight commission including the Department of Education and State Board of Education. SB 193 is about education equality and opportunity. This bill is about the kids. **Vote 10-9.**

Rep. Mel Myler for the **Minority** of Education. This bill establishes an Education Savings Account (ESA) for students who wish to use tax payers dollars to attend private and religious schools. A parent wanting to send their child to one of these schools would receive 95% of educational adequacy state aide to offset their cost of the private school tuition. Funding for the program would come directly from the Education Trust Fund which would lessen the total amount to be distributed to school districts from the fund. The administration of the program and the allocation of these public tax dollars would be through a private "scholarship organization" and it would receive 5% dollars from the Trust fund to pay for their services. The NH Department of Education has little oversight and plays a marginal role with the ESA program. The minority believes in parental choice within the public school system. It feels that SB 193 is a flawed proposal for a number of reasons: 1) Although we have no problem with parental choice, we feel that public tax dollars should stay with public schools and not be diverted to private and religious institutions; 2) There are limited tax dollars currently available for schools and an ESA program would further deplete available resources; 3) We believe in the tenet advocated by our Founding Fathers of the separation of church and state and that using public tax dollars to fund students attending religious schools is a violation of our state constitution; 4) We feel that an ESA program should be administered by the NH Department of Education as is done in five of the six states having ESAs, and not a private organization. The legislature can hold the department directly accountable for the use of tax dollars, but has limited oversight of a private organization; 5) The use of valuable public education tax dollars for "private education" will add additional tax burden on the public to make up the balance of lost tax dollars of a school district to private education; 6) NH public schools are among the best in the nation ranking at the top of key national indicators so why introduce this type of program in a successful system; 7) We realize that there are some public schools that struggle, but see little state commitment or leadership to assist these schools; 8) We have concern over the state's educational adequacy responsibility of the students' education in private schools and the evaluation reporting process of the students' educational progress. Public schools are the very heart of a democratic society. They are a diverse dwelling place dealing with the totality and variety of a student population. This is where the values of democracy and civil engagement are formed. It lays the future foundation for our work force. Parents have multiple kinds of educational choices for their child within the public school system and we believe that the state should not fund a private schooling choice through public tax dollars.

ENVIRONMENT AND AGRICULTURE

HB 399, relative to pesticide use and notification in places where children play. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Howard Pearl for the **Majority** of Environment and Agriculture. The majority believes that the proper application of pesticides on school and municipal property is an important tool in the control of hazardous insects and problematic weeds. The committee heard that the Northeast is in a crisis situation with the influx of ticks and mosquitoes that carry diseases such as Lyme, West Nile, EEE and Dengue. Passage of this bill may have the unintended consequence of subjecting our children to these diseases. The majority further believes that fertilization and pest management policies should remain a local control issue. The committee received over 12 hours of testimony and considered all such testimony in coming to its decision. David Rousseau, Director of the Division of Pesticide Control, stated that proper safeguards, including licensing, reporting and continuing education, are already in place. Director Rousseau further reported that the department supports the state Integrated Pest Management (IPM) program of reducing pesticide use and that nearly half of NH schools already have an IPM program in place. The Pesticide Control Board reported that no complaints have been filed with the board regarding pesticide use in areas where children play and that they believe the current programs in place are sufficient. The board is in strong opposition to the bill. **Vote 7-5.**

Rep. Paula Francese for the **Minority** of Environment and Agriculture. Concerns about the deleterious effects of pesticides on human health and the environment have been steadily increasing since the NH General Court last studied the effects of pesticides in 2010 (HB 1456). As more research has been conducted, the results point firmly in the direction of a correlation between serious health issues and exposure to pesticides. Pesticide poisoning is a real and present danger, especially for children. As one expert told the committee, "Insecticides target the nervous system of insects. The question is, what do they do to human nervous systems?" Recent actions by federal agencies charged with regulation and oversight of dangerous chemicals and pesticides have focused attention on what could be a disturbing trend. The EPA reversed in March 2017 a ban on a common pesticide used on food (chlorpyrifos) which some scientists believe could interfere with the brain development of fetuses and infants. The minority acknowledges the potential problems and unintended consequences of an outright ban on pesticides. However, it is the belief of the minority that despite being unwilling to institute a complete ban, NH has made a strong effort in the right direction by providing an excellent Integrated Pest Management (IPM) program, which includes education, training and financial grants to organizations and schools that wish to move toward reducing their use of harmful chemicals. IPM training is offered through the Division of Pesticide Control in the Department of Agriculture, Markets and Food. These voluntary IPM

programs are especially important for schools and children's day care facilities. Due to the voluntary nature of NH's program, approximately 50% of NH's schools have instituted IPM programs. The minority believes that the state should build upon the strengths it already has in order to protect the health of NH citizens. The goal of the Division of Pesticide Control should be to encourage at least a partial 'voluntary ban' on pesticides with an aim toward an eventual total reliance on safer strategies for controlling harmful insects and noxious weeds.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 92, revising the definition of the state building code and ratifying changes to the state building code adopted by the state building code review board. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven Beaudoin for the **Majority** of Executive Departments and Administration. This bill not only updates the building code, but adds a suite of new codes including plumbing, mechanical, pool & spa, existing building, and energy code. During testimony, the committee learned that this round of codes would increase the cost of building a new home or structure by approximately 12%. Since NH suffers from a severe shortage of affordable housing, the majority found no need to add to the problem. Further, since the state building codes only set the minimum standards, businesses and homebuilders are free to build to the new codes, if they wish to enjoy additional energy savings or use new building techniques and materials. **Vote 10-7.**

Rep. Carol Roberts for the **Minority** of Executive Departments and Administration. This bill, with the amendment, would update the codes that comprise the state building code from the 2009 to the 2015 versions, with the exception of the International Energy Conservation Code. New Hampshire is in danger of being one of only 12 states using codes that are at least two cycles (6 years) old. This change has the support of all the building trades; the related professional organizations; and several state agencies. The minority is concerned about ignoring the real and the intangible costs of not building to current code, and fears for the health and safety of the public.

HB 168, relative to the definition of the New Hampshire fire code. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Steven Beaudoin for the **Majority** of Executive Departments and Administration. This bill would adopt the 2015 version of NFPA 1, the Fire Safety Code, and by default, the 2012 version as well. Along with the hundreds of code compliance requirements explicit in the documents, they incorporate by reference 15 more codes not currently adopted, adding dozens of regulated areas and over 2300 pages of new regulations. The majority felt that NH's business climate would suffer from this new round of expensive regulation. The committee heard compelling testimony to adopt only one section of the code, protection from the life safety dangers of lightweight construction during a fire. The majority believes this single issue can be appropriately addressed in rules adopted by the Fire Safety Board or the Building Code Review Board, since it is within their existing authority. The other new requirements had no demonstrated need for adoption. **Vote 10-7.**

Rep. Carol Roberts for the **Minority** of Executive Departments and Administration. The 2009 Fire Code is the prevailing fire and life safety code in New Hampshire. Many states have adopted the 2015 edition of this code. This bill would move New Hampshire to the 2015 code. It is important to realize that fire insurance rates may be increased when a state does not operate under the newest codes. Reviewing and updating codes in a timely way leads to new code sets that are not overwhelming to decipher. The eleven members of the Board of Fire Control support this bill. This board is responsible for providing advice on fire safety codes, reports to the governor and brings their experience in industry, construction standards, engineering, propane gas distribution as well as management of fire personnel to the table. The Minority holds that life and fire safety codes are crucial; and furthermore, life safety issues addressed in the 2015 code were previously unknown to the building community. It is in the best interest of all citizens when the newest fire and safety code is in place.

FINANCE

HB 413-FN-A-LOCAL, relative to payment by the state of a portion of retirement system contributions of political subdivision employers. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Tracy Emerick for Finance. This bill is relative to payment by the state of a portion of retirement system contributions of political subdivision employers. As part of the budgeting process, payment of a percent of retirement payments was discussed and dismissed as an uncontrollable cost to the state. An amount of $50 million was included in the house budget for distribution to municipalities to offset rising taxes, in lieu of a percentage payment. This funding did not make it through the budgeting process and was not included in the final budget signed by the Governor. **Vote 17-9.**

FISH AND GAME AND MARINE RESOURCES

SB 48, (New Title) establishing a commission to study the efficiency and effectiveness of the fish and game department's operations, governance, and management structure. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. James Webb for the **Majority** of Fish and Game and Marine Resources. The committee heard much testimony from the public and formed a subcommittee to consider the bill more extensively over the fall. The bill as it is written has many components to it; too many that should be conducted in one study. The majority of the committee therefore felt that the formation of a study commission was not needed at this time. **Vote 12-4.**
Rep. Jonathan Manley for the **Minority** of Fish and Game and Marine Resources. The Fish and Game Department is in need of being put on a strong financial basis. In order to do this, a commission to study and recommend possibilities is needed. To put this off is not going to solve this issue. We should proceed now.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Jess Edwards for the **Majority** of Health, Human Services and Elderly Affairs. The committee voted to recommend this bill as Inexpedient to Legislate primarily because the definition of the practice was consistently over reaching beyond a strong consensus against the practice. New Hampshire licensing boards already have the authority to regulate and discipline practitioners. There is also a duty to report child abuse. There is no evidence that the practice is occurring in New Hampshire, therefore there is time to get the statutory language right. **Vote 12-8.**
Rep. Lucy Weber for the **Minority** of Health, Human Services and Elderly Affairs. This legislation would have protected minors from a coercive therapy designed to change a young person's self-perceived sexual orientation or gender identity. The minority of the committee believes we should clearly prohibit this inappropriate and harmful practice. Young people subjected to this practice have experienced severe and lasting trauma, have suffered long-term damage to their family relationships, and are at an increased risk for suicide.

SB 224-FN, relative to conversion therapy seeking to change a person's sexual orientation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**
Rep. Jess Edwards for the **Majority** of Health, Human Services and Elderly Affairs. The committee voted to recommend this bill as Inexpedient to Legislate primarily because the definition of the practice was consistently over reaching beyond a strong consensus against the practice. New Hampshire licensing boards already have the authority to regulate and discipline practitioners. There is also a duty to report child abuse. There is no evidence that the practice is occurring in New Hampshire, therefore there is time to get the statutory language right. **Vote 12-8.**
Rep. Mindi Messmer for the **Minority** of Health, Human Services and Elderly Affairs. This legislation would have protected minors from a coercive therapy designed to change a young person's self-perceived sexual orientation or gender identity. The minority of the committee believes we should clearly prohibit this inappropriate and harmful practice. Young people subjected to this practice have experienced severe and lasting trauma, have suffered long-term damage to their family relationships, and are at an increased risk for suicide.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 407-FN, requiring workers' compensation to cover prophylactic treatment for exposure. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. Public Health Law (RSA 141-G) places certain mandates on employers when an emergency responder or public safety worker is exposed to infectious diseases during the course of their work. In addition to reporting requirements, employers must provide testing, preventative treatment, and follow-up care to those who have unprotected exposure. RSA 141-G does not, however, speak to the mechanism by which such treatment is paid. Workers' Compensation covers some pieces of this, and would fully cover providers who actually become sick. Other aspects of this requirement, in particular that for prophylactic treatment, has resulted in denied Workers' Compensation claims. This bill as amended requires that all mandated treatments be covered under Workers Comp. The amendment simplified the original bill by leaving the details to be defined by RSA 141-G, incorporating them by reference. **Vote 19-0.**

HB 628-FN, relative to a family and medical leave insurance program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Philip Bean for the **Majority** of Labor, Industrial and Rehabilitative Services. The committee finds that family and medical leave insurance is critical to New Hampshire's efforts to address some of our most significant challenges: growing and maintaining our workforce, caring for our seniors and an aging population, and recovery from the opioid public health epidemic. HB 628 is enabling legislation in the marketplace that benefits the New Hampshire economy, New Hampshire employers, New Hampshire employees and New Hampshire working class families. Business owners and employees together created a New Hampshire gross domestic product over sixty nine billion (69Bn) in 2016. More importantly, that strategic teamwork of New Hampshire employees and employers in the market together, will contribute forty percent (.992 Bn) of

the New Hampshire general fund unrestrictive revenue and education trust fund through the generation of Meals and Rooms, Business Enterprise and Business Profits tax (Applicable laws of 2017 and Committee of Conference Surplus Statement). In a strict non redistributive construct, the funding mechanism self- funds a risk management pool with a .5 percent wage contribution, opt in and opt out provisions, minimal employer administrative requirements at hire and fund administration provided by the New Hampshire Department of Employment Security. Participating employees must invest into the fund for six months prior to claim execution and have a minimum income level of $7,540 in the last year prior to the benefit year. The benefit is 60 percent of average wages in the highest wage quarter of the year prior to the benefit year, payable up to 12 weeks. Benefits cannot be less than $125 dollars per week nor greater than 85 percent of the state wide average weekly wage. Leave is available for birth, adoption or fostering of a child, serious illness of a spouse, civil union partner, child, parent, grandparent/grandparent in-law or for a serious illness not related to employment. Serious illness is any illness covered by the FMLA including treatment for addiction. Employee responsibilities include Department of Employment Security leave application submission to include applicable documentation and certifications and to provide the employer written notice 30 days in advance unless the cause is unforeseen. The Department of Employment Security Fiscal note anticipates a total startup cost maximum of $16.5 Million dollars. Importantly, initial administrative and implementation costs shall be reimbursed to the general fund within ten years. A 9 member advisory council within the unemployment compensation bureau, the unemployment compensation and family medical leave insurance advisory council is created by the law to aid the commissioner. HB 628 is a self- funded, non- redistributive, risk management application to meet the unmet, exigent demands of the New Hampshire marketplace and New Hampshire families. State of New Hampshire contributions for initial administrative and implementation investment are fractional to the revenue contributions of employees and employers in the fusion of input into business, meals and rooms tax platforms and statistically miniscule compared to the 69Bn dollar annual NH gross domestic product. New Hampshire employers, employees and families have been denied a sound financial structure to bridge the divide of family leave necessity and the work place. HB 628 spans that wide gap in a simple, effective financial instrument that is an economic right, a social justice and moral imperative consistent with the high values of the State of New Hampshire. **Vote 13-6.**

Rep. Leonard Turcotte for the **Minority** of Labor, Industrial and Rehabilitative Services. This bill would implement a new 0.5% tax on income disguised as an insurance premium, while creating yet another unneeded social program. The original bill mandated that every employee in the State of NH (excluding government employees) would participate. Under an amendment, the mandate was changed to an "opt-out," "opt-in" program where a new employee would have to get a form notarized in order to not participate. Otherwise the new employee would automatically be enrolled. The bill fails to address how existing employees are handled. The sponsors of the bill and amendments have failed to heed, or understand, the advice of two individuals brought in to study/promote this issue. Kristin Smith of the Carsey School of Public Policy at UNH in her report stated, "opt-ins makes programs unsustainable," and "opt-in opt-out is unchartered territory." Jeffrey Hayes PHD stated, "as costs climb for smaller participant pools with higher benefits, more workers may withdraw or cease to participate in ways we have not yet been able to measure or estimate, which would result in an unsustainable program." What will eventually occur is much the same as happened with Obamacare. Initial promises and cost/benefit predictions will be impossible to meet, requiring either an increase in the tax percentage or the taxpayers picking up the difference. Currently, there are 4 other states who have a mandated plan (none have an opt-out, opt-in): California, New York, Rhode Island and New Jersey. While each of these states are fiscal messes and have some of the highest taxes in the nation, the most common and notable negative attribute they have is the highest net negative migration rates (two are dead last). If New Hampshire is attempting to create a positive business environment, we do not need to implement social programs that drive employees away at greater rates. There are multiple language problems with the bill. There are "retaliation" and "fraud" clauses that will certainly lead to an increase in lawsuits and associated costs. Government employees are exempted though no reason is given. When, not if, this social program becomes insolvent, who covers the costs? Opt-in opt-out will create the opportunity for "gaming the system," allowing for someone to opt-in when a known elective surgery or pregnancy is planned. As an example, an individual could pay into the system around $250 in taxes, and claim over $4000 in benefits. Currently, there is nothing that prevents an employer from providing the types of benefits contained in this bill should they choose. Furthermore, the NH Insurance Department states in the fiscal note of the bill "insurance plans currently exist that would provide coverage for the types of benefits included in this legislation. The coverage is sold, on a voluntary basis, to employers who desire to provide these benefits to their employees." The costs to businesses in time and record keeping were not addressed and add more regulation and bureaucracy to already over-burdened companies. Finally, administering this social program by the Insurance Department would require, at the peak of implementation, 45 additional employees at an estimated annual cost of $4.1 million. For all the foregoing reasons, and many others not mentioned, the minority believes that the House vote it Inexpedient to Legislate.

SCIENCE, TECHNOLOGY AND ENERGY

HB 114, relative to minimum electric renewable portfolio standards. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Herbert Vadney for the **Majority** of Science, Technology and Energy. This retained bill will reduce the cost of electricity by cutting costs in the renewable portfolio standard (RPS). RPS provides subsidies to renewable energy programs through an elaborate mechanism that requires power suppliers, including utilities, to purchase renewable energy credits (RECs) based on a percentage of the total megawatt-hours of electricity that they sell. If power suppliers cannot find sufficient RECs to purchase, they can comply with the RPS by making alternative compliance payments (ACPs). The cost of RECs and ACPs gets passed along to customers in the form of higher power supply rates on their bills. RPS classifies renewable energy sources, such as solar or biomass, using a class system. Class 1 renewable comprises a variety of new renewable energy sources and therefore constitutes the largest class. It also generates the most RECs. This bill caps the growth in Class 1 requirements at 6% instead of allowing that requirement to grow to 15% by 2025. This reduction in the growth of the Class 1 requirement will insure that RECs remain plentiful to meet obligations, which keeps the cost of the RPS from growing too quickly. **Vote 11-10.**

Rep. Robert Backus for the **Minority** of Science, Technology and Energy. This bill would eliminate the presently mandated increase in Class 1 renewable energy goals to be achieved by 2025. NH has long had a policy goal of achieving 25% of our electric energy needs from energy efficiency and renewable sources by the year 2025. The law today would ramp up the share to be obtained from new renewable sources from the 6% established for 2015 to 15% by 2025. This bill, on the other hand, would leave the goal at only 6%. The minority believes that the present goal should be retained. Renewable energy can and will help control electric energy costs, reduce our dependence on foreign or out-of-state fuels, improve environmental quality (with associated health benefits from improved air quality), and develop good jobs that cannot be outsourced. It seems particularly unwise to cut the goal from Class I, which is the class for new sources. At a time when many other states are increasing their goals, including Massachusetts and New York, this seems very unwise. There was far more testimony in favor of maintaining the present goal than support for leveling it. Finally, many of the witnesses emphasized the need to maintain the stability of the program. A program that changes with each new legislature makes it problematic for businesses and others to effectively participate.

HB 141, relative to electric renewable energy classes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Murotake for the **Majority** of Science, Technology and Energy. This bill, as amended, makes a technical adjustment to the Renewable Portfolio Standards (RPS) law to allow the Public Utilities Commission (PUC) to periodically modify Classes I and II when necessary so that supply and demand are better balanced in each class in a given year and markets remain viable. This tool is currently used successfully in Classes III and IV. It has previously resulted in reducing costs to ratepayers that would have otherwise been incurred due to renewable energy certificates being sold into other markets. The PUC will be undertaking a statutorily mandated review of the RPS in 2018. The majority of the committee feels this technical change gives the PUC more appropriate flexibility and is useful in reducing energy costs. **Vote 17-4.**

Rep. Robert Backus for the **Minority** of Science, Technology and Energy. This bill, as amended, would allow the Public Utilities Commission, for cause and after notice and hearing, to modify the incremental renewable energy goals for two of the four classes of renewable energy by which NH intends to achieve its overall goal of 25% renewable energy supply by 2025, including Class I which sets the goal for new renewable energy projects. Although the minority believes the amendment eliminates the most troublesome aspects of the bill, we still believe that no reason to change the current law has been identified, and that any mechanism to lower our commitment to renewable energy is unneeded and unwise. Therefore, the minority believes the bill should not pass.

SB 128-FN, relative to the policy goal of electric utility restructuring. **REFER FOR INTERIM STUDY.**

Rep. Keith Ammon for Science, Technology and Energy. The cost of energy remains an issue for New Hampshire's commercial and residential consumers. In the late 1990's the state's electric industry was restructured to transition from a centrally planned and state-run operation to one that would establish competition between private generators within a regulated market. The vague language in parts of SB 128, such as "other measures" or "pursue measures expected to mitigate the cost of electric," could potentially grant sweeping new powers to the Public Utilities Commission which some fear could undermine the slow and steady transition to more free market energy solutions brought about by restructuring. Also, gas supply or capacity is explicitly exempted from the bill's provisions. 50% of our generating capacity currently comes from natural gas. During public testimony, "other measures" seemed to refer solely to power purchase agreements (PPAs), specifically one between Eversource and Hydro Renewable Energy which would make use of the proposed Northern Pass transmission project to deliver the power. Since this PPA proposal has now been withdrawn by Eversource, the urgency for this aspect of the bill has passed. The committee determined that further study is necessary on this bill to ensure that well-intentioned measures to mitigate electricity costs are implemented in ways as to not inadvertently increase central planning by regulators, thereby undermining free market solutions. **Vote 17-4.**

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 636-FN, establishing a department of veterans affairs. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Alfred Baldasaro for State-Federal Relations and Veterans Affairs. The bill creates a Department of Military and Veterans Services with several specific charges. This bill creates a central coordinator for veterans' affairs. Today, support for veterans and active duty military is spread across state agencies, and this bill will pull those elements together and add a commissioner, ensuring coordination for all eligible New Hampshire residents. The state has established several commissions, including the council on suicide prevention, the commission on post-traumatic stress disorder and traumatic brain injury, the governor's commission on alcohol and drug abuse prevention, etc., which support veterans as well as others. However, it is not easy for a veteran to navigate available services or to find support. The Department of Military and Veterans Services will facilitate efficient and effective services and provide one place for military, veterans and their family members to access services. As such, this is modeled on what other states have successfully established to military and veterans, adding New Hampshire to that growing list of states that recognize the need for coordination of services makes sense. Additionally, having one office dealing with the myriad of issues with the department of veterans' affairs will ensure greater achievement of mission completion and accountability. This bill is the first step in a process to give our veteran community a stronger voice and show them that the State of New Hampshire is on their side. **Vote 13-0.**

TRANSPORTATION

HB 388-FN, relative to special number plates for veterans and armed forces members. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Timothy Soucy for Transportation. The intent of this bill is to allow veterans to be eligible for special number plates under this chapter for trailers. Vanity plates may not be issued under this section for a trailer, which keeps the cost of implementation low. The original bill called for veteran's versions of all plates. The committee amendment cuts this back to trailers only. **Vote 15-0.**

SB 160, authorizing religious nonmedical personnel, consistent with Centers for Medicare and Medicaid Services guidelines, to certify eligibility for walking disability plates and placards. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Werner Horn for the **Majority** of Transportation. This bill will allow religious non-medical personnel to be able to issue certifications for disability placards to individuals who do not utilize traditional medical options for religious reasons. The inclusive nature of the bill provides for the present and future needs of all granite staters. **Vote 11-3.**
Rep. Chris True for the **Minority** of Transportation. This bill will authorize non-medical religious personnel to certify the eligibility for a person to get a walking disability license plate. The minority does not believe there is a demonstrated need for this bill.

WAYS AND MEANS

HB 579-FN, relative to registration of semi-trailers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Marc Abear for the **Majority** of Ways and Means. This bill passed by the policy committee, Transportation, as well as the full House in the session of February 15, 2017. It came to Ways and Means for revenue issue review. Proponents of the bill assert Maine takes in $10 to $15 million from licensing of out of state trailers with multi-year registrations of up to 20 years in duration. Indiana has a similar program. Third party agents would be authorized to process such registrations and remit fees to the state. Discounts would be offered for multi-year registrations. Opponents expressed concern NH based companies can avoid municipal taxes by registering in Maine. An amendment was adopted to ensure municipal taxes and fees would be collected, remitted, and discounts would be limited to 12 years. Supporters note that NH companies currently can acquire Maine registrations to avoid NH taxes and fees by simply forming a Maine entity to own the trailers; an option which has been available for over two decades. Finally, this is a second committee bill to look at only the revenue impact, not the policy decision previously made by the Transportation Committee and the House. **Vote 13-10.**
Rep. Suzanne Gottling for the **Minority** of Ways and Means. This bill creates a new bureaucracy intended to bring revenues to New Hampshire state government by opening a revenue stream not currently available at the expense of residents and local governments. The bill mimics Maine's process, which allows registration of semi-trailers not garaged in Maine. Multi-year registrations of up to 12 years are offered at a discount price. NH registrations would be pursued by private agents trained and supervised by the Department of Safety. The Department of Safety (Motor Vehicles), the NH City and Town Clerks Association, and the New Hampshire Municipal Association strongly oppose this legislation. This bill places New Hampshire residents as well as cities and towns at a monetary disadvantage. The bill penalizes NH citizens who must pay both the state and the town

portions of registration fees while out-of-state entities need only pay the state portion. The City of Manchester calls this "reverse residency." The New Hampshire City and Town Clerk's Association asserts the bill encourages a local business to register a shell company out of state in order to evade the town fee, substantially reducing revenue for our cities and towns. The Department of Motor Vehicles opposes the bill, as it requires them to set up a system and then manage it with a $500,000 cost for the initial set-up and about $200,000 in subsequent years, with no guarantee that revenues to cover costs will be generated. In fact, given the state of the market, it is unlikely NH will attract enough business to cover the costs that will be incurred by the Department. A final concern is the state of the market. Maine has been registering out of state semi-trailers for at least 25 years and has only acquired 111,000 of the eleven million registered trailers in the country, including trailers owned by Maine companies, Maine's total share of the market is only 1%. Federal data shows other states already have the lion's share of the market. If Maine has been unable to lure more registrations and NH is mimicking Maine, there is no reason to expect NH will be successful. Owners of semi-trailers will have no incentive to change their registrations, since Maine has exempted these trailers from their sales tax. By registering trailers for up to twelve years, New Hampshire will be locking itself into this costly revenue scheme and bureaucratic expansion for at least that long. The state should not spend taxpayer money creating a costly new bureaucracy. Scrambling for these revenue crumbs is likely to penalize our own citizens, rob our cities and towns of important revenue, and create a budget deficit at the Department of Safety.

