



State of  
New Hampshire

# HOUSE RECORD

## Second Year of the 165<sup>th</sup> General Court Calendar and Journal of the 2018 Session

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

Vol. 40

Concord, N.H.

Friday, March 2, 2018

No. 9

Contains: House Deadlines; Bills Laid on Table; House Bills Amended by Senate; Revised Fiscal Notes; Reports and Amendments; Meetings and Notices

## HOUSE CALENDAR

### MEMBERS OF THE HOUSE:

The House will meet on Tuesday, March 6<sup>th</sup>, at 10:00 a.m., Wednesday, March 7<sup>th</sup>, at 9:30 a.m. and Thursday, March 8<sup>th</sup>, at 9:30 a.m.

The House will also meet on Wednesday, March 21<sup>st</sup>, (and Thursday, March 22<sup>nd</sup> if necessary).

As we approach next week's deadline to act on House bills not in a second committee, I urge all members to make every effort to attend the upcoming House sessions. Full participation in committees and at sessions allows the legislative process to run more smoothly and effectively. I appreciate your efforts to date and look forward to your continued cooperation.

For those of you who have not had an opportunity to listen to the recent webinar on *Sexual Harassment Prevention* offered by the National Conference of State Legislatures, I want to remind you that the recording can be accessed at <http://bit.ly/2E21erm> by clicking on the box entitled VIEW THE WEBINAR.

Gene G. Chandler, Speaker

### NOTICE

There will NOT be a meeting of chairs and vice chairs next week.

Gene G. Chandler, Speaker

### NOTICE

There will be a Republican caucus on **March 6<sup>th</sup> at 9:00 a.m.** in Representatives Hall.

There will be a Republican caucus on **March 7<sup>th</sup> at 8:45 a.m.** in Representatives Hall.

There will be a Republican caucus on **March 8<sup>th</sup> at 8:45 a.m.** in Representatives Hall.

Rep. Dick Hinch

### NOTICE

There will be a Democratic caucus on **March 6<sup>th</sup> at 9:00 a.m.** in Rooms 210-211, LOB.

There will be a Democratic caucus on **March 7<sup>th</sup> at 9:00 a.m.** in Rooms 210-211, LOB.

There will be a Democratic caucus on **March 8<sup>th</sup> at 9:00 a.m.** in Rooms 210-211, LOB.

Rep. Stephen Shurtleff

### 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:

Wednesday, March 7, 2018

Wednesday, March 14, 2018

Wednesday, March 21, 2018

#### AVAILABLE ON:

Friday, March 9, 2018

Friday, March 16, 2018

Friday, March 23, 2018

Paul C. Smith, Clerk of the House

## 2018 HOUSE DEADLINES

|                          |                                                              |
|--------------------------|--------------------------------------------------------------|
| 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           |

## AMENDMENT TO HOUSE RULES

### AS PROPOSED BY THE HOUSE RULES COMMITTEE

#### Amendment to House Rule 30 (m): (adding the following subparagraphs 1-4)

- (1) It shall be the duty of the Subcommittee on Elections to examine and report on the credentials of the members elected to serve in the House and to consider all petitions and other matters in relation to such elections or returns as shall be presented or come into question and may be referred to it.
- (2) It shall be the duty of the Subcommittee on Mileage to determine the distance traveled by each member of the House and report to the House the names of the several members and the mileage allowed to each.
- (3) It shall be the duty of the Subcommittee on Enrolled Bills to carefully examine each bill, enroll it, and report it, on behalf of the committee, to the body. If the examination of a bill shall disclose any clerical error or formal imperfection, it shall be reported back to the body with such amendments as are required to correct the same; and any measures so reported shall be subjected to amendment in those particulars and in no other respect.
- (4) It shall be the duty of the Subcommittee on Member Conduct to hear matters in a non-public manner regarding the conduct of members (unless requested to be made public by the member accused), and find if there is merit for full committee referral, in which case the full committee shall conduct a public hearing on the matter and recommend to the full House any sanction, including letter of caution, reprimand, censure, or expulsion. Should the subcommittee determine, in its non-public proceeding, that the conduct of the member does not merit sanction, then the records of said proceedings shall be sealed.