WEDNESDAY, DECEMBER 27

DECENNIAL RETIREMENT COMMISSION (RSA 100-A:57), Room 201, LOB *****Please Note Room Change*

10:00 a.m. Regular meeting.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

1:00 p.m. Presentation on county government by Rep. Neal Kurk.

THURSDAY, JANUARY 4

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4), Rooms 206-208, LOB

8:30 a.m. Regular meeting.

FRIDAY, JANUARY 5

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

9:00 a.m. Continued meeting.

COMMISSION TO REVIEW CHILD ABUSE FATALITIES (RSA 169-C:39-k), Room 100, SH

1:00 p.m. Regular meeting.

MONDAY, JANUARY 8

COMMISSION TO STUDY THE LEGALIZATION, REGULATION, AND TAXATION OF MARIJUANA (RSA 318-B:43), Room 201, LOB

11:00 a.m. Regular meeting.

COMMITTEE TO STUDY EDUCATION FUNDING AND THE COST OF AN OPPORTUNITY FOR AN ADEQUATE EDUCATION (HB 356, Chapter 190:1, Laws of 2017), Room 209, LOB

1:00 p.m. Regular meeting.

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

10:00 a.m. Regular meeting.

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

1:30 p.m. Regular meeting.
3:30 p.m. Subcommittee meeting on early learning.

SEACOAST COMMISSION ON LONG TERM GOALS AND REQUIREMENTS FOR DRINKING WATER (RSA 485-F:5), New Hampshire Department of Environmental Services, Pease International Tradeport, 222 International Drive, Suite 175, Portsmouth

2:00 p.m. Regular meeting.

FRIDAY, JANUARY 12

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, Training Room, 109 Pleasant Street, Concord

9:30 a.m. Regular meeting.
1:00 p.m. Subcommittee meeting on equalization.

COMMITTEE TO STUDY BROADBAND (HB 238, Chapter 163:1, Laws of 2017), Room 304, LOB

10:00 a.m. Regular meeting.

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4), Room 100, SH

9:00 a.m. Subcommittee meeting.

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

9:30 a.m. Regular meeting.

SUNDAY, JANUARY 14

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K:1), New Hampshire Technical Institute, Sweeney Crocker Building, Room 235, Concord

1:00 p.m. Regular meeting.

FRIDAY, JANUARY 19

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

9:00 a.m. Regular meeting.

COMMISSION TO STUDY ENVIRONMENTALLY-TRIGGERED CHRONIC ILLNESS (RSA 126-A:73), Room 205, LOB

10:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

JOINT LEGISLATIVE COMMITTEE TO EXAMINE THE INDEPENDENT REVIEW OF THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES (HB 517, Chapter 156:244, Laws of 2017), Rooms 205-207, LOB ***Please Note Room Change*

1:00 p.m. Regular meeting.

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

10:00 a.m. Regular meeting.

PUBLIC-PRIVATE PARTNERSHIP TRANSPORTATION INFRASTRUCTURE OVERSIGHT COMMISSION (RSA 228:107), New Hampshire Department of Transportation, Rooms 112-113, 7 Hazen Drive, Concord

10:00 a.m. Regular meeting.

MONDAY, JANUARY 22

COMMISSION TO STUDY THE LEGALIZATION, REGULATION, AND TAXATION OF MARIJUANA (RSA 318-B:43), Room 202, LOB

10:00 a.m. Regular meeting.

INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E:2), Room 204, LOB

2:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

PUBLIC SCHOOL INFRASTRUCTURE COMMISSION (RSA 198:15-z), Room 209, LOB

1:00 p.m. Regular meeting.

THURSDAY, JANUARY 25

COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T), New Hampshire Medical Society, 7 North State Street, Concord

2:00 p.m. Regular meeting.

MONDAY, JANUARY 29

COMMISSION TO STUDY THE APPORTIONMENT OF GROSS BUSINESS PROFITS UNDER THE BUSINESS PROFITS TAX (RSA 77-A:23), Room 100, SH

10:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Pursuant to RSA:23, there will be a public hearing for **Hillsborough** County on **Wednesday, January10th at 5:45 p.m.** at the county complex in Goffstown.

Rep. Larry Gagne, Clerk

Pursuant to RSA 24:9-a, there will be a meeting of the **Hillsborough** County Delegation immediately following the public hearing on **Wednesday, January 10th** in order to approve the two (2) union contracts.

Rep. Larry Gagne, Clerk

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB 25, HB 79, HB 97, HB 124, HB 140, HB 152, HB 156, HB 161, HB 205, HB 291, HB 354, HB 356, HB 368, HB 420, HB 435, HB 452, HB 455, HB 468, HB 485, HB 572, HB 586, HB 597, HB 625, HB 626, HB 628, HB 631, HB 641, HB 644, HB 646, HB 647, HB 648, HB 649, HB 652, HB 654, HB 655. SB 2, SB 18, SB 30, SB 38, SB 54, SB 56, SB 57, SB 66, SB 88, SB 131, SB 133, SB 135, SB 144, SB 197, SB 205, SB 206, SB 234, SB 247.

Paul C. Smith, Clerk of the House

MEMBERS' NOTICES

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

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The NH HRA will meet on **January 2nd at 11:00 a.m.** in Room 201, LOB. All republican House members are invited to attend. The NH HRA is a group of republican members of the House of Representatives who strive to pass bills that embody values specified in the NH State Party Platform, that are consistent with the NH and US Constitutions, and are fiscally responsible to the people of our state.

Reps. Cordelli, Sanborn, and Spillane

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On **January 2nd** there will be an informational session on SB93, Education Freedom Savings Accounts. Please join us at **9:30 a.m.** in the cafeteria for coffee and danish; the session will begin at 10:00 a.m. After the session, please come back down to the cafeteria for lunch. A great opportunity for some additional Q&A and discussion about this important legislation for educational opportunities.

Rep. Glenn Cordelli

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

Reps. Gene Chandler and Stephen Shurtleff

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All House members and House staff are cordially invited to attend the "Welcome Back Legislators" reception hosted by the Business and Industry Association, New Hampshire's statewide chamber of commerce. The reception will take place at the Holiday Inn, 172 North Main Street, Concord, on **Thursday,**

January 11th from 4:00 p.m. to 6:00 p.m. The reception is complimentary to House members and staff, but the BIA is requesting advance registration to assist in planning for the event. You can RSVP online at www.BIAofNH.com. Click on the events calendar for January 11th. You may also call the BIA at 224-5388, ext. 100.

Reps. Dick Hinch and Steve Shurtleff

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The New Hampshire Women's Foundation cordially invites all women legislators to our First Annual Marilla Ricker Reception on **Thursday, January 18th at 4:00 p.m.** or the end of session (whichever is later) at O Steaks and Seafood, 11 South Main Street in Concord. Join us for beer, wine, and hors d'oeuvres to kick off the legislative session and celebrate New Hampshire's women lawmakers. This event is made possible with the generous support of our sponsor Rath, Young & Pignatelli. Please RSVP by January 11th to Sarah Mattson Dustin, sarah@nhwomensfoundation.org or 603-226-3355.

Reps. Terry Wolf and Cindy Rosenwald

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Keene State College will be hosting a legislative breakfast on **Monday, January 22nd from 8:00 a.m. to 9:30 a.m.** at the Mountain View Room in the LP Young Student Center. Snow date will be Monday, February 12th. Please RSVP by January 12th to steve.fortier@keene.edu or 603-358-2421. Directions and parking passes will be sent prior to the event.

Rep. William Pearson

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The University of New Hampshire invites all legislators and legislative employees to cheer on the UNH Men's Hockey Team as they take on Vermont at the Whitmore Center in Durham on **Friday, February 9th at 7:00 p.m.** To reserve your complimentary ticket, please contact Tom Cronin at thomas.cronin@unh.edu or 603-862-0574.

Rep. Marjorie Smith

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in 2018. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes. Note that large groups are divided into smaller groups for tours.

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

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

DATE	*TIME*	*GROUP*	*#/GRADE*
Jan. 4	9:00	Mt. Zion Christian School	12/4
Jan. 10	9:15	Parker Academy – Concord	12/HS
Jan. 17	9:00	Times Square Study Group	10
Jan. 17	9:15	Parker Academy – Concord	12/HS
Jan. 18	9:00	Manchester Chamber – Government & Politics day	35
Jan. 18	9:45	Hallsville Elementary School – Manchester	53/3
Jan. 19	9:45	Nelson Elementary School	22/4&5
Jan. 19	10:30	Paul School – Wakefield	44/4
Jan. 22	9:30/11:00	New Boston Central School	86/4
Jan. 22	2:00	NH Brain Injury Association	15
Jan. 23	9:00	Northwood Elementary School	40/4
Jan. 24	9:15	Parker Academy – Concord	12/HS
Jan. 24	10:00	Portsmouth Recreation Department	15/Srs
Jan. 25	9:30	Seabrook Elementary School	44/4

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 92
(2017-2490h)
Proposed by the Minority of the Committee on Executive Departments and Administration - r

Amend the bill by replacing section 2 with the following:

2 Definition of State Building Code. Amend RSA 155-A:1, IV to read as follows:

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code [~~2009~~] ***2015***, the International Existing Building Code [~~2009~~] ***2015***, the International Plumbing Code [~~2009~~] ***2015***, the International Mechanical Code [~~2009~~] ***2015***, the International Energy Conservation Code 2009, ***the International Swimming Pool and Spa Code 2015,*** and the International Residential Code [~~2009~~] ***2015***, as published by the International Code Council, and the National Electrical Code 2014, as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.

Amend section 4 of the bill by deleting paragraph V and renumbering the original paragraphs VI-VII to read as V-VI, respectively.

2017-2490h
AMENDED ANALYSIS

This bill:

I. Updates the definition of the state building code to include the 2015 editions of the International Building Code, the International Existing Building Code, the International Plumbing Code, the International Mechanical Code, and the International Residential Code.

II. Amends the definition of the state building code to include the International Swimming Pool and Spa Code 2015.

III. Ratifies changes to the state building code adopted by the state building code review board in 2015 and 2016.

Amendment to HB 101-FN
(2017-2395h)
Proposed by the Committee on Executive Departments and Administration - c

Amend RSA 149-M:6, XIII as inserted by section 1 of the bill by replacing it with the following:

XIII. Establish and administer a certification program for solid waste operators which shall include training courses, and may include testing. The fee for certification shall not exceed $50 per attendee, and shall be deposited in the nonlapsing revolving fund established in RSA 21-O:1-a. Certification shall be renewed [~~annually~~] ***every 2 years***. If the renewal fee is not submitted within 90 days after the certificate's expiration date, the certified individual's name shall be removed from the current status and the certification shall be deemed expired. The department shall charge a late fee of 50 percent of the renewal fee in addition to the renewal fee if the renewal is received after the certificate's expiration date. ***Volunteers who are under the direct supervision of personnel certified pursuant to this chapter shall be exempt from the certification requirement of this paragraph.***

2017-2395h
AMENDED ANALYSIS

This bill lengthens the time a solid waste operator certificate is valid from one year to 2 years.

This bill also exempts volunteer solid waste operators from the certification requirement.

Floor Amendment to HB 111
(2017-2554h)
Proposed by Rep. Harrington

Amend the bill by replacing section 1 with the following:

1 Public Utilities Commission; Restructuring of PSNH Ownership of Generation Assets; Recovery of Costs. Amend 2015, 221:14 to read as follows:

221:14 Public Utilities Commission; Restructuring of PSNH Ownership of Generation Assets; Recovery of Costs. Notwithstanding RSA 374-F:3, V(c), the commission may approve recovery of net over-market costs of purchased power agreements entered into pursuant to RSA 362-F:9 through a stranded cost charge as part of a comprehensive restructuring of PSNH's ownership of generation assets. ***Any cost associated with new purchased power agreements, or a continuation or extension of previously approved purchased***

power agreements, that are approved by the commission after January 1, 2018 shall only be collected through the default service charge and any portion of a commission order authorizing any other method of collection of costs shall be null and void.

2017-2554h
AMENDED ANALYSIS

This bill provides that costs of purchased power agreements after January 1, 2018 shall only be collected through the default service charge.

Amendment to HB 124-FN

(2017-2470h)

Proposed by the Committee on Ways and Means - c

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

AN ACT relative to certain aircraft registration fees and airways tolls.

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

1 New Section; Reporting by Airport. Amend RSA 422 by inserting after section 20 the following new section:

422:20-a Reporting by Airport. The owner of each airport open for public use shall submit to the department quarterly a list of all aircraft, including the federal registration number for each aircraft, that are based at that airport.

2 Repeal. RSA 422:31, I-II, relative to aircraft registration fees, are repealed.

3 Aircraft Operating Fee. RSA 422:31, III is repealed and reenacted to read as follows:

III. An aircraft operating fee for each aircraft for which a state registration certificate is required. The amount of the fee shall be based on the maximum certificated gross weight of the aircraft, as follows:

0-3000 lbs.	$100
3001-8000 lbs.	$250
8001-12,500 lbs.	$2,500
more than 12,500 lbs.	$3,500

4 New Section; Reporting by Commissioner. Amend RSA 422 by inserting after section 31 the following new section:

422:31-a Reporting by Commissioner. On or before September 15 of each year, the commissioner shall certify in a report to the governor and the chairpersons of the house and senate standing committees on ways and means the following information: for the fiscal year just ended, the numbers of aircraft registered in each of the weight classes listed in RSA 422:31, III; operating fee revenues received by weight class; the numbers of aircraft by weight class that were based during the fiscal year at each of the airports open for public use; and a summary report showing the total numbers of such registered aircraft by weight class by year beginning with the fiscal year ending June 30, 2017.

5 Airways Toll. Amend RSA 422:34, I-II to read as follows:

I. There is hereby imposed an airways toll of [~~$.04~~] ***$.08*** per gallon upon the sale of each gallon of motor fuel or fuel, as defined by RSA 259:58, sold to and used in the propulsion of aircraft. The airways toll shall be subject to the exemptions provided for government sales by RSA 260:32.

II. There is hereby imposed an airways toll of [~~$.02~~] ***$.049*** per gallon on the sale of each gallon of aviation jet fuel sold and used in the propulsion of aircraft. All aircraft, however, that are certified to operate under part 121 of the rules and regulations of the Federal Aviation Administration shall pay an airways toll of [~~$.005~~] ***$.027*** per gallon on aviation jet fuel sold and used in the propulsion of aircraft.

6 Operating Fee Revenues. Amend RSA 422:36, II to read as follows:

II. Disbursements of revenue from the aircraft operating fee shall be made by the department after collection of such fees provided that [~~1/4~~] ***$250,000*** of aircraft operating fee revenues originating at a publicly or privately owned airport shall be available ***each fiscal year*** for public use and shall, upon application, be paid over to the aeronautical fund established for that airport and shall be used for aeronautical purposes.

7 Effective Date. This act shall take effect July 1, 2018.

2017-2470h
AMENDED ANALYSIS

This bill requires quarterly reporting by airport owners, modifies registration and operating fees for aircraft, changes the rate of airways tolls, and adjusts the distribution of operating fee revenue.

Amendment to HB 134-FN

(2017-2407h)

Proposed by the Committee on Children and Family Law - c

Amend the bill by replacing all after section 2 with the following:

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

2017-2407h
AMENDED ANALYSIS

This bill:

I. Amends the cause for divorce in RSA 458:7, VII from habitual drunkard to habitual abuser of alcohol or other drugs.

II. Adds domestic violence and child abuse to the causes for divorce in RSA 458:7.

Amendment to HB 135

(2017-2509h)

Proposed by the Committee on Children and Family Law - c

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

1 New Section; Annulment, Divorce and Separation; Submission of Evidence. Amend RSA 458 by inserting after section 13 the following new section:

458:13-a Submission of Evidence. Evidence submitted to the court in a proceeding under this chapter shall be disclosed to the opposing party at least 10 days prior to the date of the hearing. If a party submits evidence less than 10 days prior to the hearing, the opposing party may request a continuance, which shall be granted for a period of not more than 90 days from the originally scheduled hearing date, unless the court finds that such evidence is de minimus. If the court does not grant a continuance due to the de minimis nature of the evidence submitted, the court shall document the basis for its finding in the court order. This section shall not apply to evidence introduced for purposes of rebuttal or impeachment.

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

2017-2509h
AMENDED ANALYSIS

This bill permits the parties to request a continuance if evidence in a divorce case is not submitted prior to the hearing.

Amendment to HB 141

(2017-2472h)

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

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

1 Electric Renewable Portfolio Standard; Electric Renewable Energy Classes. Amend RSA 362-F:4, V and VI to read as follows:

V. [~~For good cause, and~~] After notice and hearing, the commission may ***either: (i) for good cause,*** accelerate or delay by up to one year, any given year's incremental increase in class I or II renewable portfolio standards requirement under RSA 362-F:3***, or (ii) modify the class I or II renewable portfolio standards requirements under RSA 362-F:3 for calendar years beginning January 1, 2018 such that the requirement is equal to the reasonably expected potential annual output of available eligible sources after taking into account demand from similar programs in other states; provided such modified requirement does not exceed the applicable class requirement under RSA 362-F:3***.

VI. After notice and hearing, the commission may modify the class III and IV renewable portfolio standards requirements under RSA 362-F:3 for calendar years beginning January 1, 2012 such that the requirements are equal to [~~an amount between 85 percent and 95 percent of~~] the reasonably expected potential annual output of available eligible sources after taking into account demand from similar programs in other states; ***provided such modified requirement does not exceed the applicable class requirement in RSA 362-F:3***.

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

2017-2472h
AMENDED ANALYSIS

This bill permits the public utilities commission to modify renewable energy portfolio standards according to expected annual output provided such requirement does not exceed the requirement of RSA 362-F:3.

Amendment to HB 236

(2017-2520h)

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

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

1 Statement of Findings. The legislature finds that parenting time and responsibility shared equally between parents after a divorce tends to provide the best possible outcome for minor children after a divorce.

2 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) To meet the best interests of the child, a child shall have not less than 35 percent parenting time with each parent appropriate to:

(1) The developmental age and status of the child;
(2) The child's routine schedule of school and other activities;
(3) Holidays and other child-centered special events;
(4) The parent's availability to fulfill parenting responsibilities; and
(5) Any other factors the court deems relevant.

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

3 Determination of Parental Rights and Responsibilities; Best Interest. RSA 461-A:6, I is repealed and reenacted to read as follows:

I.(a) Neither parent receives less than 35 percent of the parenting time and responsibilities without at least one of the following:

(1) An agreement made by the parties, including but not limited to, a parenting plan pursuant to RSA 461-A:4.

(2) A court finding by a preponderance of evidence of:

(A) Abuse, as defined in RSA 173-B:1, I or RSA 169-C:3, II, with consideration to the impact of abuse or domestic violence on the child.

(B) Neglect, as defined in RSA 169-C:3, XIX.

(C) Interference with custody as defined in RSA 633:4.

(D) Incarceration of a parent, with due regard for the reason and the length of incarceration, as well as any unique issues that may arise as a result of incarceration.

(E) The ability and disposition of each parent to make joint decisions concerning the welfare of the child and foster a positive relationship with the other parent, and frequent and continuing contact with the other parent as shown by allowing and promoting such contact, including whether such contact is likely to result in harm to the child or to a parent.

(F) The relationship of the child with any other person who may significantly affect the child.

(G) The parent with minority parenting time requests less than 35 percent of the parenting time and responsibilities.

(H) Any additional factors the court deems relevant and documents in the court order.

(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, resulting in not less than 35 percent of the parenting time and responsibilities for either parent, are in the best interest of the child or children.

(c) An objection by one parent to a proposed parenting arrangement, or an allegation that co-parenting is impossible, shall not be the sole basis for refusing the entry of an order that the court determines is in the best interest of the minor child. The court shall place in the record the specific factors and findings which justify any parenting arrangement not agreed to by both parents. This provision may be waived if agreed to by both parties.

4 New Paragraph; Modification of Parental Rights and Responsibilities. Amend RSA 461-A:11 by inserting after paragraph I the following new paragraph:

I-a. The court may modify an order concerning parental rights and responsibilities if the moving party establishes that circumstances have changed substantially since the last parenting order was issued and the court finds by clear and convincing evidence that modification of the order is in the best interests of the child. Modification of a parenting order under this paragraph may be requested by either party.

5 Effective Date. This act shall take effect July 1, 2018.

2017-2520h
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, resulting in not less than 35 percent of the parenting time for either parent.

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

Amendment to HB 252
(2017-2396h)
Proposed by the Committee on Judiciary - c

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

1 Right-to-Know Law; Violations. Amend RSA 91-A:7 to read as follows:

91-A:7 Violation. Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings under this chapter high priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. ***All documents filed with the petition and any response thereto shall be considered as evidence, subject to objection or ruling, or both, by the court. All documents submitted shall be provided to the opposing party prior to a hearing on the merits.*** When any justice shall find that time probably is of the essence, he or she may order notice by any reasonable means, and he or she shall have authority to issue an order ex parte when he or she shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter.

2 Effective Date. This act shall take effect January 1, 2019.

Amendment to HB 267

(2017-2404h)

Proposed by the Committee on Transportation - c

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

AN ACT establishing the New Hampshire transportation council.

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

1 New Hampshire Transportation Council; Purpose. The general court acknowledges the need to address the growing demands on the state's transportation services and believes there exists a substantial market for alternative transportation in New Hampshire. Recognizing that alternative transportation needs exist, an evaluation is necessary of whether a feasible alternate transportation system could be developed in New Hampshire. The general court recognizes that a planning process must be established before an alternative transportation service is developed, with such process evaluating the implementation issues of such a service. In examining transportation needs, the council established under this chapter shall consider all major modes of transportation, including but not limited to new technologies, bus, rail, highway, marine, and air transportation.

2 New Hampshire Transportation Council. RSA 238-A is repealed and reenacted to read as follows:

CHAPTER 238-A

NEW HAMPSHIRE TRANSPORTATION COUNCIL

238-A:1 Definitions. In this chapter:

I. "Council" means the New Hampshire transportation council.

II. "Government agency" includes any department, agency, commission, public corporation, bureau, authority, instrumentality, or political subdivision of:

(a) The United States of America.

(b) The state of New Hampshire.

(c) Any state adjacent to New Hampshire.

III. "Municipality" means town as defined in RSA 21:5.

IV. "Regional planning commission" means any commission formed pursuant to RSA 36:46.

238-A:2 Council Established. There is hereby established the New Hampshire transportation council for the general purpose of defining, in partnership with the department of transportation and the New Hampshire general court, a 21st century, multimodal transportation network and evaluating new modes or technologies that would improve the efficiency and accessibility of any transportation source. The council shall be administratively attached, pursuant to RSA 21-G:10, to the department of transportation. The council and the department of transportation shall enter into a memorandum of understanding to avoid duplication of effort.

238-A:3 Duties. The duties of the council shall be to:

I. Study methods of implementing new transportation technologies and modes of transportation throughout the state of New Hampshire, including but not limited to those related to bus, rail, highway, marine, and air transportation and the logistics of such technologies and modes.

II. Investigate methods of encouraging investment in new technologies for transportation.

III. Make recommendations to the appropriate state agency or committee of the general court.

238-A:4 Membership.

I. The council shall have the following members:

(a) The commissioner of the department of transportation, or designee.

(b) The commissioner of the department of business and economic affairs, or designee.

(c) A member of the senate transportation committee, appointed by the president of the senate.

(d) A member of the house transportation committee, appointed by the speaker of the house of representatives.

(e) An individual knowledgeable in transportation technology, appointed by the governor and approved by the executive council.

(f) A member of the New Hampshire College and University Council, appointed by the president of that organization.

(g) Three representatives of the transportation service industry, each representing a discrete mode of transportation, appointed by the governor and approved by the executive council.

(h) Two representatives from regional planning commissions, one of whom shall represent an urban area and one of whom shall represent a rural area, appointed by the New Hampshire Association of Regional Planning Commissions.

II. Members of the council appointed by the governor shall serve 3-year terms or until a successor has been named.

III. The commissioners, or their designees, of the department of transportation and the department of business and economic affairs shall serve until a successor has been named.

IV. All other members of the council shall serve at the pleasure of their respective appointing agencies.

V. Legislative members shall receive mileage at the legislative rate when attending to the duties of the council.

238-A:5 Meetings.

I. The first meeting of the council shall be called by the commissioner of the department of transportation. The members of the council shall elect a chairperson, vice chairperson, and secretary from among its members at the initial council meeting.

II. The council shall conduct at least one meeting during the year and designate one meeting as an annual meeting where all officers shall be elected for one-year terms.

III. A majority of council members then appointed shall constitute a quorum. Regular meetings of the council may be established in bylaws.

IV. All meetings of the commission and of any committee established by the commission shall comply with all provisions the right-to-know law under RSA 91-A.

238-A:6 Conflict of Interest.

I. Each council member, prior to taking his or her position on the council, shall submit to the chairperson a written statement of all businesses and other organizations of which he or she, or his or her immediate family member, is an officer, director, trustee, member, owner (including sole proprietor, partner, or shareholder), or employee. The member's statement may be limited to businesses or organizations that enter into, or might reasonably enter into in the future, a relationship or a transaction with the council. Thereafter each council member shall submit an updated statement quarterly. The chairperson of the council shall become familiar with the statements of all council members in order to guide his or her conduct should a conflict arise.

II. If a matter comes before the council that gives rise to a conflict of interest, the affected council member shall make known the potential conflict, whether disclosed by his or her statement or not, and after answering any questions that might be asked of him or her, shall withdraw from the meeting for as long as the matter shall continue under discussion. In addition, any other council member who had a pecuniary benefit transaction with the business or organization under consideration within the same fiscal year shall not be present nor participate in the discussion. Should the matter be brought to a vote, neither the affected council member nor any other council member with a pecuniary benefit transaction with such organization in the same fiscal year shall vote on it. The council shall comply with all the requirements of New Hampshire law pertaining to conflicts of interest. A two-thirds vote of a quorum of disinterested council members shall be required and any financial benefit exceeding $5,000 in a fiscal year shall be recorded in the council meeting minutes.

238-A:7 Powers. The council may:

I. Adopt and amend bylaws for procedure and rules for the purposes of this chapter, develop and adopt rules in accordance with the laws of the state of New Hampshire, publish bylaws and rules as necessary or advisable, and cause records of its proceedings to be kept.

II. Utilize the services and resources of the department of transportation, the department of business and economic affairs, and/or a planning commission that are available and expedient.

III. Accept gifts and grants for the conduct of the duties of the council.

IV. Conduct or cause to be conducted any studies that the council determines necessary.

238-A:8 Expenses. All expenses incurred in carrying out this chapter shall be paid solely from funds provided to or obtained by the council under this chapter.

238-A:9 Obligations. The records and correspondence relating to negotiations, trade secrets received by the council, and estimates of costs on projects to be put out to bid shall be confidential.

238-A:10 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

3 Repeal. RSA 21-I:49, IX, relative to exempting personnel of the New Hampshire rail transit authority from classified service, is repealed.

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

2017-2404h

AMENDED ANALYSIS

This bill repeals the New Hampshire rail transit authority and establishes the New Hampshire transportation council.

Amendment to HB 287

(2017-2524h)

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 establishing a committee to study issues related to changing prostitution laws in New Hampshire.

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

1 Committee Established. There is established a committee to study issues related to changing prostitution laws in New Hampshire.

2 Membership and Compensation.

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

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

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

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

3 Duties.

I. The committee shall study:

(a) The scope and scale of engagement in the sex trade in New Hampshire.

(b) The mental and physical health and well-being of those engaged in the sex trade in New Hampshire.

(c) The experiences of law enforcement personnel with individuals engaged in the sex trade in New Hampshire.

(d) The experiences of individuals engaged in the sex trade in New Hampshire with law enforcement personnel.

(e) The needs of individuals engaged in the sex trade in New Hampshire and the availability of services in this state to meet those needs.

(f) The impacts of arrest, conviction, and incarceration on individuals who have been arrested on prostitution offenses.

(g) The costs to state and local law enforcement and corrections budgets of arresting, prosecuting, and incarcerating individuals for prostitution offenses.

(h) The potential costs and benefits of partial or full decriminalization of prostitution, including possible effects on rates of sex trafficking.

II. The committee may solicit advice and testimony from any interested party, including but not limited to:

(a) The commissioner of the department of health and human services, or designee.

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

(c) The New Hampshire Association of Chiefs of Police.

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

(e) The New Hampshire Harm Reduction Coalition

(f) Amnesty International.

(g) Child and Family Services.

(h) New Hampshire Legal Assistance.

(i) The Sex Workers Outreach Project.

(j) The American Civil Liberties Union.

(k) The Southern New Hampshire HIV/AIDS Task Force.

(l) Survivors of sex trafficking.

(m) Individuals who are or were engaged in consensual sex work in New Hampshire.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2018.

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

2017-2524h
AMENDED ANALYSIS
This bill establishes a committee to study issues related to changing prostitution laws in New Hampshire.

Amendment to HB 298
(2017-2399h)
Proposed by the Committee on Executive Departments and Administration - c

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

AN ACT relative to licensing requirements for apprentice plumbers.

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

1 Mechanical Licensing Board; Rulemaking; Education and Experience. Amend RSA 153:28, I(a)(9) to read as follows:

(9) Apprentice plumber***; provided that the standards adopted in rules shall contain provisions permitting a year-one apprentice to test out of subject matter, and eliminating the requirement of direct supervision of a journeyman and/or master plumber, for limited duties as permitted in rules of the board, for an apprentice who has at least 2,000 hours of field experience and demonstrates successful completion of year 2 curriculum in a course approved and administered by the board***.

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

2017-2399h
AMENDED ANALYSIS
This bill modifies requirements for mechanical licensing board rules pertaining to apprentice plumbers.

Amendment to HB 314
(2017-2447h)
Proposed by the Committee on Transportation - c

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

1 New Subdivision; Autonomous Vehicle Testing License. Amend RSA 261 by inserting after section 140-d the following new subdivision:

Autonomous Vehicle Testing License

261:140-e Autonomous Vehicle Testing License.

I. A person may make application to the department, upon blanks furnished by it for that purpose, for an autonomous vehicle testing license. The application shall be accompanied by:

(a) Notice to the department that includes the date that research or testing will begin and the general geographic location where research and testing will occur. Testing may move to other areas with prior notice.

(b) Evidence that the owner of the vehicle has obtained an instrument of insurance, surety bond, or proof of self-insurance in the amount of at least $10,000,000.

(c) A signed affidavit that the vehicle will be operated only for the purpose of research or testing.

(d) Certification that, prior to testing on public roads, the autonomous vehicle has been tested under controlled conditions that simulate, as closely as practicable, the real world conditions that the autonomous vehicle will be subject to during testing.

(e) Certification that the testing complies with National Highway Traffic Safety Administration guidance, if any, on the safe testing, deployment, and operation of autonomous vehicles.

(f) Certification that the autonomous vehicle used for testing complies with all applicable federal motor vehicle safety standards or written evidence that the National Highway Traffic Safety Administration has granted the autonomous vehicle an exemption from compliance with the relevant standards.

(g) Proof that a law enforcement interaction plan has been created to instruct the law enforcement agencies that have jurisdiction over a testing area on how to interact with an autonomous vehicle in emergency and traffic enforcement situations.

(h) The vehicle's registration and information, including license plate information. If no registration exists, the division shall issue a temporary plate good for one year upon approval of the application. This plate shall be displayed on the rear of the test vehicle.

II. The annual fee for an autonomous vehicle testing license shall be $500. All licenses issued pursuant to the provisions of this section shall expire annually in the month designated by the director.

III. The director may suspend, revoke, deny, or refuse to renew an autonomous vehicle testing license for any of the following reasons:

(a) Failure to comply with the rules of the road of this state.

(b) Any material misstatement on the application for the issuance or renewal of a license.

(c) A finding that the operation of an autonomous vehicle by the person would create a danger to the public.

(d) Failure to comply with the other requirements of this section.

IV. The licensee shall maintain records related to the safety and efficacy of each vehicle operated under the authority of a licensed granted under this section and shall provide periodic summaries of the records to the department, to the New Hampshire department of transportation, and to the National Highway Traffic Safety Administration.

2 New Subdivision; Special Rules for Autonomous Vehicles. Amend RSA 265 by inserting after section 161 the following new subdivision:

Special Rules for Autonomous Vehicles

265:162 Autonomous Vehicles. No person shall operate or cause the operation of a vehicle using SAE level 5 full automation technology unless the person is licensed for autonomous vehicle testing under RSA 261:140-e, the person is testing the vehicle in conformity with the license, and the tested vehicle is accompanied by an escort vehicle.

3 Effective Date. This act shall take effect January 1, 2019.

2017-2447h

AMENDED ANALYSIS

This bill establishes licensing requirements for autonomous vehicle operation and testing.

Amendment to HB 317

(2017-2483h)

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

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

AN ACT relative to changes in the system benefits charge.

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

1 Electric Utility Restructuring; Policy Principles; System Benefits Charge. Amend RSA 374-F:3, VI to read as follows:

VI. Benefits for All Consumers. Restructuring of the electric utility industry should be implemented in a manner that benefits all consumers equitably and does not benefit one customer class to the detriment of another. Costs should not be shifted unfairly among customers. A nonbypassable and competitively neutral system benefits charge applied to the use of the distribution system may be used to fund public benefits related to the provision of electricity. Such benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-income customers, energy efficiency programs, funding for the electric utility industry's share of commission expenses pursuant to RSA 363-A, support for research and development, and investments in commercialization strategies for new and beneficial technologies. ***Legislative approval shall be required to modify the system benefits charge except for the 3-year program authorized by Order No. 25,932 issued by the commission, dated August 2, 2016.***

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

2017-2483h

AMENDED ANALYSIS

This bill requires legislative approval for modifications to the system benefits charge.

Amendment to HB 324

(2017-2521h)

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

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

AN ACT establishing a commission to study utility property valuation and recommend legislation to reform the current system of taxing utility property in New Hampshire, and establishing a moratorium on changes to local utility property valuation methodologies.

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

1 New Sections; Commission to Study Utility Property Valuation; Moratorium on Changes to Local Utility Property Valuation Methodologies. Amend RSA 72 by inserting after section 12-d the following new sections:

72:12-e Commission Established; Utility Property Valuation.

I. There is established a commission to study utility property valuation and recommend legislation to reform the current system of taxing utility property in New Hampshire.

II. The commission shall be composed of 9 members, as follows:

(a) One representative of New Hampshire utility companies, appointed by the chair of the house science, technology and energy committee.

(b) One representative of New Hampshire municipalities, appointed by the New Hampshire Municipal Association.

(c) One representative from the department of revenue administration, appointed by the commissioner.

(d) One representative of certified municipal assessing officials, appointed by the New Hampshire Association of Assessing Officials.

(e) One retired member of the judiciary with experience in mediation and/or utility property valuation, appointed by the chair of the house municipal and county government committee, or, in the absence of an able and willing retired judge, a retired member of the public utilities commission appointed by the chair of house municipal and county government committee.

(f) One member of the public, chosen by the assessing standards board from among its current or former public members.

(g) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom is a member of the ways and means committee and one of whom is a member of the science, technology and energy committee, with each from a different major political party.

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

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

IV. The commission shall:

(a) Consider defects in the current system of utility property valuation, including the use of different appraisal approaches or methodologies by different municipal assessing authorities, the disparate valuation of comparable utility property in different towns throughout the state, and the costs and other inefficiencies involved in litigating disputes over valuation between municipalities and utilities.

(b) Recommend legislation intended to make the state's system of utility property valuation more consistent across municipalities and yet still reflective of the full and fair market value of utility property in each municipality, to the extent reasonably possible.

(c) Consider, among other factors it deems relevant, the following questions:

(1) Whether the "unit" method or some other uniform statewide method of valuing utility property would yield fairer and more consistent results than the present system of municipal valuation under RSA 75:1.

(2) Whether generation facilities and other custom-built properties located in single municipalities should be excluded from or treated differently in legislation that might otherwise mandate a specific approach or method for assessing transmission and distribution facilities and other multi-jurisdictional utility network property.

(3) Without regard to the above, what valuation approach or combination of approaches is most likely to yield valuation results that are both (i) consistent across municipalities and (ii) reflective of the full and fair market value of utility property in each municipality. In considering this question, the commission shall also consider whether different approaches or methods are best suited for valuing different classes of utility property, or whether a single one of the following valuation approaches or methods can be expected to produce results that are both consistent and reflective of fair market value across various municipalities and classes of utility property:

(A) The "modified net book value" cost approach as described in proposed amendment 2017-2515h;

(B) Another cost approach, such as but not limited to "reproduction cost new less depreciation;"

(C) A market or sales approach;

(D) An income approach;

(E) An approach that combines 2 or more of the above; or

(F) Some other alternative approach.

(4) Whether the department of revenue administration would require additional resources in order to effectively, fairly, and consistently appraise and value various kinds of utility property located in municipalities throughout New Hampshire, if tasked with appraising and valuing utility property throughout the state for purposes of local property taxation.

(5) What appeal process should be available to a utility or municipality that believes a valuation made by the department of revenue administration or any other appraising agency has not resulted in a fair market valuation of specified utility property.

V. The first meeting of the commission shall be called by the first-named house member, who shall serve as chairperson of the commission. The commission shall meet as often as necessary but no less often than monthly, and shall hear testimony from both stakeholder witnesses and from independent utility property valuation experts with experience in other states. Five members shall constitute a quorum.

VI. The commission shall receive assistance from the support staff of the house and senate ways and means committees, and the house science, technology and energy committee.

VII. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before September 15, 2018.

72:12-f Moratorium on Changes to Local Utility Property Valuation Methodologies. Until April 1, 2021, assessing officials of municipalities in the state shall continue to use the utility property valuation method

for local property taxation within their respective municipalities that was in effect on the effective date of this section. No changes to the method for determining the appraised value of utility property shall be implemented without legislative authorization.

2 Prospective Repeal. RSA 72:12-e, relative to the commission to study utility property valuation, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect September 15, 2018.

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

2017-2521h

AMENDED ANALYSIS

This bill establishes a commission to study utility property valuation and recommend legislation to reform the current system of taxing utility property in New Hampshire. The bill also establishes a moratorium until April 1, 2021 on changes to local utility property valuation methodologies.

Amendment to HB 388-FN

(2017-2456h)

Proposed by the Committee on Transportation - r

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

AN ACT relative to special number plates for veterans.

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

1 Special Number Plates for Veterans. Amend RSA 261:87-b, I to read as follows:

I. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only to veterans as defined in RSA 21:50, I(a) upon application, proof of veteran status in a form authorized by RSA 21:50, I(b), and payment of the regular motor vehicle registration fee and the $4 per plate fees under RSA 261:75. The director shall also issue such plates to any person providing proof of honorable discharge from the armed services of any nation allied with the United States during World War II and proof of such person's service during World War II. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141. The plates furnished pursuant to this section are nontransferable and shall expire upon the death of the veteran, except that the surviving spouse may use the plates for one year after the death of the veteran and shall be eligible to replace the plates during that year at no charge under RSA 261:75. ***Persons eligible for special number plates under this section may obtain such plates for a trailer registered under this chapter and owned by the person, provided that vanity number plates may not be issued under this section for a trailer.***

2 Effective Date. This act shall take effect January 1, 2019.

2017-2456h

AMENDED ANALYSIS

This bill modifies the availability of special number plates for veterans.

Amendment to HB 407-FN

(2017-2453h)

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

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

1 Workers' Compensation; Medical, Hospital, and Remedial Care. Amend RSA 281-A:23, VI to read as follows:

VI. An employer subject to this chapter, or the employer's insurance carrier, may furnish or cause to be furnished, testing for the presence of a bloodborne disease when a critical exposure that arises out of and in the course of employment occurs. Such testing shall be provided without prejudice as to the issue of the causal relationship of any subsequently diagnosed bloodborne disease to the employee's work and without prejudice to the compensability of the bloodborne disease as an occupational disease or an accidental injury for the purposes of RSA 281-A. Notwithstanding the foregoing, any costs for testing associated with a testing order issued pursuant to RSA 141-G:11 shall be paid for by the employer's insurance carrier. Such payment shall be provided without prejudice as to the issue of the causal relationship of any subsequently diagnosed disease or injury. ***In addition, all expenses associated with evaluation and care provided pursuant to RSA 141-G including prophylactic treatment shall be paid for by the employer's insurance carrier.***

2 Effective Date. This act shall take effect January 1, 2019.

2017-2453h

AMENDED ANALYSIS

This bill requires workers' compensation to cover prophylactic treatment for an identified occupational exposure pursuant to RSA 141-G.

Amendment to HB 410
(2017-1751h)
Proposed by the Committee on Children and Family Law - c

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

1 Legislative Youth Advisory Council; Membership and Duties. RSA 19-K:2 and 19-K:3 are repealed and reenacted to read as follows:

19-K:2 Membership. The council shall consist of 21 members, one of whom shall be a member of the house of representatives and one of whom shall be a member of the senate. The remaining 19 members shall be between the ages of 15 and 22, and either secondary students or postsecondary youth. Secondary students may attend a public, charter, or private school, be home schooled, or be enrolled in a program that leads to a high school equivalency certificate. Postsecondary youth may attend a 2 or 4-year New Hampshire college, university, private post secondary career school, or other New Hampshire training or education program, or be a member of the New Hampshire workforce.

I. The president of the senate shall appoint the following 7 members:
(a) Four secondary students.
(b) Two postsecondary youth.
(c) One member of the senate.

II. The speaker of the house of representatives shall appoint the following 8 members:
(a) Four secondary students.
(b) Three postsecondary youth.
(c) One member of the house of representatives.

III. The governor shall appoint the following 3 members:
(a) Two secondary students.
(b) One postsecondary youth.

IV. The secretary of state shall appoint the following 3 members:
(a) Two secondary students.
(b) One postsecondary youth.

V. The appointing authorities shall make appointments that foster geographic and socioeconomic diversity among council members. The legislative members of the council shall serve a term coterminous with their term in office. Nonlegislative members shall serve 2-year terms and may be reappointed. Except for legislative members, no member shall serve on the council for more than 4 years. The council year shall begin on August 1 and end on July 31 of the following year.

VI. If a member misses 3 consecutive meetings, without cause, the council may request that the appointing authority appoint a replacement member. Upon appointment of the replacement, the prior appointment shall terminate and the replacement shall serve for the remainder of the prior member's term.

19-K:3 Duties. The council shall perform the following duties:

I. Advise the legislature, the president of the senate, and the speaker of the house of representatives on proposed or pending legislation, state budget expenditures, and policy matters of concern to youth.

II. Advise the joint standing committees of the legislature and legislative study committees, commissions, and task forces on issues of concern to youth.

III. Conduct an annual seminar for council members regarding leadership, government, and the legislature.

IV. Meet no fewer than 4 times per year and conduct public forums on issues of importance to youth as the council deems necessary. At the discretion of the co-chairs, regional subcommittees may be established.

V. Communicate with other councils.

VI. File an annual report of its activities, including any recommendations for proposed legislation, on or before November 1 of each year with the speaker of the house, the senate president, the governor, the secretary of state, the house clerk, and the state library.

2 Council Administration. RSA 19-K:4, I is repealed and reenacted to read as follows:

I. The council member from the house of representatives shall serve as the co-chair of the council and shall call the first meeting of the council. At the first meeting after the annual seminar, the members shall elect council officers, including one youth member who shall serve as co-chair of the council for a term of one year. Prior to leaving office, council officers shall submit transactional documents to their successor through the legislative co-chair.

3 Council Administration. Amend RSA 19-K:4, VI to read as follows:

VI. The [~~New Hampshire Alliance for Civic Engagement, in coordination with the~~] office of the speaker of the house of representatives and the office of the senate president[,] shall provide staff assistance to the council.

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

Amendment to HB 471-FN

(2017-2444h)

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

Amend RSA 126-A:4-i, II as inserted by section 1 of the bill by replacing it with the following:

II.(a) The division shall collect non-identifying confidential data on induced termination of pregnancy occurring within the state of New Hampshire using the New Hampshire Vital Record Information Network (NHVRIN) electronic system or any modified or replacement electronic system under the jurisdiction of the division. The division shall bear all responsibility for maintaining the confidentiality of these records. This data shall be stored using only the confidential number of the health care provider assigned by the department to the provider prior to the submission of the form. Provider names or other identifying data shall not be stored in the division or department data systems. This data shall only be released to the department as authorized by this section. Each health care provider or facility shall use an electronic form for such purpose. The electronic form shall be made available by the department to each health care provider or facility. The form shall only require disclosure of information required under this section. The reporting health care provider or facility shall create and use an anonymous patient identification code or number created solely for the purpose of this reporting. The department shall assign a confidential number to each health care provider and facility required to submit the electronic form under this section. The confidential number, or any other personally identifiable information, obtained under this paragraph shall be for statistical purposes only and therefore be exempt from disclosure under RSA 91-A.

(b) The electronic form shall be completed by the health care provider or the facility and securely transmitted to the division on or before the 15th day of each month for the first 6 months of reporting and thereafter on a quarterly basis on the 15th day of the first month of the calendar quarter for all induced terminations of pregnancy occurring within the previous reporting period. The electronic form shall be submitted for each reporting period, even if no procedures were performed during the reporting period, for as long as the facility continues to offer the procedure. One final electronic form shall be submitted for the full reporting period after the procedure is no longer offered.

(c) The department shall have sole responsibility for the analysis of the data and the preparation and distribution of the aggregate summary.

(d) The department shall publish an annual report, commencing with data to be reported as of January 1, 2019, to be posted on the department's website not later than June 30th of the subsequent year, based on an aggregate summary of the information obtained pursuant to this section. No data may be released by the department that would have the capacity to personally identify either the health care provider who performed the induced termination of pregnancy or the patient on whom it was performed.

Amend RSA 126-A:4-i, V(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Excluding any aggregate summary as defined in subparagraph I(a), the department and division shall purge all data collected and obtained under this section after 3 years. The facility or health care provider shall permanently delete or destroy all reporting data, including the patient confidential identification code or number, utilized under this section after 3 years. The medical record shall be maintained in accordance with standard facility procedures.

Amend the bill by replacing section 2 with the following:

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

Amendment to HB 476

(2017-2451h)

Proposed by the Majority of the Committee on Judiciary - r

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

1 Establishing Compensation; Register of Probate. Amend RSA 23:7 to read as follows:

23:7 Establishing Compensation. Every county convention shall have the power to establish salaries, benefits***,*** and other compensation paid to elected county officers including the county attorney, sheriff, register of deeds, ***register of probate,*** treasurer, and county commissioners. For the purposes of this section, ***except for the register of probate,*** "compensation" shall include salary, longevity pay, vacation and sick pay, allowances, and all other payments made by the county to its officers, plus the fair market value of any compensation paid in kind if reportable as income for federal income tax purposes, plus all fringe benefits that may be provided including health insurance and retirement, and may also include an upper limit on the amount of mileage and out-of-pocket expenditures reimbursable to each officer. Said compensation shall be established biennially by the county convention prior to the filing date required under RSA 655:14 for the elected offices listed in this section, upon recommendation of the executive committee which shall remain in effect during their term of office. Notwithstanding any other provision of law to the contrary, in counties in which any of the officers listed in this section receive fees or mileage, or both, for services performed by them as part of their compensation, the county convention may put such officer on a salary and expenses basis. Such officer

may be required to continue to collect the usual fees and mileage for the service performed and to pay over all such fees and mileage to the county treasurer for the use of the county. In such event, the amount such officer received in fees and mileage, less expenses, shall be included in determining the minimum at which his ***or her*** salary may be established unless a lesser amount is agreed upon by the incumbent officer at that time. In no case***, except for the register of probate,*** shall the salary or other compensation of any of such officers be established at a lesser amount than that which was in effect December 31, 1972.

2 Salaries for Counties; Register of Probate. Amend RSA 23:8 to read as follows:

23:8 Salaries for Counties.

I. Every county shall establish the salary for its register of deeds at a fixed dollar value. Said salaries may not be established either in part or in total as a percentage of fees or other charges or payments collected by said register. Said salaries shall be established not less than biennially by the county convention, upon recommendation of the executive committee. In no case shall the salary of any of said registers of deeds be a lesser amount than the salary which said register was receiving on January 1, 1974.

II. Every county shall establish the salary for its register of probate at a fixed dollar value. Said salaries may be established either in part or in total as a percentage of fees or other charges or payments collected by the county treasurer and consistent with RSA 548:17. Said salaries shall be established not less than biennially by the county convention, upon recommendation of the executive committee.

3 Supreme Court; Entry Fees RSA 490:24, I is repealed and reenacted to read as follows:

I. For the benefit of the state and counties, there shall be paid to the clerk for the entry of every reserved case, bill of exceptions, petition, appeal, or other action, for the filing of every motion or other document supplementary to the entered case, and for any service rendered by the clerk, such fees as shall from time to time be established by the court. The clerk shall determine the total amount of probate entry fees collected in each county. The clerk shall set aside and pay 3 percent of each probate entry fee paid to the probate division of the circuit court for deposit into a special escrow account established under RSA 490:26-c, and pay 3 percent of each probate entry fee paid to the probate division of the circuit court to that county's treasurer for payment of register of probate salary, benefits, and expenses. The clerk shall set aside 15 percent of each probate entry fee paid to the probate division of the circuit court for deposit into the judicial branch technology fund established under RSA 490:26-h, and pay 15 percent of each probate entry fee paid to the probate division of the circuit court to that county's treasurer for payment of its register of probate salary, benefits, and expenses. For all other entry fees paid into courts, or divisions within the courts, other than the probate divisions, the clerk shall set aside 6 percent of each entry fee paid into those courts for deposit into a special escrow account established under RSA 490:26-c and 30 percent of each entry fee paid into those courts for deposit into the judicial branch information technology fund established under RSA 490:26-h. Fifty percent of any county probate proceeds of fees for motions to appear in the probate division of the circuit court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III and 50 percent of each county probate proceeds of fees shall be paid to that county's treasurer for payment of its register of probate salary, benefits, and expenses. All other proceeds of fees for motions to appear in court pro hac vice in any other court or division within the courts, other than probate, shall be paid into the law library revolving fund established in RSA 490:25, III.