## BILLS LAID ON TABLE

**HB 156-FN**, including a fetus in the definition of "another" for purposes of certain criminal offenses. (Pending Question: Inexpedient To Legislate)

**HB 236**, relative to determination of parental rights and responsibilities and establishing a presumption in favor of shared residential responsibility. (No Pending Question)

**HB 249**, relative to showing a ballot. (Pending Question: Inexpedient To Legislate)

**HB 477**, relative to free speech on campuses in the university system and the community college system. (Pending Question: Refer for Interim Study)

**HB 505**, establishing an independent commission as an additional authorizing entity for chartered public schools. (Pending Question: Refer for Interim Study)

**HB 1301-FN**, including the legislature as a public employer under the public employee labor relations act. (Pending Question: Inexpedient To Legislate)

**HB 1412-FN**, relative to cruelty to non-captive wildlife. (Pending Question: Refer for Interim Study).

**HB 1511-FN**, relative to the death of a fetus for the purpose of certain homicide charges. (Pending Question: Refer for Interim Study)

**HB 1576**, creating managed asset trusts for real property. (Pending Question: Inexpedient To Legislate)

**SB 33**, relative to the definition of political advocacy organization. (Pending Question: Refer for Interim Study)

## 2018 HOUSE BILLS AMENDED BY THE SENATE

**HB 143**, relative to recommitment of a prisoner by the parole board. (SJ 1/3/2018)

**HB 151**, (New Title) establishing a committee to study the feasibility of using hemp in agricultural and industrial processes and to further study the licensing, registration, and permitting of industrial hemp growers. (SJ 1/3/2018)

**HB 225-FN**, (New Title) relative to information collection concerning electric renewable portfolio standards. (SJ 1/18/18)

**HB 305**, clarifying lessee liability for month-to-month leases. (SJ 1/3/2018)

**HB 372**, relative to construction of the terms “resident,” “inhabitant,” “residence,” and “residency.” (SJ 1/3/2018)

**HB 390**, (New Title) relative to parties on certain election forms and ballots. (SJ 1/3/2018)

**HB 549-FN**, relative to beverage vendor fees. (SJ 2/1/2018)

**HB 561-FN**, (Second New Title) relative to part-time employment of a retirement system retiree by a participating employer. (SJ 2/15/2018)

## **TUESDAY, MARCH 6 CONSENT CALENDAR**

### **CHILDREN AND FAMILY LAW**

**HB 1103-FN**, relative to financial responsibility for voluntary services provided pursuant to a report of abuse or neglect that is “unfounded but with reasonable concern.” **OUGHT TO PASS.**

Rep. Kevin Scully for Children and Family Law. The committee unanimously believes that this bill, if passed, will result in more children staying with their families while reducing costs. This will allow the Division of Children, Youth and Families to better direct their limited resources where needed. **Vote 11-0.**

**HB 1234**, permitting foster parents to intervene in a legal proceeding involving the custody of a child in their care. **INEXPEDIENT TO LEGISLATE.**

Rep. Allen Cook for Children and Family Law. It is important to recognize that foster parents do not have any legal standing over the children in foster care. By passing this bill it would create a three-way conflict in an already difficult process. Therefore, the committee unanimously agreed that this bill should be found Inexpedient to Legislate. **Vote 12-0.**

**HB 1235**, repealing the prospective repeal of the rebuttable presumption of harm due to opioid drug abuse under the Child Protection Act. **INEXPEDIENT TO LEGISLATE.**

Rep. John Lewicke for Children and Family Law. This bill would repeal the sunset provision (RSA 169-C:12R), of a rebuttable presumption of harm due to opioid use. The rebuttable presumption of harm has only been in place for a year. The committee believes it would be premature to alter the sunset provision when we have little information or experience with the law. **Vote 12-0.**

**HB 1261**, relative to record management of abuse and neglect reports. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Skip Berrien for Children and Family Law. The Legislative Commission to Review Child Abuse Fatalities and the 2016 Quality Assurance Review of the Division of Children, Youth and Families (DCYF) recommended that DCYF records be retained for time intervals to permit the opportunity to establish a pattern of abuse or neglect for protection of children. As amended this legislation extends the retention of records to 4 years in such cases as there is no investigation; records in which there is insufficient findings for DCYF intervention will be retained for 10 years; records of cases in which there are sufficient finding for DCYF intervention will be retained indefinitely. **Vote 12-2.**