4 Escrow Fund for Court Facility Improvements; Probate Division Entry Fees. Amend RSA 490:26-c to read as follows:

490:26-c Escrow Fund for Court Facility Improvements.

I. Six percent of each entry fee collected in the supreme, superior, and circuit courts***, other than probate divisions of the circuit courts,*** shall be deposited in escrow for judicial branch facility improvements. ***For entry fees collected in each county's probate division, 3 percent fee shall be deposited in escrow for the judicial branch facility improvements, and 3 percent shall be deposited or transferred to that county's treasurer for payment of its register of probate salary, benefits, and expenses.*** Moneys in the ***judicial*** escrow fund shall be used for improvements to judicial branch facilities by the department of administrative services as recommended and approved by the supreme court.

II. The state treasurer shall establish procedures for deposits to and expenditures from the ***judicial*** escrow fund for court facilities. The ***judicial*** escrow fund shall be a dedicated capital reserve fund for the improvement of existing court facilities, or those facilities acquired pursuant to an act of the general court.

III. The funds on deposit in the ***judicial*** escrow fund for court facility improvements shall be invested by the state treasurer in obligations of the United States government, in government agency obligations, in obligations which are legal investments for savings banks and trust companies, and in all types of savings accounts or certificates of deposit of both state or federally chartered institutions.

5 Supreme Court; Judicial Branch Information Technology Fund; Probate Division of the Circuit Court Entry Fees. Amend RSA 490:26-h, I and II to read as follows:

I. Except as provided in paragraph IV:

(a) Thirty percent of each entry fee collected in the supreme, superior, and circuit courts***, other than the probate divisions,*** and 16.67 percent of the penalty assessment collected pursuant to RSA 106-L:10 shall be deposited in the judicial branch information technology fund. ***For entry fees collected in each county's probate division, 15 percent of each entry fee shall be deposited in the judicial branch information technology fund, and 15 percent shall be paid to that county's treasurer for payment of its register of probate salary, benefits, and expenses.***

(b) Moneys in the ***judicial*** fund shall be nonlapsing and continually appropriated to the supreme court for maintenance and infrastructure renewal of judicial branch information technology, including both hardware and software, as recommended by the director of the administrative office of the courts and approved by the supreme court.

II. The state treasurer shall establish procedures for deposits to and expenditures from the judicial branch information technology fund. The ***judicial*** fund shall be a dedicated fund for the improvement of judicial branch information technology.

6 Supreme Court; Probate Division of the Circuit Court Fees. Amend RSA 490:27 to read as follows:

490:27 Probate Division of the Circuit Court Fees.

I. Probate ***division of the circuit*** court fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of the applicable circuit court established in RSA 490-F for the benefit of the state ***and counties***.

II. The sum of $5 shall be added to each entry fee collected in the probate ***division of the circuit*** courts***. Two dollars and fifty cents of added entry fees collected*** [~~and~~] shall be deposited in the mediation and arbitration fund established under RSA 490-E:4***, and $2.50 of added entry fees collected shall be paid to the county treasurer for the counties that collected the fee***.

7 Circuit Court Clerks; Appointment. Amend RSA 490-F:13 to read as follows:

490-F:13 Circuit Court Clerks; Appointment. The administrative judge of the circuit court shall appoint a clerk with responsibility for each circuit court site. In the interest of the effective administration of justice, any such clerk may have responsibility for one or more circuit court locations. Circuit court clerks shall have the same duties as clerks of the former district court and judicial branch family division [~~and as registers of probate with the exception of RSA 15-B, RSA 456-B, RSA 548, RSA 653, RSA 655, and RSA 661 which shall remain as duties of the registers of probate~~]. ***The circuit court clerks shall inform the registers of probate, in a timely manner, of any and all scheduling to insure timely judicial action of probate matters.*** Circuit court clerks shall hold office at the pleasure of the administrative judge of the circuit court. ***The administrative judge shall not have authority over a register of probate.***

8 Judges and Their Jurisdiction; Records. Amend RSA 547:27-b, I to read as follows:

I. The probate ***division of the circuit*** court shall [~~appropriately retain all wills and their probate;~~] ***inform the register of probate, in a timely matter, of the retention and probate of all wills; and advise the register of probate of*** all proceedings with regard to real estate[;]***,*** all accounts settled, and all orders, decisions, and appointments from which an appeal may be claimed.

9 Judges of Probate and Their Jurisdiction; Probate Division of the Circuit Court Entry Fees. Amend RSA 547:27-c, I-II to read as follows:

I. ***Probate division of the circuit court*** entry fees as established by the supreme court under RSA 490:26-a shall be paid to the clerk of each applicable circuit court established in RSA 490-F for the benefit of the state ***and counties***.

II. The clerk shall ***determine the total amount of probate entry fees collected by each county. The clerk shall*** set aside ***and pay*** [~~6~~] ***3*** percent of each ***probate*** entry fee paid into the ***county probate division of the circuit*** court for deposit into a special escrow account established under RSA 490:26-c and ***pay*** [~~30~~] ***3*** percent of each ***probate division of the circuit court*** entry fee ***to that county's treasurer for payment of register of probate salary, benefits, and expenses. The clerk shall set aside 15 percent of each probate entry fee*** paid into the ***probate division of the circuit*** court for deposit into the judicial branch information technology fund established under RSA 490:26-h ***and pay 15 percent of each probate division of the circuit court entry fee to that county's treasurer for payment of its register of probate salary, benefits, and expenses. For all other fees paid into courts, or divisions within the courts, other than the probate division of the circuit courts, the clerk shall set aside 6 percent of each entry fee paid into those courts for deposit into a special escrow account established under RSA 490:26-c and shall set aside 30 percent of each entry fee paid into those courts for deposit into the judicial branch information technology fund established under RSA 490:26-h. Fifty percent of any county probate proceeds of fees for motions to appear in probate division of the circuit court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III and 50 percent of each county probate proceeds of fees shall be paid to that county's treasurer for payment of its register of probate salary, benefits, and expenses. All other*** [~~The~~] proceeds of fees for motions to appear in court pro hac vice shall be paid into the law library revolving fund established in RSA 490:25, III.

10 Registers of Probate; Residence. Amend RSA 548:1 to read as follows:

548:1 Residence, etc. The register of probate shall [~~dwell~~] ***reside*** in the county in which [~~the probate records are required to be kept~~] ***he or she is elected***. If a register shall [~~dwell~~] ***reside*** in any other county and continue so [~~dwelling~~] ***residing*** for ***more than*** 30 consecutive days, the office shall be deemed vacant.

11 New Sections; Register of Probate; Training, Duties, and Office Hours; Office Facilities. Amend RSA 548 by inserting after section 2 the following new sections:

548:2-a Training. The administrative judge of the probate division of the circuit court, or designee shall provide instruction to each register of probate on the current computer system, telephone system, and all rules and processes in the probate division of the circuit court and to assist the register of probate in providing guidance to the general public regarding probate matters.

548:2-b Duties and Office Hours. The register of probate shall be available to county residents and court personnel as necessary to provide services to county residents, court personnel, and the general public on any and all probate filings and issues. The register of probate position may be part-time or full-time. Recommendation of hours or days worked by the register of probate shall be considered by the county delegation, which has final authority over the register of probate hours.

548:2-c Office Facilities and Equipment. Each register of probate shall have a work station or office located in the probate division of the circuit court, or registry of deeds, or county seat in the county in which he or she was elected. The work station or office shall include court-supplied office equipment including a desk or desk space, a telephone, a court provided telephone number or telephone extension, and a computer with court supplied email access. Each register of probate shall have access to all open and closed probate matters filed electronically or otherwise needed to assist the public. Probate electronic court records shall be available on a read-only basis.

12 New Sections; Register of Probate; Authority. Amend RSA 548 by inserting after section 4-a the following new sections:

548:4-b Authority. The authority of the register of probate shall include, but not be limited to, access to all probate division filings under RSA 5, RSA 15-B, RSA 87, RSA 151-A:15, RSA 456-B, RSA 490-F, RSA 547, RSA 548, RSA 553, RSA 554, and RSA 661. The register of probate shall work with court personnel to resolve all probate issues presented to the register of probate by the public.

548:4-c Scheduling. The probate division of the circuit court shall notify the registers of probate, in a timely manner, of the scheduling of all cases and matters to be held in the probate division of the circuit court.

13 Registers of Probate; Records. RSA 548:5 is repealed and reenacted to read as follows:

548:5 Records. The probate division of the circuit court shall inform the register of probate, in a timely manner, of the recording of all wills and their probate; all proceedings with regard to real estate; all accounts settled, and all orders, decisions, and appointments from which an appeal may be claimed. The register of probate shall, in addition to and in lieu of other recording, cause the original documents to be scanned, copied, and preserved in a manner provided in the retention and destruction schedule described in RSA 548:6-a. All open and closed records shall be scanned and made available online at the circuit court in each county and in the division of archives and record management in the department of state. The probate division of the circuit court shall provide necessary personnel and resources to accomplish retention, scanning, and destruction of records, including conversion to electronic medium for availability to the general public, consistent with the court's budget.

14 New Section; Registers of Probate; Retention and Destruction of Records. Amend RSA 548 by inserting after section 6 the following new section:

548:6-a Retention and Destruction of Records. The probate division of the circuit court, subject to the approval of the supreme court and register of probate, shall establish retention and destruction schedules for original files, papers, and records in cases and matters disposed of by the court. The register of probate shall have authority to select and determine which records should be preserved for historical significance and shall provide direction to the probate division of the circuit court which shall be responsible for the implementation of schedules, consistent with the court's budget. The register of probate shall direct that any records having the potential for historical significance shall be provided to the division of archives and record management in the department of state for the preservation of historical documents. The schedule may provide for original records to be sent to the records center established under RSA 5.

15 New Section; Registers of Probate; Record of Decedent's Real Estate. Amend RSA 548 by inserting after section 7-a the following new section:

548-7-b Record of Decedent's Real Estate. Whenever it appears from the inventory or any other instrument pertaining to real estate filed with the probate division of the circuit court in connection with the administration of any estate that the estate contains real estate located in the state, the probate division of the circuit court shall notify, within 15 days, the register of deeds of the county in which the real estate lies of the name and date of death of the decedent. A register of deeds who receives such a notice shall record in the grantor's index of his or her office the name of the decedent, his or her date of death, and the county in which the estate is being probated. The cost for filing said notice shall be assigned to the estate.

16 Registers of Probate; Salaries; Benefits. RSA 548:17 is repealed and reenacted to read as follows:

548:17 Salaries; Benefits; Part-time; Per Diem. The county delegation shall determine the method and amount of payment, salary paid, and whether any benefits are offered to the register of probate for the performance of his or her duties, considering available county budget funds. Any salary and benefits, part-time payment, or per diem payment for services offered to the register of probate shall be determined by the county delegation for the county in which the register of probate is elected. The payment for services shall be based upon the responsibilities, duties, and hours of the register of probate and shall be specified in the county budget. Any funds received by a county from the state designated for the operation of the office of register of probate in that county shall be dedicated solely to the operation, support, and function of the office of register of probate in that county.

17 Probate Division of the Circuit Courts and Estates; Publication of Notice in Newspaper. Amend RSA 550:10 to read as follows:

550:10 Publication of Notice in Newspaper.

I. Notwithstanding any other provision of law, whenever notice is required to be published in a newspaper by any provision of this title, the [~~register of~~] probate ***division of the circuit court*** shall cause such notice to be published 2 weeks successively in a newspaper which circulates in the town or city in which the person whose estate is involved last resided, or in the county whose court has jurisdiction, or otherwise as ordered by the judge.

II. The [~~register of~~] probate ***division of the circuit court*** may select the newspaper for publication, provided only that it is a newspaper in the English language, unless the judge shall otherwise order. The [~~register~~] ***probate division of the circuit court*** may publish a notice in a newspaper in other than the English language, provided that he ***or she*** also publishes the same notice in a newspaper in the English language at the same time. The first such publication shall be at least 2 weeks before the day or thing of which notice is given and the second publication shall be at least 7 days before the day or thing of which notice is given, unless otherwise ordered by the judge.

III. The [~~register of~~] probate ***division of the circuit court*** may publish in one notice the necessary information pertaining to more than one estate, provided, however, that each separate subject matter such as the appointment of a fiduciary, a hearing on an account, a hearing on a license to sell real estate, or any other designated subject matter shall have a specific designation within each such notice.

IV. Prior to such publication, the fiduciary of the estate concerned shall advance and pay to the [~~register of~~] probate ***division of the circuit court*** the cost of such publication as determined by the [~~register~~] ***probate division of the circuit court***, and a fee to the [~~register~~] ***probate division of the circuit court*** as established by the supreme court under RSA 490:27. ***Fifty percent of any fee collected by the probate division of the circuit court shall be paid to the county's treasurer for payment of the register of probate salary, benefits, and expenses.*** The fiduciary shall be allowed said sums so paid to the[~~register~~] ***probate division of the circuit court*** in his ***or her*** account.

18 Dedicated Funds; Default Fees; Distribution. A one-time $100,000 deduction shall be made from funds retained by the court under RSA 597:38-a to be distributed equally to each of the 10 county treasurers for the salaries and benefits of the registers of probate as specified in the individual county budgets.

19 County Officers; Registers of Probate. Amend RSA 661:9 to read as follows:

661:9 County Officers.

I. If a vacancy for a period of one year or longer occurs in the office of county sheriff, county attorney, register of deeds, ***register of probate***, or county treasurer, the members of the county convention shall fill the vacancy for the unexpired term by a majority of the ballots cast. If a vacancy for a period of less than a year occurs in any such office, the members of the county convention shall, by majority vote of the county convention, vote to either fill the vacancy or to leave the office vacant.

II.(a) If a vacancy occurs in the office of a county commissioner, the members of the county convention, or, if the vacancy occurs in Hillsborough county, the members of the county convention representing the cities and towns in the commissioner's district, shall fill the vacancy by a majority of the ballots cast until the next biennial election of county officers. If the term filled is less than the unexpired term, then notwithstanding any provisions of RSA 653:1, VI, the commissioner district filled pursuant to this paragraph shall be added to the next biennial election ballot to be chosen by the voters of the county for a 2-year term.

(b) The provisions of subparagraph (a) shall apply only where the vacancy occurred no later than 30 days preceding the printing of the ballots for the primary election.

(c) The provisions of RSA 655:32 and RSA 655:37 relating to nominations by appropriate party committees for vacancies in an office on a primary or general election ballot, respectively, shall apply to vacancies to be filled under this paragraph.

III. If any person holding a county office enumerated in paragraph I or II becomes temporarily absent or incapacitated, the county convention may, upon application of the [~~county attorney or~~] county commissioners, declare a temporary absence and fill the same for a limited period of time expressed in the appointment.

IV. Any officer of a county[~~, including the register of probate,~~] may be removed by the county convention for official misconduct. Any removal under this paragraph shall be initiated by petition of a majority of the county commissioners, of the county attorney, or of a superior court judge. No officer of a county may be removed without notice of the allegations supporting the petition for removal and an opportunity to be heard by the county convention.

20 Repeal. The following are repealed:

I. RSA 548:28 relative to penalty for register of probate.

II. RSA 661:9-a, relative to vacancy in office of register of probate.

21 Judicial Conduct Commission; Definitions; Clerk. Amend RSA 494-A:2, I to read as follows:

I. "Clerk" means a clerk of court or a deputy clerk, [~~a register of probate or deputy register,~~] a court stenographer or reporter, and any person performing the duties of a clerk[~~, register,~~] or reporter.

22 Effective Date.

I. Sections 3-6, 9, and 18 of this act shall take effect January 1, 2019.

II. RSA 548:2-a as inserted by section 11 of this act shall take effect November 15, 2018.

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

2017-2451h
AMENDED ANALYSIS

This bill:

I. Modifies the duties of registers of probate.

II. Modifies the duties of the probate division of the circuit court.

III. Requires the county delegations to determine the salary and benefits of registers of probate.

Amendment to HB 485-FN
(2017-2512h)
Proposed by the Committee on Finance - r

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

1 New Subparagraph; Rulemaking; Air Pollution Impacts on Soil and Water. Amend RSA 125-C:4, I by inserting after subparagraph (s) the following new subparagraph:

(t) The determination of air contaminants subject to regulation, applicability thresholds, determination of best available control technology, and procedures to determine potential impacts of the deposit of such contaminants from the air on soils and water resources to implement RSA 125-C:10-e.

2 New Section; Requirements for Air Pollutant Emitters Impacting Soil and Water. Amend RSA 125-C by inserting after section 10-d the following new section:

125-C:10-e Requirements for Air Contaminant Emitters Impacting Soil and Water.

I. For the purposes of this section:

(a) "Best available control technology" means "best available control technology" as defined in RSA 125-C:10-b, I(a); and

(b) "Ambient groundwater quality standard" means "ambient groundwater quality standards" as defined in RSA 485-C:2, I.

II. A device that emits an air contaminant that has caused or contributed to an exceedance of an ambient groundwater quality standard or other applicable standard, as a result of the deposition of the contaminant from the air, shall be subject to the determination and application of best available control technology. Within 6 months of the department determining that the device is subject to such control technology, the owner of the device shall submit to the department an application for a permit. Within 12 months of permit issuance, the applicant shall complete construction and installation of controls consistent with the permit. Operation of the source may continue through the permitting, construction, and installation time period. A source which can demonstrate to the department that its device no longer contributes to an exceedance of an ambient groundwater quality standard or other applicable standard shall be exempt from this section.

III. The construction, installation, or modification of any device that has the potential, based on an applicability threshold adopted by the department, to cause or contribute to an exceedance of an ambient groundwater quality standard or other applicable standard as a result of the deposition of contaminants from the air, shall be prohibited without first applying for and obtaining a permit from the department that establishes emission limitations for such device based on best available control technology.

IV. Part of the initial application for a permit under this section shall include an analysis of best available control technology for controlling emissions. Any permit issued shall contain inspection, testing, and reporting requirements, as applicable, to ensure the conditions of the permit are met.

V. Any determination of best available control technology under this section shall be subject to the following:

(a) In no event shall application of best available control technology result in:

(1) Emission of any air contaminant that would exceed the emissions allowed by any applicable standard under RSA 125-C or RSA 125-I or rules adopted pursuant to either chapter.

(2) Emission of any air contaminant subject to this section in an amount disproportionate to the emissions of such air contaminant from other similar air pollution control devices for that air contaminant at facilities using similar technology.

(3) Emission of any air contaminant subject to this section which causes or contributes to or has the potential to cause or contribute to an exceedance of an ambient groundwater quality standard or other applicable standard, as a result of the deposition of the contaminant from the air.

(b) If the department determines that the facility has more than one device that emits such air contaminants, the department shall determine best available control technology emission limitations for each such device.

VI. This section shall only pertain to contaminants for which at least one study has been conducted in accordance with generally accepted scientific principles that demonstrates that the contaminant of concern is known to cause or may reasonably be anticipated to cause acute, chronic, mutagenic, reproductive, or developmental health effects in humans as a result of exposure to such contaminant. The implementation of this section shall only rely upon standards that are based on federal maximum contaminant levels, health advisories, provisional health advisories; standards that are derived from federally published toxicological data; or more restrictive New Hampshire state standards.

3 Ambient Groundwater Quality Standards. Amend RSA 485-C:6 to read as follows:

485-C:6 Ambient Groundwater Quality Standards.

I. The commissioner shall establish and adopt ambient groundwater quality standards for regulated contaminants which adversely affect human health or the environment. Ambient groundwater standards shall apply to all regulated contaminants which result from human operations or activities, but do not apply to naturally occurring contaminants. Where federal maximum contaminant level or health advisories have been promulgated under the Federal Safe Drinking Water Act or rules relevant to such act, ambient groundwater quality standards shall be [~~equivalent to~~] ***no less stringent than*** such standards. ***The commissioner may adopt standards more stringent than federal maximum contaminant levels or health advisories if, accounting for an adequate margin of safety to protect human health at all life stages, including but not limited to pre-natal development, the commissioner determines federal standards are insufficient for protection of human health.*** Where such standards are based upon cancer risks, the ambient groundwater quality standards shall be equivalent to that exposure which causes a lifetime exposure risk of one cancer in 1,000,000 exposed population. Where no federal maximum contaminant level or health advisory has been issued, the commissioner may adopt ambient groundwater quality standards on a basis which provides for an adequate margin of safety to protect human health and safety.

II. ***Health advisories that are adopted as ambient groundwater quality standards shall be reviewed by the department at least every 5 years to determine if new research warrants revising the current ambient groundwater quality standard. If the department finds a revision is necessary it shall conduct rulemaking to adopt the revised standard.***

III. Ambient groundwater quality standards shall be the water quality basis for issuance of groundwater discharge permits under RSA 485-A: 13.

[~~III~~] ***IV.*** Except for discharges of domestic wastewater regulated under RSA 485-A:13 and RSA 485-A:29, no person shall violate ambient groundwater quality standards.

4 Department of Environmental Services; Positions Established. There is established within the department of environmental services one classified toxicologist position and one classified human health risk assessor for the purposes of this bill. The governor is authorized to draw a warrant out of any money in the treasury not otherwise appropriated to pay for salary, benefits, and other costs directly related to the 2 positions for the biennium ending June 30, 2019.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after passage.

II. Section 3 of this act shall take effect 180 days after passage.

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

2017-2512h
AMENDED ANALYSIS

This bill:

I. Allows the department of environmental services to make rules regarding air pollution and the deposit of such pollutants on soils and water.

II. Regulates devices emitting or having the potential to emit air pollutants that may harm soil and water through the deposit of such pollutants.

III. Requires the commissioner of the department of environmental services to adopt ambient groundwater quality standards using certain scientific information.

IV. Establishes a toxicologist position and a human health risk assessor position in the department of environmental services.

Amendment to HB 492

(2017-2430h)

Proposed by the Committee on Transportation - c

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

AN ACT relative to electric personal assistive mobility devices.

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

1 Definition of Electric Personal Assistive Mobility Device. Amend RSA 269:1 to read as follows:

269:1 Definition. In this chapter, "electric personal assistive mobility device" or "EPAMD" shall mean a [~~self-balancing, 2 non-tandem-wheeled~~] ***self-propelled*** device***, regardless of the number of wheels,*** designed to transport only one person, solely powered by an electric propulsion system, with a maximum speed of less than 20 miles per hour.

2 Operation Permitted on Sidewalks and Roadways. Amend RSA 269:4 to read as follows:

269:4 Operation Permitted on Sidewalks and Roadways.

I. An operator of an EPAMD shall have the rights and duties of pedestrians prescribed in RSA 265:34-40.

II. When propelling an EPAMD upon a way at a speed less than the normal speed of traffic moving in the same direction at that time and place, the operator of an EPAMD shall remain on the right portion of the way as far as practicable except when it is unsafe to do so or when necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, broken pavement, glass, sand, puddles, ice, or opening doors of parked vehicles.

3 Violation; Fines and Penalties. RSA 269:9 is repealed and reenacted to read as follows:

269:9 Fines and Penalties. Any person found in violation of this chapter shall be subject to a written warning for a first offense, a $5 fine for a second offense, and a $10 fine for a third and any subsequent offense.

4 Repeal. The following are repealed.

I. RSA 269:5, II, relative to the maximum speed of an EPAMD.

II. RSA 269:8, relative to local regulation of EPAMDs.

5 Effective Date. This act shall take effect January 1, 2019

2017-2430h

AMENDED ANALYSIS

This bill redefines electronic personal assistive mobility devices or EPAMDs, repeals provisions regarding speed and local regulation, and establishes progressive fines.

Amendment to HB 500

(2017-2431h)

Proposed by the Committee on Transportation - c

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

1 Multi-Use Decal Plates; Organizations. Amend the introductory paragraph of RSA 261-B:3, I to read as follows:

I. ***Secular, nonpolitical, service-oriented*** organizations that have statutory authority to issue decals (i) shall have been granted and continue to hold tax exempt status under 26 U.S.C. section 501(c)(3) ***or 501(c)(4) if the organization has an affiliated 501(c)(3), or 501(c)(10)*** to participate in the multi-use decal number plate program, (ii) shall have a New Hampshire address registered with the department of justice, and (iii) shall not be named for, or associated with, a political issue or a person who seeks, holds, or has held a public office. To issue decals under this chapter, an organization shall file an annual report with the director of motor vehicles, in a format and time established by the director, containing the following:

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

2017-2431h

AMENDED ANALYSIS

This bill allows certain organizations that are tax exempt under 26 U.S.C. section 501(c)(4) and 501(c)(10) to qualify for authorization to issue decals for multi-use decal plates.

Amendment to HB 523

(2017-2480h)

Proposed by the Committee on Commerce and Consumer Affairs - c

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

AN ACT establishing a committee to study the use and regulation of biometric information.

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

1 Committee Established. There is established a committee to study the use and regulation of biometric information.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall determine the appropriate level of regulation for the collection and use of biometric information. The committee may solicit information and testimony from any individual or entity the committee deems relevant to its study.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2018.

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

2017-2480h

AMENDED ANALYSIS

This bill establishes a committee to study the use and regulation of biometric information.

Amendment to HB 525-FN

(2017-2526h)

Proposed by the Committee on Education - r

Amend the bill by replacing section 1 with the following:

1 Determination of Adequate Education Grants. Amend RSA 198:41, IV(d) to read as follows:

(d) For fiscal year 2017 and each fiscal year thereafter, the department of education shall distribute a total education grant to each municipality in an amount equal to the total education grant for the fiscal year in which the grant is calculated plus a percentage of the municipality's fiscal year 2012 stabilization grant, if any, distributed to the municipality; the percentage shall be [~~96~~] ***100*** percent for fiscal year [~~2017, and shall be reduced by 4 percent of the amount of the 2012 education grant for each fiscal year thereafter~~] ***2020 and fiscal year 2021***. No stabilization grant shall be distributed to any municipality for any fiscal year in which the municipality's education property tax revenue collected pursuant to RSA 76 exceeds the total cost of an adequate education or to any municipality for any fiscal year in which the municipality's ADMA is zero.

2017-2526h

AMENDED ANALYSIS

This bill removes the annual 4 percent reduction in stabilization grants made to certain municipalities and requires 100 percent of the stabilization grant to be distributed to a municipality in fiscal years 2020 and 2021.

Amendment to HB 559-FN

(2017-2479h)

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

Amend RSA 123-O:23, III(b) as inserted by section 1 of the bill by replacing it with the following:

III. All remaining proceeds received by the state from the sale of allowances, excluding the amount used for commission and department administration under paragraph I, shall be allocated by the commission as follows:

(a) At least [~~15~~] ***35*** percent to the low-income core energy efficiency program.

(b) Beginning January 1, [~~2014~~] ***2018***, up to [~~$2,000,000~~] ***$5,000,000*** annually to utility core programs for municipal***, school district,*** and local government energy efficiency projects, including projects by local governments that have their own municipal utilities. Funding elements shall include, but not be limited to, funding for direct technical and project management assistance to identify and encourage comprehensive projects and incentives structured to assist municipal and local governments funding energy efficiency projects. In calendar years 2014, 2015, [~~and~~] 2016, ***2017, and 2018,*** any unused funds allocated to municipal and local government projects under this paragraph remaining at the end of the year shall roll over and be added to the new calendar year program funds and continue to be made available exclusively for municipal and local government projects. Beginning in calendar year [~~2017~~] ***2019***, and all subsequent years, funds allocated to municipal and local government projects under this paragraph shall be offered first to municipal and local governments as described in this paragraph for no less than 4 full calendar months. If, at the end of this time, municipal and local governments have not submitted requests for eligible projects that will expend the

funds allocated to municipal and local government projects under this paragraph within that program year, the funds shall [~~be offered on a first-come, first-serve basis to business and municipal customers who fund the system benefits charge~~] ***go to a fuel neutral residential core energy efficiency program***.

Amendment to HB 579-FN

(2017-0866h)

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

Amend RSA 261:74-t as inserted by section 3 of the bill by replacing it with the following:

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

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

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

(1) Whether the application is an original, renewal, or change of location;

(2) Corporate or business name;

(3) Trade name, if applicable;

(4) Legal address;

(5) Mailing address;

(6) Telephone number;

(7) Business hours;

(8) Name, address, and date of birth of at least one owner, partner, or officer, and title, if applicable;

(9) Name of the person who will be responsible for filing monthly reports;

(10) An agreement to notify the department of any change of ownership, address, or corporate or trade name; and

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

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

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

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

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

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

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

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

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

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

(1) Complete the application.

(2) Complete the training requirements.

(3) Complete an interview if applicable.

(4) Obtain a surety bond.

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

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

(d) Trailer agents:

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

(2) Collect fees.

(3) Issue registrations.

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

(A) Date of registration.

(B) Full name of the registrant.

(C) Identifying number.

(D) Address and phone number of record.

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

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

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

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

(B) Filing monthly reports.

(C) Collecting trailer registration fees.

(D) Maintaining records.

(E) Retaining the agent fee.

(F) Posting office hours.

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

(2) Depending upon the areas of deficiency, retraining shall consist of one or more of the following:

(A) Repeat the training program.

(B) Repeat any portion of the training program.

(C) Undergo further training, the substance of which shall be determined by the department.

(h) Before any appointment shall become effective, each trailer agent shall file a surety bond with the department, pursuant to RSA 41:6.

(i)(1) Each trailer agent shall mail a monthly report of nonresident registrations to the department containing:

(A) The physical address and telephone number where the trailer agent is located;

(B) Period the report begins and ends;

(C) Number of trailers registered; and

(D) Amount of registration fee collected.

(2) The monthly reports shall be submitted along with all fees due to the department in the form of a check or money order.

(j) Whenever a trailer agent's office is closed or unattended, all decals, stamps, and other registration materials shall be placed in a locked file cabinet or other secure container.

III. A nonresident may register a semi-trailer in this state through a nongovernmental registering trailer agent, even if the trailer is not garaged exclusively in this state in accordance with RSA 261:46. Registrations of nonresidents for semi-trailers that are not garaged exclusively in this state shall bear the address of the owner's residence and the address of the nongovernmental registering trailer agent.

Amend the bill by inserting after section 4 the following and renumbering the original sections 5-6 to read as 7-8, respectively:

5 Nonresident Registration. Amend RSA 261:46 to read as follows:

261:46 Nonresident Registration. Notwithstanding RSA 261:45, a nonresident who garages a vehicle exclusively in this state ***or who registers a semi-trailer through a nongovernmental agent*** may register such vehicle in this state as a nonresident. No exemption from the payment of a permit fee shall be granted by reason of nonresidence except by the director, who shall in all cases require proof satisfactory to him or her of residence elsewhere, and of the liability of a nonresident owner, otherwise entitled to such exemption, to pay a property tax on the vehicle for the current year in the state of his or her residence.

6 New Paragraph; Fees for Registration Permits; Multiyear Registrations. Amend RSA 261:153 by inserting after paragraph VI the following new paragraph:

VII. A person registering a semi-trailer for multiple years in accordance with RSA 261:141, XI shall, when offering the semi-trailer for registration, pay all permit fees and other municipal fees associated with the registration for the entire multiyear period. Permit fees for the multiyear period shall be determined under paragraph I. If the registration is for 12 years, the permit fee shall be reduced by 10 percent.

Amendment to HB 592-FN

(2017-0503h)

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

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

AN ACT relative to allowance sales under the New Hampshire regional greenhouse gas initiative program.

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

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

II. All amounts in excess of the threshold price***, minus administrative costs,*** of [~~$1~~] ***$0*** for any allowance sale shall be rebated to all retail electric ratepayers in the state on a per-kilowatt-hour basis, in a timely manner to be determined by the commission.

2 Repeal. The following are repealed:

I. RSA 125-O:23, III-V, relative to use of remaining proceeds received by the state from the sale of allowances.

II. RSA 374-F:6, V, relative to the duty of the oversight committee on electric utility restructuring to monitor core energy efficiency programs pursuant to RSA 125-O:23, III.

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

2017-0503h

AMENDED ANALYSIS

This bill requires all amounts from allowance sales under the New Hampshire regional greenhouse gas initiative program to be rebated to retail electric ratepayers in this state.

Amendment to HB 596-FN

(2017-2413h)

Proposed by the Majority of the Committee on Judiciary - r

Amend RSA 135-C:53 as inserted by section 1 of the bill by replacing it with the following:

135-C:53 Action for Discharge. Any person who has been involuntarily admitted to a receiving facility may file at the probate court of the county in which he ***or she*** was originally admitted, or where he ***or she*** resides, a petition setting forth his ***or her*** name, the underlying circumstances and date of the prior order of the court ordering his ***or her*** involuntary admission, a request for discharge from care and custody or admission to a receiving facility, and the reasons for such request. ***If*** the petition [~~shall be~~] ***is*** accompanied by the certificate of a psychiatrist stating that the patient is no longer in need of involuntary admission and setting forth the facts upon which such an opinion is based[~~. Upon receipt of the petition and the certificate~~], the court shall conduct a hearing pursuant to RSA 135-C:34-54. ***If the petition is not accompanied by the certificate of a psychiatrist, the court shall conduct a hearing pursuant to RSA 135-C:34-54 if 2 or more years have passed since the last such hearing. Any petition filed pursuant to this section shall be accompanied by a statement setting forth the name and address of any psychiatrist or other health care practitioner providing current treatment to the petitioner for any behavioral or mental health disorder at the time of the filing. If the petition filed pursuant to this section is not accompanied by such statement, the court shall accept the petition and shall require the petitioner to submit such a statement prior to scheduling the hearing on the petition. The contents of any such statement shall be provided by the court to the psychiatrist designated pursuant to RSA 135-C:40 and to the psychiatrist or other health care practitioner providing current treatment to the petitioner.***

Amendment to HB 609-FN-A

(2017-2427h)

Proposed by the Committee on Education - r

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

AN ACT establishing a student career and college investment program and making an appropriation therefor.

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

1 Findings. The general court finds that New Hampshire has a critical workforce shortage and supports the attainment of a postsecondary degree or high quality credential by 65 percent of the state's working age population by the year 2025. The projections of New Hampshire's demographic future are clear; declining numbers of high school graduates and a rapidly increasing proportion of that population are eligible for the free and reduced price lunch program. Students from families where no one has earned a college degree and/or low income have lower college attendance rates and lower college graduation rates. Moreover, such families have much higher reliance on government assistance programs. Purposeful intervention is required to break these cycles and create a culture of savings and investment, and attainment of postsecondary credentials. Student's savings accounts are a proven vehicle for achieving these goals.

2 New Sections; Student Career and College Investment Program. Amend RSA 195-J by inserting after section 6 the following new sections:

195-J:7 Definitions. In this chapter:

I. "Account provider" means an entity that has been procured by the state treasurer and approved by the governor and council to hold student accounts, based upon a finding that the entity is subject to sufficient governmental or regulatory oversight, and possesses suitable internal controls to ensure the safety and soundness of amounts held in student accounts.

II. "Commission" means the student career and college investment commission established in RSA 195-J:2.

III. "Department" means department of education.

IV. "Eligible student" means a student who is a resident of this state, who is enrolled in a public school or chartered public school in this state, and who complies with the requirements of RSA 195-J:8.

V. "Responsible individual" means a parent or legal guardian of an eligible student.

VI. "Student account" means an account established with an account provider on behalf of an eligible student in accordance with this chapter.

195-J:8 Eligibility.

I. Beginning in the 2019-2020 academic year, a student shall be eligible to participate in the student career and college investment program upon completion of a financial literacy program, approved by the department of education, and offered at the student's school of attendance, in the second grade or later. If a financial literacy program is not offered at a student's school of attendance, the department shall provide alternate access to an approved program. School districts shall maintain a record of each student who has completed a financial literacy program and shall provide that information to the department. The responsible individual shall grant permission for the department to transmit information and documentation evidencing completion of the financial literacy program to the account provider.

II. The responsible individual shall also grant permission to the department of education to collect educational, savings, and demographic data to evaluate the effectiveness of the program and disseminate the results in the form of aggregated data. No personally identifiable information shall be disseminated, collected, or retained in accordance with RSA 189:65-68.

III. Participation in the student career and college investment program pursuant to this chapter shall not result in the loss or suspension of any federally-funded state-administered income-sensitive benefits, assistance, or subsidies received by a family participating in the program or for which such family may qualify.

195-J:9 Establishment of Student Accounts.

I. Beginning with the 2018-2019 academic year, a responsible individual, on behalf of an eligible student, may establish a student account in the New Hampshire college tuition savings plan pursuant to RSA 195-H, that complies with the requirements of section 529 of the Internal Revenue Code of 1986, as amended, and any related federal law applicable to the savings plan with the eligible student listed as the beneficiary. The student account shall be established in the responsible individual's name and through the account provider. No funds shall be required to establish the student account. The department shall furnish the information necessary to establish the student account to the account provider.

II. Upon establishment of the student account and verification of eligibility of each student by the account provider, the state treasurer shall transfer $250 from the student career and college investment program trust fund, established in RSA 195-J:5, to the account provider for deposit into the student account. The commission shall ensure the proper recordkeeping and reporting procedures regarding the status of student accounts, including records of beginning balances, contributions, earnings, bonuses, and matches earned by each program participant during the fiscal year.

III. When the principal balance of a student account reaches $500, the state treasurer shall transfer an amount, to be determined annually by the commission based on the availability of funds, from the student career and college investment program trust fund established in RSA 195-J:5 to the account provider for deposit into the student account.

195-J:10 Administration.

I. The commission shall administer the program, in cooperation with the department of education and the higher education commission.

II. The commission may adopt rules, pursuant to RSA 541-A, relative to the development of financial literacy materials, promotion and marketing of the student career and college investment program, data collection and related research, privacy and reporting requirements related to the program.

3 Student Career and College Investment Program Trust Fund. RSA 195-J:5 is repealed and reenacted to read as follows:

195-J:5 Student Career and College Investment Program Trust Fund.

I. There is established in the office of the state treasurer the student career and college investment program trust fund which shall be kept separate and distinct from all other funds. The fund is established to meet the requirements of the student career and college investment program established in this chapter.

II. The treasurer shall deposit in the student career and college investment program trust fund all moneys appropriated to the fund, and all moneys received under state or federal law, and any gifts, grants, or donations to the state or to the commission established in RSA 195-J:2, by private parties, for the purpose of establishing and administering the student career and college investment program, and shall credit any interest or income earned on moneys on deposit to the fund.

III. The commission shall include requests for appropriations in the budget submitted pursuant to RSA 9:4.

IV. The commission may accept, budget, and expend moneys in the trust fund received from any party for the purposes established in RSA 195-J.

V. All moneys in the trust fund shall be continually appropriated to the commission and shall not lapse.

VI. The treasurer shall, upon request of the commission, establish separate student accounts within the trust fund in order to segregate funds according to funding source.

VII. The student career and college investment program shall include requests for appropriations in their budget submitted pursuant to RSA 9:4.

4 Appropriation. The sum of $2,500,000 for the fiscal year ending June 30, 2018 and the sum of $2,500,000 for the fiscal year ending June 30, 2019 are hereby appropriated to the student career and college investment program trust fund established in RSA 195-J:5. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect January 1, 2019.

2017-2427h

AMENDED ANALYSIS

This bill establishes a student career and college investment program which will be available to any student enrolled in a public school or chartered public school and who completes a financial literacy program in the second grade or later and makes an appropriation for the biennium ending June 30, 2019 to fund student accounts.

Amendment to HB 613-FN

(2017-2445h)

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 requiring the state prisons to be accredited correctional facilities.

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

1 New Subparagraph; Department of Corrections; Powers and Duties of Commissioner. Amend RSA 21-H:8, II by inserting after subparagraph (i) the following new subparagraph:

(j) Ensure that all state correctional facilities are accredited correctional facilities that meet the standards of the American Correctional Association.

2 Department of Corrections; Audit of State Correctional Facilities. The commissioner of the department of corrections shall initiate the process necessary to have all state correctional facilities audited by the American Corrections Association for the purpose of obtaining accreditation of such facilities no later than July 1, 2019.

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

2017-2445h

AMENDED ANALYSIS

This bill requires the commissioner of the department of corrections to initiate an audit to ensure that all state correctional facilities are accredited.

Amendment to HB 619-FN-LOCAL

(2017-2428h)

Proposed by the Committee on Municipal and County Government - c

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

1 Medical Services for County Prisoners. Amend RSA 623-C:1, I(i) to read as follows:

(i) ***A county prisoner who has Medicaid coverage and receives inpatient medical care at a health care facility licensed pursuant to RSA 151 or from an independent health care provider licensed in this state for a period of 24 hours or more, shall first authorize a claim for payment of medical care from Medicaid.*** If a county prisoner's medical care is covered by Medicaid, the health care facility [~~licensed pursuant to RSA 151~~], or the licensed health care provider, or both, shall be paid at the Medicaid rate for services provided.

2 Medical Services for State Prisoners. Amend RSA 623-C:2, I(h) to read as follows:

(h) ***A state prisoner who has Medicaid coverage and receives inpatient medical care at a health care facility licensed pursuant to RSA 151 or from an independent health care provider licensed in this state for a period of 24 hours or more, shall first authorize a claim for payment of medical care from Medicaid.*** If a state prisoner's medical care is covered by Medicaid, the facility or the licensed health care provider, or both, shall be paid at the Medicaid rate for services provided.

2017-2428h

AMENDED ANALYSIS

This bill provides that a state or county prisoner who has Medicaid coverage and receives inpatient medical care shall authorize Medicaid payment for such care.

Amendment to HB 628-FN

(2017-2481h)

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

Amend RSA 282-B:3, I and II as inserted by section 1 of the bill by replacing it with the following:

I. This chapter applies to all nongovernmental employers, provided that any employer participating in a self-insured plan or who is self-insured may opt out of this chapter upon certification by the commissioner or authorized representative that the employer provides an equivalent benefit for its employees. The state or its political subdivisions may opt into this chapter upon certification by the commissioner or authorized representative that this chapter's insurance benefits are at least equivalent to the benefits provided under the collective bargaining agreement, provided the applicable bargaining unit has first ratified this option.

II. All employers subject to this chapter shall remit FMLI premium payments on a calendar quarter basis. These quarterly insurance premium payments shall amount to 0.5 percent of wages per employee per week for each week of the preceding quarter. Employers may withhold or divert no greater than 0.5 percent of wages per week per employee to satisfy this paragraph, provided that such employers provide employees, before employment commences, a department approved information sheet containing conspicuous language explaining the costs and benefits of the insurance and indicating that employees are able to affirmatively opt-out of the insurance by downloading a form from the department and that such form, if the employee chooses to opt-out, shall be notarized and submitted to the department and the employer before employment commences, and that the employee shall be provided the opportunity to opt in on January 1 of each year. No employer shall make opting-out of the insurance a condition of employment nor discriminate against an employee in compensation or in terms, conditions, or privileges of employment based on whether or not the employee opts-out of the insurance.

Amend RSA 282-B:6, I as inserted by section 1 of the bill by replacing it with the following:

I. An employee shall be limited up to 12 weeks of FMLI in any one application period. An employee shall have had premium payments remitted as a percent of his or her wages for at least 6 months to be eligible for benefits and shall have worked in employment resulting in wages in the amount of at least 1,040 multiplied by the applicable minimum wage, in either the "base period" or "alternative base period", as those terms are defined in RSA 282-A:2.

Amend RSA 282-A:128 as inserted by section 2 of the bill by replacing it with the following:

282-A:128 Advisory Council. There is hereby created within the unemployment compensation bureau an advisory council on unemployment compensation ***and family medical leave insurance***, hereinafter called the advisory council. The advisory council shall consist of 9 members to be appointed, with the exception of the legislative members, by the governor with the consent and advice of the governor's council. Three of the appointees of this advisory council shall be persons who, because of their vocations, employment or affiliations, shall be classed as representing the point of view of employers; 3 shall be persons who, because of their vocations, employment or affiliations, shall be classed as representing the point of view of employees; one shall be a senator from the insurance committee appointed by the senate president; one shall be a representative from the labor, industrial and rehabilitative services committee appointed by the speaker of the house; the remaining appointee, who shall be designated as chairman, shall be a person whose training and experience qualify him to deal with the problems of unemployment compensation. Such advisory council shall meet no later than 45 days after each calendar quarter and aid the commissioner in formulating policies and discussing problems related to the administration of this chapter ***and RSA 282-B*** and in assuring impartiality and freedom from political influence in the solution of such problems. Advisory council meetings shall provide opportunity for public comment.

The advisory council shall quarterly review, evaluate, and provide the general court with rate adjustment or fiscal recommendations.

Amend the bill by replacing all after section 2 with the following:

3 New Subparagraph; State Treasurer; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (339) the following new subparagraph:

(340) Moneys deposited in the family and medial leave insurance fund established in RSA 282-B:4.

4 Family and Medical Leave Insurance Program; Funding. The initial administrative and implementation costs associated with this chapter shall either be a capital appropriation included in the state capital budget of the 2019 legislative session or an appropriation in fiscal year 2020 in the operating budget for the biennium ending June 30, 2021. Initial administrative and implementation costs shall be reimbursed to the general fund within 10 years.

5 Effective Date. This act shall take effect January 1, 2019.

Amendment to HB 636-FN

(2017-2441h)

Proposed by the Committee on State-Federal Relations and Veterans Affairs - r

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

AN ACT establishing a department of military and veterans services.

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

1 New Chapter; Department of Military and Veterans Services. Amend RSA by inserting after chapter 21-U the following new chapter:

CHAPTER 21-V
DEPARTMENT OF MILITARY AND VETERANS SERVICES

21-V:1 Purpose. The purpose of this chapter is to improve the administration of military and veterans services. Recognizing that service members, veterans and their families require dedicated, strategic, collaborative outreach, that current service delivery model is not structured to provide coordinated, high quality services, and that the welfare of service members, veterans and their families can best be enhanced if a single entity coordinates many efforts, the department of military and veterans services is established to address system gaps and coordinate, consolidate and provide unified direction of policies, procedures and programs in conjunction with the United States Department of Veterans Affairs as well as other federal, state, local and private organizations.

21-V:2 Definitions. In this chapter:

I. "Commissioner" means commissioner of the department of military and veterans services.

II. "Department" means department of military and veterans services.

21-V:3 Establishment; General Functions.

I. There is hereby established a department of military and veterans services, an agency of the state.

II. The department, through its officials, shall be responsible for:

(a) Promoting the welfare of military service members, veterans, and their families.

(b) Enhancing, coordinating, and overseeing the benefits and services offered by organizations within the state of New Hampshire and directing veterans to appropriate benefits and services offered by such organizations.

(c) Serving as a clearinghouse for research, data, and analysis, to initiate and support public education and awareness campaigns.

(d) Providing guidance and training regarding military and veterans issues to civilian organizations.

21-V:4 Internal Organizational Units. The department shall include the following internal organizational units performing the following major functions:

I. The division of veterans services, under the supervision of a director of veterans services:

(a) Shall assist veterans who are residents of this state or their dependents to secure all benefits or preferences to which they may be entitled under any state or federal laws or regulations. The office shall employ such assistance as may be necessary, within the limits of the appropriation made therefor, subject to the rules of the state division of personnel.

(b) Biennially, beginning July 1, 2019, shall publish and distribute to the entities listed in subparagraph (1), a state veterans handbook which shall include the following information:

(1) Points of contact for all federal, state, local, and nonprofit veterans agencies, departments, councils, hospitals, clinics, and other organizations offering services, benefits, and programs to New Hampshire veterans, including addresses, telephone numbers, and e-mail addresses.

(2) A description of the services, benefits, and programs offered by each entity listed under subparagraph (1).

(c) May accept and expend for purposes of publishing and distributing the state veterans handbook, any donations, grants, bequests, and contributions which become available for such purposes.

II. The division of community military programs, under the supervision of a director of community military programs which shall facilitate military and civilian partnerships by collaborating, coordinating, and communicating with military and civilian provider groups in the delivery of health care services to New Hampshire veterans, service members, and their families.

21-V:5 Commissioner; Directors; Compensation.

I.(a) The commissioner of the department shall be appointed by the governor, with the consent of the council, and shall serve for a term of 4 years. The commissioner may succeed himself or herself. A vacancy shall be filled for the unexpired term.

(b) The commissioner shall be:

(1) A resident of New Hampshire for 2 years preceding his or her appointment.

(2) Qualified to hold the position by reason of education and experience.

(3) Honorably discharged or separated from service in the armed forces of the United States; provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service under this subparagraph.

(4) Have experienced no less than 90 days on active service in the armed forces of the United States in:

(A) The Vietnam Conflict' between December 22, 1961 and May 7, 1975; or

(B) The Vietnam Conflict between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or the armed forces expeditionary medal; or

(C) Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

II. The commissioner shall nominate each division director for appointment by the governor, with the consent of the council. Each division director shall serve for a term of 4 years. Vacancies shall be filled for the unexpired term. The directors shall be qualified to hold their respective positions by reason of education and experience.

III. The salaries of the commissioner and the division directors shall be as specified in RSA 94:1-a.

21-V:6 Powers and Duties of the Commissioner. The commissioner shall:

I. Represent the public interest in the administration of the department and be responsible to the governor, the general court, and the public for such administration.

II. Advocate for the welfare of military service members and veterans in New Hampshire and be responsible for the operations of the department.

III. Seek the advice of the military leadership team and the state veterans advisory committee.

IV. Enter into memoranda of understanding with other executive branch agencies to coordinate services to veterans and military service members as may be appropriate.

V. Review, investigate, and assess the provision of any services to and for veterans and military service members in New Hampshire.

VI. Represent the department on boards, commissions, committees, and professional associations, or shall designate a designee.

VII. Serve as a liaison between the federal government and the governor on issues relevant to the department's mission, and represent the department at various state and national conventions, conferences, and public functions and provide supervision to the department public relations program.

VIII. Identify and develop legislative proposals to improve the delivery of services to and for veterans and military service members, review and monitor legislation introduced by the general court, testify at hearings, and prepare legislative fiscal note work sheets. The commissioner shall coordinate, implement, and administer programs mandated by the general court.

IX. Assume the duties set forth in RSA 115-C relative to the veterans' legal aid advocacy project. The commissioner shall also assist in the development, coordination, and oversight of programs for justice involved veterans in the state court system.

X. Assume the duties set forth in RSA 115-A regarding aid for veterans' programs.

XI. Prepare the department budget pursuant to RSA 9 and administer and monitor expenditures for the department.

XII. Apply for, accept, and expend funding from federal and other grant sources.

XIII. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuance or granting of federal funds and to adopt all rules necessary to implement the specific statutes administered by the department or by any division within the department.