**HB 1267**, relative to court-ordered drug and alcohol testing under the Child Protection Act. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Itse for Children and Family Law. The testimony regarding this bill was that it could be duplicative in cases where probation and parole are already involved. Furthermore, it would impose an unallocated cost to the Division of Children, Youth and Families which is already financially strained. Finally, though it is a civil and not a criminal matter, it is contrary to Part I, Article 15 of the Constitution of the State of New Hampshire, which states no one shall be required to furnish evidence against themselves. **Vote 12-0.**

**HB 1275**, relative to the placement of minors at the Sununu Youth Drug Treatment Center. **INEXPEDIENT TO LEGISLATE.**

Rep. Allen Cook for Children and Family Law. Placing first time offenders in a forced secure treatment program or trying to force those with a current drug issue into treatment is counter productive and cost prohibitive to an individual and the state. Additionally, the committee had numerous people testify against this bill. The committee voted unanimously to recommend this bill as Inexpedient to Legislate. **Vote 12-0.**

**HB 1287**, relative to the age at which persons may marry. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Itse for Children and Family Law. The matter of the minimum age to marry is being addressed by House Bill 1587; therefore, this legislation is unnecessary. **Vote 12-0.**

**HB 1377**, relative to the emancipation of minors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel Itse for Children and Family Law. This bill provides for statutory emancipation of minors after marriage pursuant to RSA 457-4. Particularly it enables married minors to enter into consumer contracts such as renting an apartment, buying a car or getting electric service and making their own health care decisions. **Vote 13-0.**

**HB 1383**, relative to liability for expenses for court ordered placements of children. **INEXPEDIENT TO LEGISLATE.**

Rep. Allen Cook for Children and Family Law. The committee realizes that to pass this law will disrupt financial stability already in place in regards to financial placements in court ordered situations, and therefore recommends it be found Inexpedient to Legislate. **Vote 12-0.**

**HB 1384**, relative to the evidence standard used in child abuse and neglect cases. **INEXPEDIENT TO LEGISLATE.**

Rep. Allen Cook for Children and Family Law. The committee found that there is no way to create standardized evidence in not only child abuse cases but in any trial situation as they are all unique. There may be similarities in crimes but evidence is completely subjective to each crime. Therefore, the committee recommends this bill be found Inexpedient to Legislate. **Vote 12-0.**

**HB 1475**, relative to the procedure for filing a protective order. **REFER FOR INTERIM STUDY.**

Rep. Daniel Itse for Children and Family Law. This bill attempts to correct a very real problem that a minor can only get a protective order against a spouse, former spouse or intimate partner, but not any third party outside the home. Furthermore, court forms do not provide for a protective order filed by a guardian. Unfortunately, the bill as introduced might be weaponized in divorce. The committee needs the summer to make the bill right. **Vote 12-0.**

**HB 1562-FN**, establishing a foster parent bill of rights. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel Itse for Children and Family Law. As amended this bill establishes in-law practices which are Division of Children, Youth and Families (DCYF) policy, but not uniformly enforced. DCYF will be required to inform a foster parent before they release personal information to the natural parents. They will need to provide 24/7 consult for acute situations. The court will provide notice of all hearings. This has no fiscal impact. **Vote 14-0.**

**HB 1586**, relative to judicial review for underage marriage. **OUGHT TO PASS.**

Rep. Allen Cook for Children and Family Law. This bill bars marriage between the parties if sexual relation between them would have been a criminal act if they were not married. Basically, the bill says that you cannot use marriage to paper over a sexual assault, rape or statutory rape. **Vote 13-0.**

**HB 1587**, raising the minimum age for marriage and relative to the emancipation of minors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Lewicke for Children and Family Law. Currently RSA 457:4 sets the age for marriage with judicial approval at 13 for females, 14 for males and 18 for persons entering into a same sex marriage. As amended, this bill simply prohibits marriage for anyone under the age of 16 which eliminates all the discriminatory provisions in the current statute. Persons 16 or 17 of age could still marry with judicial approval. **Vote 13-0.**

**HB 1633**, relative to alimony. **INEXPEDIENT TO LEGISLATE.**

Rep. Allen Cook for Children and Family Law. The committee was approached by the sponsor of the bill requesting that we recommend it to be Inexpedient to Legislate. The sponsor felt this issue would be covered under Senate Bill 71. **Vote 12-0.**