XIV. Have the authority, subject to the approval of the governor and council to accept gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the purpose of furthering the policy objectives of the department.

XV. Delegate authority to subordinates as he or she deems necessary and appropriate, except that rulemaking authority shall not be delegated. The commissioner shall provide by delegation for the deputy commissioner to exercise authority in the commissioner's absence. Such delegation shall be made in writing, shall be disseminated to all division directors, shall clearly delineate the authority delegated and the limitations thereto, and shall be kept on file in the commissioner's office.

21-V:7 Deputy Commissioner.

I. The commissioner shall nominate a deputy commissioner who shall meet the qualification requirements set forth in RSA 21-V:5, I(b).

II. The deputy commissioner shall perform such duties as are assigned by the commissioner. The deputy commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties.

III. The salary of the deputy commissioner shall be as specified in RSA 94:1-a.

21-V:8 Military Leadership Team.

I. There is hereby established a military leadership team which shall serve as an advisory council and shall provide advice and guidance to the commissioner regarding the delivery of services to veterans and military service members in New Hampshire. The military leadership team shall consist of the following members:

(a) The director of the division of veterans services.

(b) The director of the division of community military programs.

(c) Representatives of organizations which provide services to veterans and military service members in New Hampshire, appointed by the commissioner.

II. The military leadership team shall choose a chairman, vice-chairman, and a secretary from their membership. The team may, by a majority vote of its members, adopt bylaws governing the management and operation of the team.

21-V:9 State Veterans Advisory Committee.

I. There is hereby established a state veterans advisory committee, consisting of the following members:

(a) Two members of the house of representatives, one of whom shall be from the committee with jurisdiction over military or veterans affairs, appointed by the speaker of the house of representatives.

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

(c) Twenty representatives of veterans organizations in the state of New Hampshire, appointed by the governor.

II. Legislative members of the committee shall receive mileage at the legislative rate while attending to the duties of the committee. Legislative members of the committee shall serve a term coterminous with their term in office. Each non-legislative member of the state veterans' advisory committee shall serve a 2-year term of office from the date of the member's appointment, and may be reappointed. The committee members shall choose a chairman, vice-chairman, and a secretary from their membership. The committee may, by a majority vote of its members, adopt bylaws governing the management and operation of the committee.

III. The committee shall provide advice and guidance to the commissioner regarding the welfare and needs of veterans and military service members in New Hampshire.

IV. The committee shall issue biannual reports of its actions, findings, and recommendations on May 1 and November 1 of each year to the commissioner, the speaker of the house of representatives, the president of the senate, the governor and council, and all veterans organizations in the state.

21-V:10 Administrative Attachment. The New Hampshire veterans' home and the New Hampshire state veterans' cemetery shall be administratively attached to the department in accordance with RSA 21-G:10.

2 New Subparagraph; Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery; Membership Amend RSA 12-J:1, III(a) by inserting after subparagraph (11) the following new subparagraph:

(12) The commissioner of the department of military and veterans services, or designee.

3 New Paragraph; Aid for Veterans' Programs; Definitions. Amend RSA 115-A:2 by inserting after paragraph III the following new paragraph:

III-a. "Commissioner" means the commissioner of the department of military and veterans services.

4 Veterans' Legal Aid Advocacy Project; Duties. Amend RSA 115-C:3 to read as follows:

115-C:3 Duties.

I. The veterans' legal aid advocacy project shall work to improve the lives of New Hampshire veterans through legal aid advocacy on behalf of veterans in civil matters.

II. The [~~state veterans council~~] ***commissioner of the department of military and veterans services*** shall serve as the veterans intake coordinator for the veterans' legal aid advocacy project.

III. New Hampshire Legal Assistance shall provide legal representation to veterans in a manner consistent with the purpose outlined in RSA 115-C:1 and the New Hampshire Rules of Professional Conduct.

IV. The [~~state veterans council~~] ***commissioner of the department of military and veterans services*** and New Hampshire Legal Assistance shall do outreach with veterans' service organizations and homeless shelters to reach the veteran homeless population that may need legal aid advocacy services.

V. The [~~state veterans council~~] ***commissioner of the department of military and veterans services***, New Hampshire Legal Assistance, and the pro bono section of the New Hampshire Bar Association shall coordinate with the veterans' service organizations, the New Hampshire National Guard, and other veterans' service providers, in the efficient provision of veterans' legal aid advocacy services. The [~~state veterans council~~]***commissioner of the department of military and veterans services*** and New Hampshire Legal Assistance shall create general guidelines on case acceptance and priorities, reviewing those guidelines and priorities every 2 years.

VI. The [~~state veterans council~~] ***commissioner of the department of military and veterans services***, New Hampshire Legal Assistance, and the [~~Pro Bono Section~~] ***pro bono section*** of the New Hampshire Bar Association shall work to increase the number of private attorneys for referrals of veterans' cases, including, but not limited to, veterans' family law cases.

VII. The [~~state veterans council~~] ***commissioner of the department of military and veterans services***, New Hampshire Legal Assistance, and the [~~Pro Bono Section~~] ***pro bono section*** of the New Hampshire Bar Association shall work to provide information sessions and legal advice for veterans and their families.

VIII. The veterans' legal aid advocacy project shall provide legal aid training to veterans' advocates.

IX. The veterans' legal aid advocacy project shall report annually to the governor, the general court, and the [~~state veterans council~~] ***commissioner of the department of military and veterans services*** on the number of veterans served, the results, and the number of veterans that could not be served.

5 Commission on Post-Traumatic Stress Disorder and Traumatic Brain Injury; Membership. Amend RSA 115-D:2, I(e) to read as follows:

(e) The [~~director of the state office of veterans services~~] ***commissioner of the department of military and veterans services***, or designee.

6 New Subparagraph; New Hampshire Council on Suicide Prevention; Membership. Amend RSA 126-R:3, I by inserting after subparagraph (w) the following new subparagraph:

(x) The commissioner of the department of military and veterans services, or designee.

7 Repeal. The following are repealed:

I. RSA 115, relative to the state office of veterans services.

II. RSA 115-A:2, VI and VII, relative to the definitions of state veterans' advisory committee and the office of veterans services.

III. RSA 115-A:8, relative to the state veterans' advisory council.

8 Effective Date. This act shall take effect July 1, 2018.

2017-2441h

AMENDED ANALYSIS

This bill establishes the department of military and veterans services, an agency of the state. The bill also repeals the state office of veterans services and the state veterans advisory council.

Amendment to HB 656-FN-A-LOCAL

(2017-2478h)

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

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

AN ACT relative to the home cultivation of marijuana plants and the possession of certain marijuana-infused products.

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

1 Statement of Purpose. The general court finds that:

I. Since 2012, voters in the District of Columbia and 7 states, including Maine and the Commonwealth of Massachusetts, have legalized possession and limited cultivation of marijuana by adults 21 years of age and older.

II. Statewide polls have consistently found that most New Hampshire voters support making marijuana legal for adults 21 years of age and older.

III. Marijuana is less harmful than alcohol to the consumer and to society. It is less toxic, less harmful to the body, less addictive, and less likely to contribute to violent or reckless behavior. Adults should not be punished choosing to use marijuana instead of alcohol, if that is what they prefer.

IV. Home brewing of alcoholic beverages is legal in New Hampshire and every other state in the nation.

V. Allowing adults to cultivate their own limited supply of marijuana will provide them with an alternative to buying marijuana from illicit drug dealers.

2 Other Alcohol and Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. This section shall not apply to the possession of marijuana or hashish as provided in RSA 318-B:2-c[~~, or a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b)~~].

3 Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-B:2-c to read as follows:

318-B:2-c Personal Possession of Marijuana.

I. In this section:

(a) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

(b) [~~"Personal-use amount of a regulated marijuana-infused product"~~] ***"Marijuana-infused product"*** means one or more products that is comprised of marijuana, marijuana extracts, or resins and other ingredients and is intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures[~~, which was obtained from a state where marijuana sales to adults are legal and regulated under state law, and which is in its original, child-resistant, labeled packaging when it is being stored, and which contains a total of no more than 300 milligrams of tetrahydrocannabinol~~].

(c) "Possession limit" means:

(1) Three-quarters of an ounce of marijuana, excluding hashish, marijuana-infused products, and growing marijuana plants;

(2) Five grams of hashish;

(3) Marijuana-infused products containing no more than 300 milligrams of tetrahydrocannabinol (THC);

(4) Six marijuana plants, with 3 or fewer being mature, flowering plants; and

(5) Any additional marijuana, hashish, or marijuana-infused products produced from the person's marijuana plants, provided that any amount of marijuana in excess of ¾ of an ounce of marijuana, 5 grams of hashish, and marijuana-infused products containing no more than 300 milligrams of THC shall be possessed in the same location where the plants were cultivated.

I-a. Except as provided in paragraphs III and IV, if undertaken by a person 21 years of age or older, the following acts shall not be illegal under New Hampshire law, shall not be a criminal or civil offense under New Hampshire law or the law of any political subdivision of New Hampshire, and shall not be a basis for seizure or forfeiture of assets under New Hampshire law:

(a) Possessing, consuming, growing, processing, or transporting an amount of marijuana that does not exceed the possession limit; or

(b) Transferring ¾ of an ounce of marijuana, 5 grams of hashish, marijuana-infused products containing no more than 300 milligrams of THC, or 3 immature, non-flowering marijuana plants to a person who is 21 years of age or older without remuneration; and

(c) Manufacturing, possessing, or purchasing marijuana accessories, or distributing or selling marijuana accessories to a person who is 21 years of age or older.

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

(a) Marijuana plants shall not be cultivated in a location where the plants are subject to public view, including to view from another private property, without the use of binoculars, aircraft, or other optical aids.

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

(c) Marijuana cultivation shall only occur at the cultivator's primary residence.

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

I-c. No person shall smoke marijuana in a public place. A person 21 years of age or older who violates this paragraph shall be guilty of a violation and may be fined not more than $100.

II. Except as provided in RSA 126-X, any person ***under 21 years of age*** who knowingly possesses 3/4 of an ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph [~~V~~] ***IV***.

III. Except as provided in RSA 126-X, any person ***under 21 years of age*** who knowingly possesses 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph [~~V~~] ***IV***.

IV. [~~Except as provided in RSA 126-X, any person 21 years of age or older possessing a personal-use amount of a regulated marijuana-infused product shall be guilty of a violation, and subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21 years of age who knowingly possess marijuana-infused products shall be guilty of a misdemeanor.~~

~~V.~~](a) Except as provided in this paragraph, any person 18 years of age or older who is convicted of violating paragraph II or III[~~, or any person 21 years of age or older who is convicted of violating paragraph IV~~] shall be subject to a fine of $100 for a first or second offense under this paragraph, or a fine of up to $300 for any subsequent offense within any 3-year period; however, any person convicted based upon a complaint which alleged that the person had 3 or more prior convictions for violations of paragraph [~~II, III or IV~~] ***II or III***, or under reasonably equivalent offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the marijuana[~~, regulated marijuana-infused products,~~] or hashish to the state. A court shall waive the fine for a single conviction within a 3-year period upon proof that person has completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court, which shall schedule the matter for review after 180 days. Should proof of completion of an assessment be filed by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

(b) Any person under 18 years of age who is convicted of violating paragraph II or III shall forfeit the marijuana or hashish and shall be subject to a delinquency petition under RSA 169-B:6.

[~~VI.~~] ***V.***(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph [~~II, III, or IV~~] ***II or III*** and shall be released provided the law enforcement officer does not have lawful grounds for arrest for a different offense.

(b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from investigating or charging a person for a violation of RSA 265-A.

(c) Nothing in this chapter shall be construed as forbidding any police officer from taking into custody any minor who is found violating paragraph [~~II, III, or IV~~] ***II or III***.

(d) Any person in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer or who refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed the person that he or she has been found to be in possession of what appears to the officer to be 3/4 of an ounce or less of marijuana[~~, a personal-use amount of a regulated marijuana-infused product,~~] or 5 grams or less of hashish, may be arrested for a violation of paragraph [~~II, III, or IV~~] ***II or III***.

[~~VII.~~] ***VI.*** All fines imposed pursuant to this section shall be deposited into the alcohol abuse prevention and treatment fund established in RSA 176-A:1 and utilized for evidence-informed substance abuse prevention programs.

[~~VIII.~~] ***VII.***(a) No record that includes personally identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.

(b) Every state, county, or local law enforcement agency that collects and reports data for the Federal Bureau of Investigation Uniform Crime Reporting Program shall collect data on the number of violations of paragraph [~~II, III, or IV~~] ***II or III***. The data collected pursuant to this paragraph shall be available to the public. A law enforcement agency may update the data annually and may make this data available on the agency's public Internet website.

VIII. Nothing in this section shall:

(a) Be construed to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees.

(b) Be construed to permit driving or operating under the influence of drugs or liquor pursuant to RSA 265-A, nor prevent the state from enacting and imposing penalties for driving under the influence of or while impaired by marijuana.

(c) Be construed to permit the transfer of marijuana, with or without remuneration, to a person under 21 years of age, or to allow a person under 21 years of age to purchase, possess, use, transport, grow, or consume marijuana.

(d) Prohibit a state or county correctional facility from prohibiting the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in the correctional facility's property.

(e) Prohibit a person or other entity that legally owns, leases, or controls any property from prohibiting or otherwise regulating the sale, use, or growing of marijuana on or in the property.

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

(c) In the case of more than 3/4 ounce of marijuana***, marijuana-infused products containing more than 300 milligrams of THC,*** or more than 5 grams of hashish, including any adulterants or dilutants, the person shall be guilty of a misdemeanor. In the case of marijuana-infused products possessed by persons under the age of 21 [~~or marijuana-infused products as defined in RSA 318-B:2-c, other than a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older~~], the person shall be guilty of a misdemeanor.

(d) In the case of 3/4 ounce or less of marijuana or 5 grams or less of hashish, including any adulterants or dilutants, ***possessed by a person under 21 years of age,*** the person shall be guilty of a violation pursuant to RSA 318-B:2-c. [~~In the case of a person 21 years of age or older who possesses a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.~~]

5 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after paragraph VIII the following new paragraph:

VIII-a.(a) No person, other than an alternative treatment center approved pursuant to RSA 126-X, shall perform solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol.

(b) No person shall extract compounds from cannabis using ethanol in the presence or vicinity of an open flame.

(c) Any person who violates this paragraph shall be guilty of a class A misdemeanor.

6 Model Drug Dealer Liability Act; Definitions. Amend RSA 318-C:4, I to read as follows:

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

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

2017-2478h

AMENDED ANALYSIS

This bill permits adults to possess up to ¾ of an ounce of marijuana, 5 grams of hashish, and certain marijuana-infused products; permits adults to cultivate up to 6 marijuana plants at home in a secure location that is not visible from other properties, and to possess and process the marijuana produced from their

plants at the same location; permits adults to give marijuana to other adults, provided it is not more than ¾ of an ounce of marijuana, 5 grams of hashish, or up to 300 mg of marijuana-infused products, or 3 immature plants; provides that smoking or vaporizing marijuana in public by an adult would be punishable by a $100 fine; provides that violations of the restrictions on cultivation would be a violation punishable by fine of up to $750; penalizes dangerous, volatile extraction; and permits adults to possess, make, and sell marijuana accessories to other adults.

Amendment to SB 48

(2017-2474h)

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

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

AN ACT establishing a commission to study the efficiency and effectiveness of fish and game department operations.

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

1 Declaration of Purpose. The duties of the fish and game department include management of the state's fish, wildlife, and habitat; off-highway recreational vehicle training and enforcement; conducting search and rescue operations; and administrating the statewide public boat access program. Over the past several years, the department has seen declining revenue from license fees and an increase in operating expenses, including information technology, retiree health insurance, employee benefits, utility costs, and search and rescue costs. While the number of the department's hunting, fishing, and trapping constituents has been declining, non-consumptive users who benefit from the department's efforts to conserve and protect wildlife species and habitats have been on the rise. It was noted in the January 2008 audit of the department that this broader user base has not been well integrated into the governance, policy making, and financial support of the department. It is in the best interests of both wildlife and the people of New Hampshire that the financial operations of the department are structured in a way that is representative, efficient, effective, and financially secure.

2 New Section; Fish and Game; Study Commission Established. Amend RSA 206 by inserting after section 1-c the following new section:

206:1-d Commission Established.

I. There is established a commission to study the efficiency and effectiveness of fish and game department operations.

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

(a) One member of the senate appointed by the president of the senate.

(b) Three members of the house of representatives, at least one of whom shall be from the fish and game and marine resources committee, and one of whom shall be from the finance committee, appointed by the speaker of the house of representatives.

(c) The executive director of the fish and game department.

(d) One member of the fish and game commission, appointed by the chairperson of the fish and game commission.

(e) One person representing hunting, fishing, or trapping, appointed by the speaker of the house of representatives.

(f) One person representing a land conservation organization, appointed by the governor.

(g) One member representing the New Hampshire Guides' Association, appointed by the association.

(h) One member representing recreational interests, appointed by the president of the senate.

(i) One member representing the general public with a background in agricultural interests, appointed by the governor.

(j) One member of the general public, appointed by the senate president.

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 senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

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

V. The commission shall make recommendations to improve the management and long-term financial health of the fish and game department, the department's name, new revenue sources, and other organizational and structural improvements that will better enable the department to carry out its statutory responsibilities. In developing recommendations, the commission shall:

(a) Review the findings of the 2008 legislative budget assistant's performance audit of the fish and game department.

(b) Solicit input from the fish and game department, the fish and game commission, and the public.

(c) Review governance structures and long-term funding mechanisms of other states' wildlife agencies.

(d) Review additional reports and studies it deems appropriate to its purpose.

VI. Appropriate legislative research entities shall provide assistance and support to the commission as necessary and as requested by the chairperson.

VII. The commission may form subcommittees or appoint technical committees composed of commission members and nonmembers to advance the goals of this section.

VIII. The commission shall report its findings and recommendations to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, the chairperson of the house fish and game and marine resources committee, the chairperson of the senate energy and natural resources committee, and the state library on or before January 1, 2019.

3 Repeal. RSA 206:1-d, relative to the commission to study changes to the fish and game commission and department, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect January 1, 2019.

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

2017-2474h

AMENDED ANALYSIS

This bill establishes a commission to study the efficiency and effectiveness of fish and game department operations.

Amendment to SB 71

(2017-2518h)

Proposed by the Committee on Children and Family Law - c

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

1 Alimony. RSA 458:19 is repealed and reenacted to read as follows:

458:19 Alimony; Definitions. In RSA 458:19-a and RSA 458:19-aa:

I. "Alimony" means one or more payments made to, or for the benefit of, a spouse or former spouse.

II. "Effective date" means the date when an order takes effect under court rule.

III. "Exclusions from gross income" mean Social Security benefits received on behalf of a minor child; capital gains from property received in the parties' divorce; income of a subsequent spouse, except as provided in RSA 458:19-aa, II; and income from overtime or a second job if the party has a full time job and such overtime or second income began:

(a) After the parties separated or a petition for divorce or legal separation was filed, whichever occurred first; or

(b) In an action for modification, if such income began after the existing alimony award.

IV. "Full retirement age" means the age when the payor is eligible to receive full retirement benefits under the federal Old Age, Survivors, and Disability Insurance Social Security program.

V. "Gross income" means all income from any source, whether earned or unearned, including, but not limited to, wages, salary, commissions, tips, annuities, social security benefits, trust income, lottery or gambling winnings, interest, dividends, investment income, net rental income, self-employment income, business profits, pensions, bonuses, and payments from other government programs (except public assistance programs, including aid to families with dependent children, aid to the permanently and totally disabled, supplemental security income, food stamps, and general assistance received from a county or town), including, but not limited to, workers' compensation, veterans' benefits, unemployment benefits, and disability benefits, but not exclusions from gross income as defined in paragraph III.

VI. "Income assignment" means an alimony order assigning a portion of the payor's income directly to the payee under the provisions of RSA 458-B.

VII. "Length of marriage" means the number of months from the date of marriage to the date of service of the petition for divorce, legal separation, or annulment.

VIII. "Modification" means any increase or decrease in the amount or duration in alimony, other than because of the cohabitation, remarriage, or death of the payee, or the retirement of the payor.

IX. "Payee" means a person who is receiving or is to receive alimony.

X. "Payor" means a person who is paying or is to pay alimony.

XI. "Step-down order" means an order that decreases payments in specified steps.

XII. "Step-up order" means an order that increases payments in specified steps.

XIII. "Temporary alimony" means periodic support payments to or on behalf of a spouse while a case is pending and ending on the effective date of the divorce, legal separation, or annulment. Such alimony shall not be counted toward or subject to either the formula or the duration limits in RSA 458:19-a, III, unless the court finds that the temporary alimony was of unusually long duration.

2 Alimony. RSA 458:19-a is repealed and reenacted to read as follows:

458:19-a Alimony.

I. The court may order alimony upon agreement of the parties or in the absence of an agreement, at the request of either party by petition or motion in a case for divorce, legal separation, or annulment. Any request for alimony shall be made either before the final decree is effective or not later than 5 years from the effective date. The purpose of alimony is to allow both parties to maintain a reasonable standard of living. If the issue of alimony is contested, the court may order alimony only if it finds that:

(a) The party in need lacks sufficient income, property, or both, including property apportioned in accordance with RSA 458:16-a, to provide for his or her own reasonable needs, taking into account the marital lifestyle and the extent to which the parties must both fairly adjust their standards of living based on the creation and maintenance of separate households; or

(b) The party in need is unable to be self-supporting at a standard of living that meets reasonable needs through appropriate employment, or is allocated parental rights and responsibilities under RSA 461-A for a child of the parties whose condition or circumstances make it appropriate that the parent not seek employment outside the home or limit the hours of such employment; and

(c) The party from whom alimony is sought is able to meet his or her own reasonable needs, taking into account the marital lifestyle and the extent to which the parties must both fairly adjust their standards of living based on the creation and maintenance of separate households, while meeting the reasonable needs of the party seeking alimony.

II.(a) The amount of an alimony order shall be the lesser of the payee's reasonable need, or a formula based on 30 percent of the difference between the parties' gross incomes at the time the order is created, unless the court finds that justice requires an adjustment. In making this calculation, gross income as defined in RSA 458:19, V shall be:

(1) Reduced by subtracting amounts that are ordered and actually paid for:

(A) Child support or alimony, including child support for the parties' joint children; and

(B) Costs for health insurance coverage or other specified expenses for the benefit of the other party; and

(2) As to the payee's income, adding the amount of child support ordered for the parties' joint children.

(b) The court may vary this formula when an equal or approximately equal parenting schedule has resulted in an adjustment to the child support guidelines under RSA 458-C:5. The court may make a step-down or step-up order that begins with the current reasonable need or the formula and decreases or increases over time. If child support is a factor in determining the amount of alimony, alimony may be recalculated when child support is modified or ended, without meeting the tests for modification in RSA 458:19-aa, I.

III. The maximum duration of alimony shall be 50 percent of the length of the marriage, unless the parties agree otherwise or the court finds that justice requires an adjustment under paragraph IV. In most cases, this duration will be sufficient for the payee to become self-supporting at a reasonable cost of living. However, in some cases self-support may not be possible due to one or more of the special circumstances in paragraph IV. If justice requires, the court may use a different beginning or ending date in measuring the length of the marriage. Alimony shall end on the remarriage of the payee, unless the order is based on an agreement of the parties that provides otherwise.

IV. In any alimony order, the court may adjust the formula amounts, duration limitations, or both, if the parties agree or if the court finds that justice requires an adjustment. The party seeking an adjustment shall have the burden of proof. Special circumstances that may justify an adjustment include, but are not limited to, the following:

(a) Age.

(b) Health, including disability, chronic or severe mental or physical illness, or other unusual health circumstances of either party.

(c) The degree and duration of any financial dependency of one party on the other.

(d) Vocational skills, occupation, benefits available from employment, and the present and future employability of both parties.

(e) Voluntary unemployment or underemployment of either party.

(f) The special needs of a minor or adult child of the parties.

(g) Property awarded under RSA 458:16-a.

(h) The conduct of either party during the marriage, including abuse as defined in RSA 173-B:1, I or fault as described in RSA 458:16-a, II (l).

(i) Differences in the parties' benefits under the federal Old Age, Survivors, and Disability Insurance Social Security program.

(j) Cost of health insurance.

(k) Diminution of significant assets by a party, coupled with a lack of sufficient assets from which property can be equitably divided or recouped under RSA 458:16-a.

(l) Any other reason the court deems material and relevant.

V. Each order granting, denying, renewing, modifying, or refusing to renew or modify alimony shall state:

(a) If alimony is awarded:

(1) The maximum number of alimony payments or the date the payments will end, the method or methods of payment, and any limitations imposed;

(2) Whether full retirement age or actual retirement will impact payments;

(3) Whether security under RSA 458:19-aa, VI is required; and

(4) Whether the order is based on an agreement of the parties.

(b) If the proceeding was contested, the order shall include:

(1) Findings supporting the court's decision to order or deny the requested alimony; and

(2) Findings as to any special circumstances justifying an adjustment to either the formula amounts or durational limitations.

3 New Section; Alimony Modification or Termination. Amend RSA 458 by inserting after section 19-a the following new section:

458:19-aa Alimony Modification or Termination.