**HB 1661**, relative to the protection of minors who petition the court to marry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel Itse for Children and Family Law. This bill, as amended, revises the statutory provisions about the judicial process for granting permission for a minor to marry. It strips out the current language that says that a judge may grant permission on a finding of "special causes rendering desirable the marriage" because that language is unclear and fails to specify even to whom the marriage must be desirable. Instead, a judge must find that the marriage is in the best interest of the minor and the finding must be made by clear and convincing proof. The "best interest" standard is one that judges use regularly, and focuses the inquiry solely on what is best for this individual minor. Requiring "clear and convincing proof" that the marriage is in the minor's best interest raises the bar as to how sure the judge has to be about the decision. Additionally, the petitioner must disclose the involvement of Division of Children, Youth and Families with the minor's family, if the petitioner has any knowledge of that involvement. Finally, the judge is required to conduct an individual interview as part of the proceedings. **Vote 13-0.**

**HB 1683-FN**, relative to the definition of child abuse. **OUGHT TO PASS.**

Rep. Daniel Itse for Children and Family Law. This bill adds sex trafficking to the definitions of abuse. Normally, RSA-169:C deals with issues inside the family, but this addition ensures access to services. Furthermore, we have had one instance of a mother sex trafficking her daughter which would not fit the current definition of sexual abuse. **Vote 13-0.**

**HB 1774**, relative to parenting plans and relocation of a child's residence. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew Spencer for Children and Family Law. This bill as amended addresses relocation issues in RSA 461-A and clarifies the criteria and procedure for changing residences for minor children after divorce. **Vote 13-0.**

**HB 1775**, relative to the appointment of guardians ad litem in parenting cases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel Itse for Children and Family Law. This bill defines the appointment of Guardians ad Litem (GAL) in divorce cases. It defines the compensation of publicly and privately funded GALs and how private funding is divided between the parties. Finally, it ensures that GALs will not work beyond their original scope without a court order. **Vote 14-0.**

**HB 1801-FN**, relative to removal of a child under the child protection act and establishing the crime of abuse of a minor. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Itse for Children and Family Law. This bill raises important issues. However, it is self-conflicting. Furthermore, it puts strictures on the evidence that could prevent the introduction of exculpatory evidence. **Vote 13-0.**

## COMMERCE AND CONSUMER AFFAIRS

**HB 1214**, prohibiting the sale of certain furniture with flame retardant chemicals. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill seeks to ban all flame retardant chemicals in new residential upholstered furniture. The bill, however, includes an exemption from the ban for any flame retardants used in upholstered furniture in public facilities. Flame retardants have been used in upholstered furniture and other consumer products to decrease the ability of the material to ignite, however there have been concerns about long term health issues. The committee believes that while the issue of the health affects of certain chemicals on the public and our firefighters is important to address, there is a need for additional study to determine the practical effect on consumers, retailers, wholesalers and manufacturers in our state. The state of Maine is the only state in the country that has passed a similar law, but it has not yet gone into effect. There are also proceedings at the national level, by the US Environmental Protection Agency, the Consumer Product Safety Commission and the National Fire Protection Association related to both the federal regulation of chemical flame retardants and a national furniture flammability standard. We believe additional study at this time is appropriate to review the experience in Maine and monitor the proceedings at the federal level to determine any future New Hampshire action. **Vote 20-0.**

**HB 1308-FN**, relative to non-renewal of lines of business. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Biggie for Commerce and Consumer Affairs. Under this bill, with the amendment, an insurance company providing fire or casualty business that decides not to renew their entire line of business in New Hampshire will be required to provide its appointed insurance agents of record with 120 days notice instead of the current 45 days' notice. It also requires any non-renewal notices to affected policyholders to be issued with an effective date of at least 120 days notice after the agents' notice. Because some types of policies are harder to replace, this bill provides the time to help customers find appropriate replacement policies. **Vote 19-1.**

**HB 1359**, requiring condominium boards of directors to provide notice of FHA approval status. **INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would require a condominium board of directors send their Federal Housing Administration approval status annually to all residents. During testimony, the committee learned that this information is easily available on the Internet, so we felt this requirement was unnecessary. **Vote 20-0.**

**HB 1378**, relative to domestic insurance company investments. **OUGHT TO PASS.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill removes the limitations on how much of its assets a property and casualty insurer can invest at once if that investment is being made in obligations or enterprises that are backed by the government. This brings the property and casualty investment law into alignment with what is currently allowed in the life insurance investment law. This is a request of the NH Insurance Department. **Vote 20-0.**

**HB 1379**, relative to confidentiality of forms and rates. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill clarifies that forms and rates filed with the Insurance Department are held confidential until the later of either the effective date or the approval date, at which time they become public documents and are available for inspection by interested parties. This is a request of the NH Insurance Department. **Vote 20-0.**

**HB 1382**, repealing the requirement that restaurants provide separate bathrooms for each sex. **OUGHT TO PASS.**

Rep. Valerie Fraser for Commerce and Consumer Affairs. This bill amends RSA 155:40 dealing with requirements for toilet facilities in restaurants. It deletes one sentence that requires separate toilet rooms for each sex to be provided for patrons of any restaurant designed to seat 25 or more patrons at one time or for patrons of any food establishment where alcoholic beverages are served. This sentence in NH statute is in conflict with the state building code. The conflict was resolved by repealing that particular requirement. **Vote 20-0.**

**HB 1389**, relative to commercial lines modernization. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill is a request of the Insurance Department and clarifies certain provisions of the law relating to regulation of forms for property and casualty insurance and the filing of aircraft insurance policies. This bill relaxes the regulation of commercial insurance filings by excluding certain types of commercial insurance from the form approval process but allows for sample audits every quarter to monitor compliance. The bill also reduces the aggregate premium amount that qualifies as a Large Commercial Policyholder down to \$25,000 (from the previous \$50,000) to allow more businesses to qualify for this classification. **Vote 20-0.**

**HB 1435-FN**, relative to business registration requirements. **REFER FOR INTERIM STUDY.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would require all businesses of every kind to register with the Secretary of State. The stated purpose was to allow the department to provide information to all New Hampshire businesses. The committee was unsure of how this would work, and of its value versus costs, so we believe the idea requires further study. **Vote 18-2.**

**HB 1464**, relative to the bureau of securities regulation. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Costable for Commerce and Consumer Affairs. This bill grants the Bureau of Securities Regulation exclusive authority over any regulatory association of brokers and dealers operating in this state. It became apparent that brokers and dealers in this state would find the new state authority, on top of the current federal regulatory jurisdiction granted to FINRA (Financial Industry Regulatory Authority), to be confusing and burdensome. This would open the door to inevitable litigation between the broker/dealer and the state and the state with FINRA. **Vote 20-0.**

**HB 1465**, relative to coverage for hearing aids under Medicare supplemental insurance. **REFER FOR INTERIM STUDY.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill would direct Medicare insurance supplemental carriers to cover a portion of the cost of hearing aids. Though this bill may be one that the committee will eventually support, we need further information on the cost of such an addition to insurance coverage. The Insurance Department will conduct a study and report to the committee the potential costs of this proposal. The committee will then revisit the intent of this bill. **Vote 19-0.**

**HB 1466**, relative to quorum requirements under the condominium act. **INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would increase quorum requirements for a condominium association meeting to the highest requirement for any question on the agenda. That would mean that the meeting could not be held unless that higher quorum was met, even if other questions could be decided at the meeting. The committee felt this was an undue burden on condominium associations, many of whom have difficulty in getting their members to attend meetings. **Vote 20-0.**

**HB 1487**, relative to banks and credit unions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Reed Panasiti for Commerce and Consumer Affairs. This bill with the amendment makes several changes to the banking laws. It resolves a typographical error and requires bank fidelity bonds and error and omissions insurance policies to be issued by NH-licensed insurers. It also clarifies that depository or foreign banks must notify the Banking Department of the relocation of a loan protection office, provides authority for the Banking Department to obtain a criminal background check for contractors working at the department and clarifies the Banking Department's authority to share information with the Federal Home Loan Bank. **Vote 20-0.**

**HB 1505**, relative to the MasoniCare charter. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Biggie for Commerce and Consumer Affairs. The committee agreed, at the request of the sponsor, that this bill should not be considered and voted to recommend that the bill be found Inexpedient to Legislate. **Vote 20-0.**

**HB 1519**, requiring retention of ballots by a condominium association. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would have required a condominium association to seal and retain ballots on any ballot vote at an association meeting for 1 year, under security, in case a resident wanted to view them during that period. The committee thought this requirement was excessive. Instead, under the committee amendment for this bill, any resident can ask for a recount of the vote during the meeting. The recount must be observed for fairness. The committee believes this will provide the residents verification of a vote without requiring excessive effort by the condominium board. **Vote 20-0.**