I.(a) The court may modify the amount or duration of an alimony order upon agreement of the parties or, in the absence of an agreement, at the request of either party by petition or motion. If the proceeding for modification is contested, any modification shall be supported by findings of the following, based on clear and convincing evidence:

(1) There has been a substantial and unforeseeable change of circumstances since the effective date of the alimony order;

(2) There is no undue hardship on either party; and

(3) Justice requires a change in amount or duration.

(b) The party requesting a modification shall have the burden of proof. Additionally, the order shall include the information required under RSA 458:19-a, V. If the prior alimony order has ended, reinstatement shall be requested within 5 years after the end of the order.

II. In any modification of an existing alimony order, the earned or unearned income and social security payments of a spouse of the payor shall not be considered a source of income to the payor, unless the payor resigns from or refuses employment or is voluntarily unemployed or underemployed, in which case the income of a subsequent spouse may be imputed to the payor only to the extent that such payor could have earned income in his or her usual employment. In such actions, the court may consider the veteran's disability benefits of a spouse of the payor to the extent permitted by federal law.

III. For the purpose of modification of an existing alimony order, any income from a second job or overtime shall be presumed to be irrelevant to an alimony modification, if the party works more than a single full time position, and the second job or overtime began after the entry of the initial order.

IV. Except as provided in paragraph V, alimony orders shall end upon the payor reaching full retirement age or actual retirement by the payor, whichever is later, unless the parties agree otherwise or the court finds that justice requires a different termination date based on special circumstances under RSA 458:19-a, IV. The payor's ability to work beyond full retirement shall not of itself be a reason to extend alimony. The payor shall provide the payee reasonable notice in advance of retirement. Sixty days' notice shall be presumed to be reasonable.

V. If justice requires, the court may extend alimony past full retirement age or actual retirement up to an amount that equalizes the parties' gross benefits under the federal Old Age, Survivors, and Disability Insurance Social Security program. The requirements of paragraph I shall not apply.

VI. Unless otherwise ordered by the court, the obligation to pay alimony ends on the death of the payee and is a charge against the estate of the payor, except to the extent that it is covered by life insurance or other security. The court may require reasonable security for the payments due the payee in the event of the payor's death prior to the completion of payments.

VII. At the request of either party by petition or motion, the court may make orders for the modification or termination of alimony upon a finding of the payee's cohabitation as described in paragraph VIII. The requirements of paragraph I shall not apply.

VIII. The court shall find that cohabitation exists, if there is a relationship between an alimony payee and another unrelated adult resembling that of a marriage, under such circumstances that it would be unjust to make an order for alimony, to continue any existing alimony order, or to continue the amount of an existing alimony order. In making this finding, the court shall consider evidence of any of the following concerning the payee and the other person:

(a) Living together on a continual basis in a primary residence;

(b) Sharing of expenses;

(c) The economic interdependence of the couple, or economic dependence of one upon the other;

(d) Joint ownership or use of real or personal property, including financial accounts;

(e) The existence of an intimate relationship between the persons;

(f) Holding themselves out to be a couple through statements or representations made to third parties or are generally reputed to be a couple; and

(g) Any other factors that the court finds material and relevant.

IX. If an alimony order is terminated because of cohabitation or marriage, the court may reinstate the original alimony award upon finding that the payee's cohabitation has ceased or that the marriage has ended in divorce, provided that the request is made within 5 years of the effective date of the termination order. If the alimony order being reinstated had a specific termination date, reinstatement shall not extend the termination date, however, if the order specified a number of payments, the reinstatement may be for up to the number of payments remaining in the order. If the order has both a specific termination date and a number of payments, the termination date shall control. The requirements of paragraph I shall not apply.

4 Sections Renumbered by Reenactment; Divorce in Another Jurisdiction; Medical Assistance Recipient. RSA 458:19-b is repealed and reenacted to read as follows:

458:19-b Divorce in Another Jurisdiction. The circuit court shall have jurisdiction to make such orders or temporary orders of alimony to a divorced wife or divorced husband, or of support to the children of divorced parents as justice shall require in cases where the decree of divorce was not granted in this jurisdiction, even though said divorce decree makes provision for alimony and support, subject to the provisions of RSA 546-B.

458:19-c Medical Assistance Recipient; Notice of Petition for Spousal Support.

I. If the petitioner or respondent is a recipient of medical assistance under the state Medicaid program, the petitioner shall serve the department of health and human services with a copy of any petition for spousal support filed under this chapter.

II. The department of health and human services shall have the opportunity to address the court in any proceeding under this section if the court has concerns relative to:

(a) The impact on the recipient of any period of Medicaid ineligibility that would result from the allocation of income or assets;

(b) Whether the ward has been the victim of a crime or has been or is at risk of being abused, neglected, or exploited within the meaning of RSA 161-F:43; or

(c) The cost of the recipient's care to be paid by Medicaid as the result of the proposed allocation of income or assets.

5 Revision of Orders; Reference Change. RSA 458:14 is repealed and reenacted to read as follows:

458:14 Revision of Orders, etc. The court, upon proper application and notice to the adverse party, may revise and modify any order made by it, may make such new orders as may be necessary, and may award costs as justice may require, except as otherwise provided in RSA 458:19-aa.

6 Applicability.

I. This act shall apply to all cases filed on or after January 1, 2019.

II. Cases filed between the effective date of this section and January 1, 2019 shall be controlled by the law in effect on the effective date of this section unless the court in its discretion finds that adopting any or all of the provisions due to take effect on January 1, 2019 would be both equitable and consistent with the law existing as of the date of passage.

III. Parties to any case filed prior to January 1, 2019 may agree to adopt some or all of the provisions of this act.

7 Effective Date.

I. Section 6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2019.

Amendment to SB 119

(2017-2464h)

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

Amend the bill by replacing the title with the following:

AN ACT relative to the length of docks on a water body and boat slips.

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

1 Boat Slip; Definition. Amend RSA 482-A:2, VIII to read as follows:

VIII. "Boat slip" means[~~:~~

~~(a) On water bodies over 10,000 acres, means~~] a volume of water 25 feet long, [8] ***9*** feet wide, and [~~3~~] ***4*** feet deep as measured at normal high water and located adjacent to a structure to which a watercraft may be secured.

[~~(b) On water bodies of 10,000 acres or less, a volume of water 20 feet long, 6 feet wide, and 3 feet deep as measured at normal high water mark and located adjacent to a structure to which a watercraft may be secured.~~]

2 Seasonal Docks. Amend RSA 482-A:3, IV-a(e) to read as follows:

(e) No more than 6 feet wide and no more than [~~40~~] ***50*** feet long if the water body is 1,000 acres or larger, or no more than [~~30~~] ***40*** feet long if the water body is less than 1,000 acres;

3 New Paragraph; Seasonal Boat Lifts. Amend RSA 482-A:3 by inserting after paragraph IV-a the following new paragraph:

IV-b. Temporary seasonal boat lifts installed in any lake or pond shall be exempt from the permitting requirements of this section, provided that a notification is sent to the department by the owner of the property that includes the name and address of the property owner, the municipality, the waterbody, and tax map and lot number on which the proposed lift will be located. No more than one boat lift shall be located on any property under this paragraph. To qualify for an exemption under this paragraph, a temporary seasonal boat lift shall:

(a) Only be installed adjacent to an existing permitted or grandfathered dock in a legally existing boat slip, such that no additional boat slip or dock is created;

(b) Be located at least 20 feet from the abutting property line or imaginary extension of the property line over the water under this section;

(c) Be removed during the non-boating season; and

(d) Be removed from the lake bed for a minimum of 5 months each year

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

2017-2464h

AMENDED ANALYSIS

This bill exempts certain temporary seasonal docks and boat lifts from permitting requirements of the department of environmental services.

Amendment to SB 132

(2017-2432h)

Proposed by the Committee on Finance - c

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

AN ACT relative to historic burial grounds and cemeteries.

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

1 New Section; Cemetery Trustees; Historic Burial Grounds and Cemeteries. Amend RSA 289 by inserting after section 14-a the following new section:

289:14-b Historic Burial Grounds and Cemeteries. Historic burial grounds and cemeteries, including their markers, walls, gates, and other associated and identifying features and artifacts, are meaningful to the history, historic landscape, cultural, religious, craft and architectural traditions of the state; were established prior to January 1, 1950; and are consistent with the definitions of "burial ground" and "cemetery" established in RSA 289:1. Cemetery trustees may, in cooperation with non-governmental organizations, provide information relative to the location of historic burial grounds and cemeteries to such organizations for the inclusion in their online and other databases accessible for public use.

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

2017-2432h

AMENDED ANALYSIS

This bill provides that cemetery trustees may include the location of historic burial grounds and cemeteries in databases maintained by non-governmental organizations.

Amendment to SB 193-FN

(2018-2530h)

Proposed by the Majority of the Committee on Education - r

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

1 New Chapter; Education Freedom Savings Accounts. Amend RSA by inserting after chapter 194-D the following new chapter:

CHAPTER 194-E

EDUCATION FREEDOM SAVINGS ACCOUNTS

194-E:1 Definitions. In this chapter:

I. "Account" means an education freedom savings account established for an eligible student pursuant to this chapter.

II. "Commissioner" means the commissioner of the department of education.

III. "Department" means the department of education.

IV. "Eligible student" means a New Hampshire resident who is at least 5 years of age and not more than 20 years of age, who has not graduated from high school, and

(a)(1) Who is currently attending a New Hampshire public school, including a chartered public school, for a minimum of one year; or

(2) Who received an account in the prior year; or

(3) Who is entering kindergarten or first grade; and

(b)(1) Whose annual household income is less than or equal to 300 percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902(2); or

(2) Who is assigned to a school that for 2 consecutive years has been unable to demonstrate that it provides the opportunity for an adequate education pursuant to RSA 193-E:3-b; or

(3) Who has an individualized education program (IEP) or an accommodation plan under section 504 of the Rehabilitation Act of 1973; or

(4) Who applied and was not admitted to a chartered public school or whose application for an education tax credit scholarship pursuant to RSA 77-G was not funded.

V. "Nonpublic school" shall mean any public academy pursuant to RSA 194:23, II, or private school accredited through a recognized independent accreditation agency, school approved by a state education agency having an interstate compact with New Hampshire, or other school located in New Hampshire approved for school attendance pursuant to RSA 193:1, I(a) and (d). A nonpublic school shall:

(a) Comply with statutes and regulations relating to agency approvals such as health, fire safety, and sanitation;

(b) Be incorporated under the laws of New Hampshire or the United States; and

(c) Administer an annual assessment in reading and language arts, mathematics, and science. The assessment may be any nationally recognized standardized assessment used to measure student academic achievement, shall be aligned to the school's academic standards, and shall satisfy the requirements of RSA 193-C:6. The school's annual assessment results shall be submitted to the commissioner.

VI. "Parent" means the natural or adoptive parent or legal guardian of an eligible student.

VII. "Postsecondary institution" means an institution, a college, university, or career school approved by the department.

VIII. "Program" means the education savings account program established in this chapter that will begin in the 2018-2019 school year.

IX. "Recognized independent accreditation agency" means an accrediting organization such as the New England Association of Schools and Colleges, National Association of Independent Schools, Independent Schools Association of Northern New England, Northern New England Conference of Seventh-day Adventists, Inc., or other accrediting agency recognized by the department that engages member schools in a comprehensive peer review accreditation process that provides assurance of quality academic standards and criteria, and measures academic improvement.

X. "Resident school district" means the public school district in which the eligible student resides.

XI. "Scholarship organization" means a charitable organization incorporated or qualified to do business in this state that:

(a) Is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code;

(b) Complies with applicable state and federal anti-discrimination and privacy laws;

(c) Is registered with the department of justice, director of charitable trusts; and

(d) Has been approved by the department of revenue administration for the purpose of issuing scholarships pursuant to RSA 77-G:5.

XII. "Treasurer" means the treasurer of the state of New Hampshire.

XIII. "Tutor" means an individual whose qualifications include skills, competencies, and knowledge to be demonstrated by evidence such as, but not limited to, college course work, documented professional experience, letters of recommendation, professional development hours or CSU's and artifacts of professional practice.

194-E:2 Program Eligibility.

I. There is established an education freedom savings account program. The program shall include grades K-12.

(a) The parent of an eligible student may receive a grant from a scholarship organization if the parent signs a contract with the scholarship organization to withdraw the student from public school and in which the parent agrees to provide an education for the eligible student in science, mathematics, language, government, history, health, reading, writing, spelling, the history of the constitutions of New Hampshire and the United States, and an exposure to and appreciation of art and music. Students who have an education freedom savings account grant shall be administered an annual assessment in reading and language arts, mathematics, and science as defined in RSA 193-C:6. Annual student assessment results shall be provided to the scholarship organization by the end of each school year and the scholarship organization shall make aggregate scores available to the commissioner. The assessment may be any nationally recognized standardized assessment used to measure student academic achievement and growth and that provides a normal curve equivalent score. A student who requests permission to take the annual assessment at his or her resident school district shall be granted permission to do so and the resident school district shall pay the costs associated with taking the assessment.

(b) Participation in the program shall have the same effect as a parental placement of their child under 20 U.S.C. section 1412(a)(10) of the Individuals with Disabilities Education Act (IDEA).

II. The parent of an eligible student who signs a contract with a scholarship organization agrees to use the funds deposited in an eligible student's account for any of the following qualifying educational expenses:

(a) Tuition for course fees at any public school, nonpublic school as defined in RSA 194-E:1,V, or post-secondary institution as defined in RSA 194-E:1,VII.

(b) Textbooks, curriculum, or supplemental materials, including computer hardware and software required to support the curriculum.

(c) Payment to a tutor or a tutoring facility.

(d) Fees for transportation to and from an educational service provider paid to a fee-for service transportation provider, except for special needs individualized education program (IEP) designated student transportation, not to exceed $750 per school year.

(e) Tuition and fees for online learning programs and professional preparatory programs.

(f) Educational services or therapies from a licensed or certified practitioner or provider, including licensed or certified paraprofessionals or educational aides.

(g) Assistive devices if an eligible school, tutor, licensed or certified educational service practitioner or provider, or licensed medical professional verifies in writing that these items are essential for the student to meet annual, measurable goals.

(h) Fees for a nationally standardized norm-referenced achievement test, advanced placement examination, or any department approved exam such as, but not limited to, the SAT or ACT related to college post-secondary institution admission.

III. The parent of an eligible student, the scholarship organization and the department shall be provided copies of all signed agreements.

IV. The parent of an eligible student shall be required to annually renew the agreement to continue participation in the program.

V. Eligible students participating in the program may participate in curricular courses and co-curricular courses and programs pursuant to RSA 193:1-c. Students in the special school district within the department of corrections established in RSA 194:60 shall not be eligible students.

VI. An agreement shall be automatically terminated if the eligible student no longer resides in this state or returns to public school. Any funds remaining in the account shall be returned to the state treasury.

VII. The failure to enter into an agreement pursuant to this chapter for any school year for which an eligible student is required to attend a public school shall not preclude the parent of such student from entering into an agreement for a subsequent school year.

VIII.(a) The parent shall maintain accountability and responsibility for the education of their eligible student. Each provider, in consultation with students' parents or legal guardians and students where age-appropriate, shall establish academic growth goals for the student at the outset of each academic year and shall regularly measure students' academic growth throughout the school year. In measuring each student's progress toward achieving those goals throughout the school year, the provider may use a variety of assessment tools and participating students shall take either the statewide assessment test or a nationally norm-referenced test that measures learning gains.

(b) Upon receiving assessment results for 2 consecutive years that identify a student as not making satisfactory academic growth, the scholarship organization shall work with the parent and service providers to develop and implement an appropriate intervention plan. The intervention plan shall include a process for monitoring student growth and progress. The scholarship organization shall also review the use of education freedom savings account funds to ensure expenses best address the student's academic growth.

IX. The parent shall provide the scholarship organization with an annual educational evaluation that includes annual assessment results from either a nationally standardized norm- referenced achievement test, the statewide student assessment test, or other valid measurement tool mutually agreed upon by the parent and the commissioner, resident school district superintendent, or nonpublic school principal that documents the student's demonstration of educational progress at a level commensurate with the student's age and ability. The student shall be deemed to have successfully completed his or her annual evaluation upon meeting the following requirements:

(a) A certified teacher or a teacher currently teaching in a nonpublic school, who is selected by the parent, shall evaluate the student's educational progress upon review of a portfolio of records and materials including, but not limited to, a log which designates by title the reading materials used; samples of writings, worksheets, workbooks, or creative materials used or developed by the student; and discussion with the parent or student; and

(b) The student shall take any nationally standardized norm-referenced achievement test designed to measure student academic achievement and growth that complies with RSA 194-E:2, I(a), administered by a person who meets the qualifications established by the provider or publisher of the test. Composite results at or above the fortieth percentile or growth in academic skills on such tests shall be deemed reasonable academic proficiency or satisfactory growth; or

(c) The student shall take a state student assessment test used by the resident school district. Composite results at or above the fortieth percentile or a normal curve equivalent score showing progress in academic skills as reflected on such state test shall be deemed reasonable academic proficiency or satisfactory academic learning growth; or

(d) The student shall be evaluated using any other valid measurement tool mutually agreed upon by the parent and the commissioner of education, resident district superintendent, or nonpublic school principal.

X. The parent shall maintain a copy of the evaluation.

194-E:3 Program Funding and Payment.

I. The scholarship organization shall notify the commissioner and the treasurer in writing of any eligible student whose parents have signed an agreement under RSA 194-E:2.

II. The commissioner shall calculate and the treasurer shall transfer to the scholarship organization an amount equivalent to 95 percent of the per pupil adequate education grant amount pursuant to RSA 198:40-a plus any differentiated aid for which the student is eligible, for deposit into the student's account. Differentiated aid for non-proficiency in third grade reading shall not be included in the amount determination.

III. The commissioner shall calculate and the treasurer shall transfer to the scholarship organization an amount equivalent to 50 percent of the per pupil adequate education grant amount pursuant to RSA 198:40-a for an eligible student entering kindergarten for deposit into the eligible student's account.

IV. The funding for an eligible student receiving home education shall be as provided in RSA 77-G:2, I(b).

V. Funds received pursuant to this program shall not constitute income taxable to the parent of the eligible student or to the eligible student.

VI. Pursuant to RSA 194-E:2, the state treasurer shall transfer funding to the eligible student's account established by the scholarship organization. The transfers shall be made in accordance with the distribution of adequate education grants under RSA 198:42.

VII. All eligible students' accounts shall be held in institutions qualified by the state treasurer.

VIII. A scholarship organization shall receive an amount equivalent to 5 percent of the adequate education grant for administrative expenses. For students eligible pursuant to RSA 198:40-a for differential aid, the scholarship organization shall receive an amount equivalent to 5 percent of the differential aid for administrative expenses.

IX. The department or scholarship organization shall conduct an audit of an eligible student's account as needed to ensure compliance with this chapter.

X. The scholarship organization shall notify the department and the treasurer in writing of any eligible students who are non-compliant with the program requirements of RSA 194-E:2. The department shall review the recommendation of the scholarship organization and notify the parents of the non-compliance. After parental notice of non-compliance report, the department may hold a hearing at the request of the parents. The department shall remove any eligible student from the program if it determines the student is non-compliant with the programs eligibility requirements of RSA 194-E:2 or the department determines there are extenuating circumstances.

(a) The parent may appeal the decision pursuant to RSA 541 to the department.

(b) Any funds remaining in the account for a student deemed non-compliant shall be sent to the state treasury.

XI. At the time of the eligible student's graduation from high school the eligible student's account shall be closed, the parents notified, and any remaining funds shall be returned to the state treasury.

XII. The scholarship organization may prohibit a participating nonpublic school or education provider from the program and notify the department if the scholarship organization establishes that the participating school or education provider has:

(a) Routinely failed to comply with the accountability standards established in this chapter; or

(b) Failed to provide the eligible student with the educational services funded by the account.

XIII. The scholarship organization or the department shall refer cases of fraudulent misuse of funds to the attorney general for investigation and shall immediately suspend all payments from the account.

XIV. A nonpublic school or educational service provider pursuant to RSA 194-E:2 shall not share, refund, or rebate any program funds with the parent or eligible student in any manner.

XV. Parents may make payments for the costs not covered by the funds in their accounts.

XVI. A scholarship organization may receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of this chapter.

194-E:4 Scholarship Organization; Requirements. A scholarship organization shall:

I. Develop and maintain agreement forms in cooperation with the department.

II. Provide copies of agreements signed by parents of eligible students to the department and the treasurer.

III. Provide the unique pupil identifier and date of birth for each eligible student to the department if available. All entering kindergarten and first grade students who apply for the program must obtain a unique pupil identifier from the department.

IV. In cooperation with the department determine, within 30 days of the completed application for an eligible student, eligibility for differentiated aid subject to any applicable state and federal laws.

V. Comply with all federal and state laws regarding student privacy.

VI. Review all receipts for fees and services pursuant to 194-E:2, II.

VII. Provide annual reports on the number of students participating in the program, the providers of services to students, and the value of the students' eligible accounts of the program funds to the department, chairman of the house education committee, and the chairman of the senate education committee.

VIII. Provide an annual report to the speaker of the house of representatives, the president of the senate, the chairman of the house education and finance committees, the chairman of the senate education and finance committees, the governor, the joint legislative oversight commission pursuant to RSA 194-E:6 and the department including:

(a) The number of eligible students with accounts.

(b) A list of nonpublic schools and educational service providers including the number of eligible students served per school and educational service provider.

(c) The value of eligible student account funds utilized for services during the year.

IX. Conduct an annual survey of parents of eligible students with accounts. The survey shall include, but not be limited to, the number of years the parent has been in the program, the relative satisfaction of the parent with the program, and suggestions of the parent for improvement. The survey shall be included in the annual report.

X. Conduct an independent annual audit of all accounts of eligible students.

194-E:5 School and Provider of Educational Services; Requirements.

I. Nonpublic schools, postsecondary institutions, and educational service providers shall comply with all federal and state laws regarding student privacy.

II. Nonpublic schools, postsecondary institutions, and educational service providers shall furnish receipts for eligible services pursuant to RSA 194-E:2, II to the parent and the scholarship organization.

III. The school district in which the eligible student resides shall provide a participating nonpublic school, post-secondary institution or educational service provider that has admitted an eligible student under this program with a copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. section 1232g, and state policies.

194-E:6 Stabilization Grant.

I. For each school district, the commissioner shall calculate the amount of the reduction in the adequate education grant resulting from students receiving a scholarship under this chapter and who were in attendance in the school district in the year prior to receiving a scholarship. If the combined amount is greater than 1/4 of one percent of a school district's total voted appropriations for the year prior to the year in which the scholarship is received, the commissioner shall disburse a scholarship stabilization grant for the current fiscal year and the next 4 fiscal years to each such school district equal to the amount of the reduction in excess of 1/4 of one percent. This scholarship stabilization grant shall be included in the September 1 disbursement required pursuant to RSA 198:42.

II. The department shall order the scholarship organization that provided accounts to students from districts that were awarded stabilization grants pursuant to paragraph I to conduct a survey of the financial effects of students receiving scholarships under this chapter, including the amount of the reduction, if any, in the adequate education grant amount and whether or not the scholarship program has resulted in economic hardship to the school district. The organization shall forward the results of this survey to the department and the school board of each district. The department shall post the results of this survey on its public Internet website.

194-E:7 Oversight Commission; Report.

I. There is hereby established an education freedom savings account oversight commission. The commission shall jointly meet at least twice a year and shall monitor the implementation of this chapter, and make recommendations for any legislative changes to the education freedom savings account program. The commission shall include 2 senators appointed by the president of the senate, 3 members of the house of representatives, including the chairpersons of the house finance and education committees, appointed by the speaker of the house of representatives, the commissioner of the department of education or designee, the administrator or chief executive officer of the scholarship organization, and one member of the state board of education appointed by the chairperson of the state board of education.

II. The commission shall provide a report on or before November 1 of each year to the general court including findings, recommendations, and any corrective or technical improvements that the education freedom savings account program may require. The scholarship organization shall develop and implement a plan to be approved by the commission that addresses corrective and technical recommendations made by the oversight commission.

III. The commission shall provide an education freedom savings account program review report which shall be released to the public on or before November 1, 2022 and to the general court recommending that:

(a) Legislation be submitted to the general court that the education freedom savings account program be renewed in whole, or

(b) Legislation be submitted to the general court that the education freedom savings account program be renewed, but with changes to correct findings or any other issues identified during the review process, or

(c) Legislation not be submitted to renew the education freedom savings account program and that the program shall be repealed effective July 1, 2023.

194-E:8 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

2 Repeal. RSA 194-E, relative to the education freedom savings account program, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2023.

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

2018-2530h

AMENDED ANALYSIS

This bill establishes education freedom savings accounts for children between 5 and 20 years of age and provides stabilization grants to certain school districts. The program is repealed effective July 1, 2023.

Floor Amendment to SB 193-FN

(2018-0012h)

Proposed by Reps. Tanner, Heath and T. Le

Amend the introductory paragraph in RSA 194-E:1, V as inserted by section 1 of the bill by replacing it with the following:

V. "Nonpublic school" shall mean any public academy pursuant to RSA 194:23, II, or private school accredited through a recognized independent accreditation agency, school approved by a state education agency having an interstate compact with New Hampshire, or other school located in New Hampshire approved for school attendance pursuant to RSA 193:1, I(a) and (d), that complies with applicable state and federal antidiscrimination and privacy laws. A nonpublic school shall:

Amendment to SB 215-FN

(2017-2511h)

Proposed by the Committee on Finance - c

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

AN ACT permitting the university system of New Hampshire and the community college system of New Hampshire to participate in the state health insurance plan.

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

1 State Employees Group Insurance; Administration. Amend RSA 21-I:27, I to read as follows:

I. Administration of the state employees permanent group life and state employees and retirees group hospitalization, hospital medical care, surgical care and other medical and surgical insurance benefits shall be the responsibility of the commissioner of administrative services. [~~If the commissioner of administrative services concludes that inclusion of the university system of New Hampshire in the health plan would best serve the interests of the state employees and the state of New Hampshire, then the commissioner shall, with the consent of the university system board of trustees, administer the health benefits of the university system of New Hampshire employees as set forth in this subdivision~~].

2 State Employee Group Insurance; University System of New Hampshire; Community College System of New Hampshire Added. Amend RSA 21-I:26 to read as follows:

21-I:26 Purpose and Policy. This subdivision is to provide permanent group life insurance and group hospitalization, hospital medical care, surgical care and other medical and surgical benefits for New Hampshire state employees and their families, and retired state employees and their spouses. ***This subdivision may also provide access to such benefits, except permanent group life insurance, for employees of the university system of New Hampshire and the community college system of New Hampshire.*** In view of the accepted value of group insurance to the well-being and efficiency of employees on the part of small and large private employers and the other 5 New England states in obtaining benefits of this type of insurance for their employees, the state of New Hampshire implements this subdivision in order that the state shall compare favorably to the standards now commonly accepted by private employers and the state employees in the other 5 New England states by making available to state employees and their families and retired state employees and their spouses permanent group life insurance and group hospitalization, hospital medical care, surgical care and other medical and surgical insurance benefits.

3 New Subdivision; Medical and Surgical Benefits; University System of New Hampshire. Amend RSA 187-A by inserting after section 42 the following new subdivision:

Medical and Surgical Benefits; University System of New Hampshire

187-A:43 Medical and Surgical Benefits; University System of New Hampshire. The university system of New Hampshire may participate in the state group health insurance plan if the board of trustees applies

for such benefits to the commissioner of the department of administrative services in writing. Upon receipt of the application, the commissioner shall conduct a cost analysis pursuant to paragraph VI and shall seek legislation authorizing application of such benefits and provided further that:

I. The university system of New Hampshire agrees to accept the terms of the state group health insurance plan that is collectively bargained every 2 years by the department of administrative services.

II. The board of trustees, when applying in writing, shall agree that these benefits shall apply to all employees and no other group health insurance plans shall be offered by the system while employees are part of the state group health insurance plan.

III. The university system shall pay all associated administrative costs of managing university system employee and dependent participation, including any periodic cost increases, additional department of administrative services staff requirements, reserve adjustments and reserve requirements.

IV. The university system agrees to maintain current employee records including eligibility and enrollment data as required by the department of administrative services.

V. The university system agrees to remain in the state group health insurance plan for a minimum of 5 years from the date of entry.

VI. Cost analysis, including costs associated with the risk management unit staff, shall be paid for by the university system. The university system shall pay all associated costs of transferring data into the state group health insurance plan and all costs associated with data collection, data manipulation associated with transferring from one plan to another, and costs of university system changes, including staff costs.

VII. The university system shall provide to the risk management unit a file of medical and pharmaceutical claims for the previous 2 years which shall not contain any personally identifiable information.

4 New Paragraph; University System of New Hampshire; Authority of Board of Trustees. Amend RSA 187-A:16 by inserting after paragraph XXIII the following new paragraph:

XXIV. Apply for medical and surgical benefits in accordance with RSA 187-A:43.

5 New Subdivision; Community College System of New Hampshire; Medical and Surgical Benefits. Amend RSA 188-F by inserting after section 67 the following new subdivision:

Community College System of New Hampshire; Medical and Surgical Benefits

188-F:68 Medical and Surgical Benefits; Community College System of New Hampshire. The community college system of New Hampshire may participate in the state group health insurance plan if the board of trustees applies for such benefits to the commissioner of the department of administrative services in writing. Upon receipt of the application, the commissioner shall conduct a cost analysis pursuant to paragraph VI and shall seek legislation authorizing application of such benefits and provided further that:

I. The community college system agrees to accept the terms of the state group health insurance plan that is collectively bargained every 2 years by the department of administrative services.

II. The board of trustees, when applying in writing, shall agree that these benefits shall apply to all employees and no other group health insurance plans shall be offered by the community college system while employees are part of the state group health insurance plan.

III. The community college system shall pay all associated administrative costs of managing the system employee and dependent participation, including any periodic cost increases, additional department of administrative services staff requirements, reserve adjustments and reserve requirements.

IV. The community college system agrees to maintain current employee records including eligibility and enrollment data as required by the department of administrative services.

V. The community college system agrees to remain in the state group health insurance plan for a minimum of 5 years from the date of entry.

VI. Cost analysis, including costs associated with the risk management unit staff, shall be paid for by the community college system. The community college system shall pay all associated costs of transferring data into the state group health insurance plan and all costs associated with data collection, data manipulation associated with transferring from one plan to another, and costs of system changes, including staff costs.

VII. The community college system shall provide to the risk management unit a file of medical and pharmaceutical claims for the previous 2 years which shall not contain any personally identifiable information.

6 New Paragraph; Community College System of New Hampshire; Authority of the Board of Trustees. Amend RSA 188-F:6 by inserting after paragraph XXI the following new paragraph:

XXII. Apply for medical and surgical benefits in accordance with RSA 188-F:68.

7 Eligibility. Amend RSA 21-I:32 to read as follows:

21-I:32 Eligibility.

I. Only full time state employees shall be authorized to participate, on a voluntary basis, in the permanent group life insurance program. All full time state employees and retired state employees shall be authorized to participate, on a voluntary basis, in the group hospitalization, hospital medical care, surgical care and other medical and surgical benefits program.

II. Notwithstanding paragraph I, the university system of New Hampshire and the community college system of New Hampshire may participate in the group health insurance plan, except permanent group life insurance, in accordance with RSA 187-A:43 and RSA 188-F:68.

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

2017-2511h

AMENDED ANALYSIS

This bill permits the university system of New Hampshire and the community college system of New Hampshire to participate in the state group health insurance plan under certain circumstances.

Amendment to SB 224-FN

(2017-1158h)

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

Amend RSA 332-L:1 as inserted by section 1 of the bill by replacing it with the following:

332-L:1 Definition. In this chapter, "conversion therapy" sometimes referred to as "reparative therapy" or "reorientation therapy" means practices or treatments that seek to convert, change, cure, suppress, or repair an individual's sexual orientation or gender identity. Conversion therapy shall not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

Amendment to SB 247-FN-A

(2017-2513h)

Proposed by the Committee on Finance - r

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

AN ACT preventing childhood lead poisoning from paint and water.

1 Lead Paint Poisoning Prevention; Parental Notification. Amend RSA 130-A:6-b to read as follows:

130-A:6-b Parent Notification. The department shall send materials to the parents of any child with a blood lead level of [~~5~~]***3*** micrograms per deciliter or higher. Such materials shall inform parents who are tenants to work with the property owner and advise against engaging in renovation, repair, or painting activities themselves. Such materials shall inform parents who own and occupy the house in which the child resides of resources for identifying and eliminating lead hazards, including the Renovation, Repair and Painting Program.

2 Lead Paint Poisoning Prevention; Property Owner Notification. Amend RSA 130-A:6-a, I to read as follows:

I. The department shall notify in writing the owner or registered agent of an owner of a dwelling or dwelling unit where the child resides if a [~~venous~~] blood [~~test~~] lead level of [~~5~~]***3*** to 9.9 micrograms per deciliter is found in the child's blood. Such notice to the property owner shall specify that it is neither a finding that a lead exposure hazard exists in the property nor is it an order for lead hazard reduction. Such notice shall include information about the health hazards of lead poisoning, standards for identifying and eliminating lead hazards, and the federal Renovation, Repair, and Painting Program.

3 Lead Paint Poisoning Prevention and Control, Testing for Blood Levels. Amend RSA 130-A:5-a to read as follows:

130-A:5-a ***Universal Testing;*** Health Care Providers; Not Liable. All health care providers who provide primary medical care shall [~~ensure that parents and guardians of children 6 years of age or younger are advised of the availability and advisability of screening and testing their children for lead in accordance with this chapter~~] ***conduct blood testing of all one and 2-year old patients to determine a blood lead level.*** A health care provider shall not be liable for not performing a [~~screening or confirmation~~] test for blood lead level when a parent or guardian has been informed of the [~~availability and advisability of screening~~] ***blood test requirement*** and has refused to consent or has failed to follow through in response to a referral for a [~~screening or confirmation~~] test. ***Nothing in this section shall prevent a health care provider from recommending blood testing for children younger than one year or older than 2 years should circumstances, including potential lead hazard exposures, warrant such testing.***

4 New Sections; Lead Paint Poisoning Prevention and Control; Blood Lead Testing. Amend RSA 130-A by inserting after section 5-b the following new sections:

130-A:5-c Blood Lead Testing. All parents or legal guardians shall have their children who are residing in this state tested for blood lead level at the ages of one and 2. A child shall be exempt from this required blood lead level testing if a parent or legal guardian objects to such testing and provides a statement to such effect or if a physician licensed under RSA 329, or a physician exempted under RSA 329:21, III, certifies that blood lead level testing may be detrimental to the child's health. The latter exemption shall exist only for

the length of time that, in the opinion of the physician, testing would be detrimental to the child. The commissioner shall develop an opt out form for the purposes of this section and shall make such form available to health care facilities. The form shall include simple opt out language in a font and size easily readable by the average adult reader.

130-A:5-d Sale and Rental of Property. After July 1, 2024, the following shall require certification of lead safety pursuant to this chapter prior to being used as either a residential rental unit or as a day care facility:

I. Newly-constructed rental units within buildings erected prior to January 1, 1978. For the purposes of this section "newly-constructed rental units" means rental units being converted from a use other than residential rental housing.

II. Newly-licensed day care facilities within buildings erected prior to January 1, 1978.

5 Lead Paint Poisoning Prevention; Parental Notification. Amend the introductory paragraph of RSA 130-A:5, I to read as follows:

I. The commissioner shall investigate cases of lead poisoning in children reported under RSA 141-A whose blood lead level meets or exceeds [~~10~~] ***7.5*** micrograms per deciliter of whole venous blood, as reported on 2 separate tests except that a blood lead level may be designated as elevated by the health care provider when the level reported meets or exceeds [~~10~~] ***7.5*** micrograms per deciliter on the first venous test. With such a declaration, a second test shall not be required. The commissioner may also conduct investigations when there is reason to believe that a lead exposure hazard, as defined in RSA 130-A:1, XVI(b) and (d), for a child exists. Such investigations shall include, but not be limited to:

6 Lead Paint Poisoning Prevention; Parental Notification. Amend the introductory paragraph of RSA 130-A:5, I to read as follows:

I. The commissioner shall investigate cases of lead poisoning in children reported under RSA 141-A whose blood lead level meets or exceeds [~~7.5~~] ***5*** micrograms per deciliter of whole venous blood, as reported on 2 separate tests except that a blood lead level may be designated as elevated by the health care provider when the level reported meets or exceeds [~~7.5~~] ***5*** micrograms per deciliter on the first venous test. With such a declaration, a second test shall not be required. The commissioner may also conduct investigations when there is reason to believe that a lead exposure hazard, as defined in RSA 130-A:1, XVI(b) and (d), for a child exists. Such investigations shall include, but not be limited to:

7 New Section; Loans for Lead Hazard Remediation Projects. Amend RSA 130-A by inserting after section 15 the following new section:

130-A:15-a Loans for Lead Hazard Remediation Projects.

I. Upon governor and council approval, the department may, in consultation with the state treasurer, authorize a state guarantee of the principal of, interest on, and reasonable collection expenses related to loans for the lead hazard remediation projects as specified in subparagraphs II(a), (b), and (c). Such guarantee shall not at any time exceed 80 percent of the maximum principal amount that may be borrowed under the terms of the loan, plus interest and related reasonable collection expenses with respect to such loan. However, in no event shall the state guarantee for an individual project related to rental units exceed $10,000 per unit or a total of $200,000 per building, and in no event shall the state guarantee for an individual project related to a private home exceed $100,000. The full faith and credit of the state shall be pledged for any such guarantee, but the total outstanding amount of principal guaranteed by the state under this section shall not exceed, in the aggregate at any time, $6,000,000.

II. The department shall ensure that all projects for which loans are granted are completed within 2 years of the issuance of the loan. The department shall be responsible for issuing completion standards and disseminating these standards to prospective loan applicants. If the project is not completed within the 2-year period, the landlord or owner shall pay to the state the difference between the lender's interest rate for a personal unsecured loan and the rate for the project, plus a $500 penalty.

(a) Landlords may qualify for loans of up to 60 percent of the cost of lead base substance abatement, or up to 30 percent of the cost of making a property or rental unit lead safe through interim controls. The cost of periodic inspections and maintenance activities related to interim controls shall not be eligible for loans. When determining projects eligible for participation in the loan program, the department shall give priority to rental units that are occupied by at least one child with an elevated blood lead level of at least 5 micrograms per deciliter.

(b) Owners of child care facilities may qualify for loans of up to 60 percent of the cost of lead base substance abatement, or up to 30 percent of the cost of making a facility lead safe through interim controls. The cost of periodic inspections and maintenance activities related to interim controls shall not be eligible for loans. When determining projects eligible for participation in the loan program, the department shall give priority to facilities that meet one or more of the following criteria:

(1) Have been verified by a licensed lead inspector to have a lead safety risk;

(2) Are under mitigation orders issued by the department.

(c) The owners of single-family homes may qualify for loans of up to 80 percent of lead base substance abatement, or up to 50 percent of the cost of interim controls, provided that a child or a pregnant woman

resides in the home. The cost of periodic inspections and maintenance activities shall not be eligible for loans. When determining projects eligible for participation in the loan program, the department shall give priority to homes that meet one or more of the following criteria:

(1) Were built prior to 1978;

(2) Are occupied by a child with an elevated blood lead level of at least 5 micrograms per deciliter;

(3) Are occupied by a family with income below 200 percent of the federal poverty level, as adjusted annually for inflation;

(4) Have been verified by a licensed lead inspector to have lead safety risk.

III. Beginning on or before October 1, 2018, the department shall report annually to the fiscal committee of the general court and the governor and council on the status of the loan program established in this section. Such report shall include:

(a) A quantification of demand for the program among landlords, homeowners, and owners of licensed child care facilities;

(b) The dollar amount of the $6,000,000 aggregate limit that is guaranteed by the state at the time of the report, and the amount of guarantee remaining; and

(c) The dollar amount, if any, that the state has paid to loan issuers to cover the cost of default.

IV. The department is authorized to adopt rules pursuant to RSA 541-A to establish the eligibility criteria, application process, and maximum loan amounts pursuant to this section.

V. The attorney general, in consultation with the commissioner, is authorized to file a lien on any property for which an owner has defaulted on a loan issued under this section.

8 Lead Paint Poisoning Prevention and Control; Inspections. Amend RSA 130-A:6, I to read as follows:

I. The commissioner may, as part of an investigation conducted under RSA 130-A:5, conduct an inspection of any leased or rented dwelling or dwelling unit during business hours, or at a time mutually agreed upon with the owner or the owner's agent, for the purposes of identifying the presence of lead base substances. The commissioner shall provide the findings of the inspection to the occupant and to the owner or the owner's agent. If the leased or rented dwelling has multiple units, and if a lead exposure hazard is determined to exist during an investigation conducted under RSA 130-A:5, the commissioner [~~shall~~] ***may*** conduct inspections of all other dwelling units of the leased or rented dwelling ***occupied by a child or pregnant woman*** with the owner or owner's agent for the purposes of identifying the presence of lead base substances. The commissioner shall provide the findings of the inspection to the occupant and the owner or the owner's agent. When a lead exposure hazard is determined to exist per RSA 130-A:1, XVI(a), (b), or (c), the commissioner shall issue an order in accordance with RSA 130-A:7 requiring lead hazard reduction to the owner and, if appropriate, to the owner's agent. When a lead exposure hazard is determined to exist per RSA 130-A:1, XVI(d), the commissioner may issue an order in accordance with RSA 130-A:7 requiring lead hazard reduction to the owner and, if appropriate, to the owner's agent. The commissioner shall provide a copy of the order to the owner or owner's agent and to the occupant of the dwelling unit. The commissioner shall notify all tenants of the dwelling of lead exposure hazard findings in common areas. Upon request, the owner or owner's agent shall provide a copy of the order to the occupants of any dwellings or dwelling units located within the same lot at no charge.

9 Child Day Care Licensing; License or Permit Suspension, Revocation, or Denial. Amend RSA 170-E:12, XII and XIII to read as follows:

XII. Fails to comply with the corrective action plan submitted by the child day care agency and approved by the department; [~~or~~]

XIII. Loses health, safety or zoning approval***; or***

XIV. Fails to comply with applicable public health laws and regulations concerning lead.

10 New Paragraph; Residential Care and Child-Placing Agency Licensing; License or Permit Suspension, Revocation, or Denial. Amend RSA 170-E:35 by inserting after paragraph XV the following new paragraph:

XVI. Fails to comply with applicable public health laws and regulations concerning lead.

11 New Section; Coverage for Blood Lead Testing; Individual. Amend RSA 415 by inserting after section 6-u the following new section:

415:6-v Coverage for Blood Lead Testing. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses shall provide to persons covered by such insurance who are residents of this state coverage for the costs of blood lead testing conducted pursuant to RSA 130-A:5-a. Benefits provided under this section shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

12 New Section; Coverage for Blood Lead Testing; Group. Amend RSA 415 by inserting after section 18-z the following new section:

415:18-aa Coverage for Blood Lead Testing. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of

this state, coverage for the costs of blood lead testing conducted pursuant to RSA 130-A:5-a. Benefits provided under this section shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

13 Health Services Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, ***RSA 415:6-v,*** RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, ***RSA 415:18-aa,*** RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

14 Health Services Corporations; Applicable Statutes; Effective January 1, 2021. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, ***RSA 415:6-v,*** RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, ***RSA 415:18-aa,*** RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

15 Health Maintenance Organizations; Statutory Construction. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, ***RSA 415:6-v,*** RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, ***RSA 415:18-aa,*** RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

16 Health Maintenance Organizations; Statutory Construction; Effective January 1, 2021. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, ***RSA 415:6-v,*** RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, ***RSA 415:18-aa,*** RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

17 Realty Conveyances and Interests; Notification Required; Lead. Amend the section heading and paragraph I of RSA 477:4-a to read as follows:

477:4-a Notification Required; Radon, Arsenic, and Lead [~~Paint~~].

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller, or seller's agent, shall provide the following notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy of such notification:

"Radon: Radon, the product of decay of radioactive materials in rock, may be found in some areas of New Hampshire. Radon gas may pass into a structure through the ground or through water from a deep well. Testing of the air by a professional certified in radon testing and testing of the water by an accredited laboratory can establish radon's presence and equipment is available to remove it from the air or water."

"Arsenic: Arsenic is a common groundwater contaminant in New Hampshire that occurs at unhealthy levels in well water in many areas of the state. Tests are available to determine whether arsenic is present at unsafe levels, and equipment is available to remove it from water. The buyer is encouraged to consult the New Hampshire department of environmental services private well testing recommendations (www.des.nh.gov) to ensure a safe water supply if the subject property is served by a private well."

"Lead [~~Paint~~]: Before [~~1977~~] ***1978***, paint containing lead may have been used in structures. ***Exposure to lead from*** the presence of flaking***, chalking, chipping*** lead paint ***or lead paint dust from friction surfaces, or from the disturbance of intact surfaces containing lead paint through unsafe renovation, repair or painting practices, or from soils in close proximity to the building,*** can present a serious health hazard, especially to young children and pregnant women. ***Lead may also be present in drinking water as a result of lead in service lines, plumbing and fixtures.*** Tests are available to determine whether lead is present ***in paint or drinking water***."

18 New Section; Lead in Drinking Water in School and Licensed Child Care Facilities. Amend RSA 485 by inserting after section 17 the following new section:

485:17-a Lead in Drinking Water in Schools and Licensed Child Care Facilities.

I. No later than 180 days after the effective date of this section, and within every 5-year period thereafter, private schools and licensed child care facilities that have not sampled in the prior 2 years and are not served by a public water system shall test for the presence of lead in drinking water at all locations at the facility that is available for consumption by children. Such testing shall be in accordance with guidance from the department of environmental services. If test results demonstrate the presence of lead in a concentration that exceeds the applicable standard established by the Environmental Protection Agency, the school or licensed child care facility shall, within 5 business days, notify parents and guardians and shall, as an interim measure, ensure that the children are provided only drinking water that meets the standard. The school or licensed child care facility shall also implement a remediation plan, as approved by the department within 30 days of notification of parents or, in consultation with the department, as soon as practicable. The department shall review the plan and any associated submittals within 30 days of receiving them. If 3 consecutive rounds of sampling performed every 5 years are below the standard, further testing shall not be required.

II. Any time the applicable federal standard for lead in drinking water is changed, private schools and licensed child care facilities shall within 30 days compare the results of their most recent testing with such new standard and, in the event any such results exceed the new standard, proceed with the requirements of paragraph I relative to notice, remediation, and interim measures.

19 New Section; Testing for Presence of Lead Prior to Leasing Unit Required. Amend RSA 540-A by inserting after section 3 the following new section:

540-A:3-a Testing for Presence of Lead in Drinking Water. Any time a child tests positive for lead which exceeds the standards established in RSA 130-A:5, I, the department of health and human services shall test the water in the unit for lead. If the presence of lead in the drinking water exceeds the action level established by the Environmental Protection Agency, the landlord shall notify the tenant or prospective tenant and, shall install on the kitchen faucet a filtering device certified to reduce lead by NSF International/American National Standards Institute and follow all standards for the replacement of the filtering device and cartridges. The landlord shall not be required to maintain or install water filters where the source of the lead has been removed and the water tests below the action level established by the Environmental Protection Agency, as verified by the department of health and human services.

20 Effective Date.

I. Section 5 of this act shall take effect July 1, 2019.

II. Section 6 of this act shall take effect July 1, 2021.

III. Sections 11, 12, 13, and 15 of this act shall take effect upon its passage.

IV. Sections 14 and 16 of this act shall take effect January 1, 2021 at 12:02 a.m.

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

2017-2513h

AMENDED ANALYSIS

This bill makes various changes in the laws regarding lead. Some of the changes are as follows:

I. Changes the blood levels for parental notifications and property owners relative to blood lead levels in children.

II. Requires testing for blood lead levels in children at the age of one and 2.

III. Establishes a program for loans for lead hazard remediation projects.

IV. Requires insurance coverage for blood lead level testing.

V. Requires certain notification regarding lead for the purchase and sale of certain real estate.

VI. Requires testing for lead in drinking water in child care facilities and schools.

Floor Amendment to SB 247-FN-A
(2018-0007h)
Proposed by Reps. Ohm and McGuire

Amend RSA 130-A:15-a, V as inserted by section 7 of the bill by replacing it with the following:

V. The attorney general shall file a lien at the time a loan is issued for any property under this section.

Amendment to SB 249
(2017-2393h)
Proposed by the Committee on Judiciary - r

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

AN ACT relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file.

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

1 New Subdivision; Police Officers; Disclosure of Exculpatory Evidence; Termination Prohibited. Amend RSA 105 by inserting after section 13-c the following new subdivision:

Disclosure of Exculpatory Evidence

105:13-d Disclosure of Exculpatory Evidence.

I. In this subdivision:

(a) "Exculpatory evidence" means any information required to be disclosed to the defendant in a criminal case under the federal constitution or the state constitution.

(b) "Personnel file" includes all employment records and any related internal affairs investigations.

II. The prosecutor shall have access to the complete personnel file of any police officer who may be a witness for either party in any criminal case for the purpose of determining the existence of potentially exculpatory evidence. If the prosecutor cannot determine whether such evidence is exculpatory, he or she shall petition the court for an in camera review of the evidence. No prosecutor who reviews a police officer's personnel file shall disclose any information obtained as a result of the review, except as required in this paragraph or to the extent necessary to comply with the federal constitution or state constitution. The personnel file shall remain confidential unless otherwise provided by law.

III. When the head of a law enforcement agency determines that a police officer's personnel file may contain potentially exculpatory evidence, he or she shall notify the police officer of that determination. The police officer shall have the opportunity to challenge the disciplinary finding or other administrative action resulting from the potentially exculpatory evidence through available contractual, administrative, and legal means. However, the pendency of such challenge shall not prevent the disclosure of the potentially exculpatory evidence in a criminal proceeding in which an officer is a potential witness.

IV. The duty to disclose exculpatory evidence that should have been disclosed prior to trial shall be an ongoing duty that extends beyond a finding of guilt.

105:13-e Termination Prohibited. No police officer shall have his or her employment terminated based solely on a determination that the officer has potentially exculpatory evidence in his or her personnel file which may need to be disclosed to a criminal defendant. Nothing in this section shall prohibit the employing authority from terminating a police officer's employment based on conduct that is the subject of the exculpatory evidence.

2 Repeal. RSA 105:13-b, relative to confidentiality of police personnel files, is repealed.

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

2017-2393h

AMENDED ANALYSIS

This bill requires a determination of whether information in a police officer's personnel file constitutes exculpatory evidence and allows a police officer who has information determined to be exculpatory evidence in his or her personnel file to have an opportunity to challenge the disciplinary finding.