**HB 1521**, relative to the adoption of budgets and special assessments by condominium associations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Costable for Commerce and Consumer Affairs. This bill, as introduced, modified the requirement for the number of unit owners of a condominium to be present at a vote to reject the budget. The bill would have created a “super minority” where 25%, plus one, could vote down a budget. The committee felt that was unreasonable. However, the bill also included a definition for “emergency” under 356-B:40-c, which was needed to clarify what type of situation constitutes an emergency which may trigger a board vote on a special assessment. The committee amendment completely replaces the bill just to add the definition of emergency. **Vote 20-0.**

**HB 1522**, relative to the fiduciary duty of members of condominium boards of directors. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Abel for Commerce and Consumer Affairs. This bill provides that members of the board of directors of a condominium unit owners’ association would be personally liable for monetary damages for illegal actions that breached their duties as fiduciaries to the association. By a unanimous vote, the committee found that consequences already exist in statute for criminal actions, making this bill unnecessary and inexpedient to legislate. **Vote 20-0.**

**HB 1529**, relative to prescription drug rebate amounts. **INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for Commerce and Consumer Affairs. The topic of this bill, the rebate system for prescription drugs from pharmacy benefit managers and insurance carriers, has been folded into a proposed study commission on prescription cost transparency in HB 1418. **Vote 20-0.**

**HB 1578**, relative to brew pub licensees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for Commerce and Consumer Affairs. As introduced, this bill allowed brew pub licensees to sell beer to on-premise licensees owned by the same person. The amendment allows a “nano” sized craft beer manufacturer to provide samples of their products and sell them on the premises of a licensed wine manufacturer. The committee believes this new license option will help to promote tourism and the state’s growing craft beverage market. **Vote 18-0.**

**HB 1588**, relative to meetings of the board of directors and committees of the condominium association. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Costable for Commerce and Consumer Affairs. This bill adds requirements for conducting meetings of a condominium board of directors. If enacted, this bill would create a situation where an impromptu general discussion between two board members concerning their property or anything relating to the condominium property would be considered a “meeting.” Current statute, RSA 356-B, requires that to hold any meeting you must give at least 7 days notice and that minutes shall be taken and approved. Therefore, if this bill were adopted, a chance conversation with another board member would create an automatic violation because no one can predict a chance conversation 7 days in advance. The committee felt that would constitute an undue burden and violate first amendment rights. **Vote 20-0.**

**HB 1597**, relative to grounds for receivership involving a manufactured housing park. **INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would take control of a manufactured housing park from its owner if more than 30% of residents have not paid their property taxes. Since the park owner has no control over owners paying their taxes, the committee thought this bill was an inappropriate solution to the unpaid tax problem. Tax liens on the properties can be obtained by the municipality. **Vote 20-0.**

**HB 1601**, relative to a declarant’s options for condominium expansion. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill is a request of the Committee to Study the Laws relating to Condominium and Homeowners’ Associations. As introduced the bill adds a time limit for the conversion of convertible spaces pursuant to a condominium instrument and clarifies a declarant’s options for adding additional units or common areas in a condominium. The amendment changes the law in how the land proposed for possible future expansion must be identified within the declaration. **Vote 19-1.**

**HB 1602**, establishing an assurance deed and procedures therefor. **REFER FOR INTERIM STUDY.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would create a new type of deed based on the Uniform Law Commission’s Marketable Title Act. The common-law system of land ownership has not kept pace with accelerating expansion of a modern real estate industry. Landowners who know or suspect their title history or land boundaries have defects have only a judicial quit title process to resolve the matter. The assurance deed gives landowners a statutory process to resolve matters outside of court. If a court proceeding becomes necessary, the assurance deed process is the appropriate research to present to the court. The committee felt that while this bill had promise for reducing closing costs and making real estate transactions happen faster, they needed to have more time to understand how the process would work. **Vote 20-0.**

**HB 1605**, relative to reinsurance. **OUGHT TO PASS.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill is a request of the Insurance Department. The National Association of Insurance Commissioners (NAIC) adopted changes to their model law on credit for reinsurance that provide and describe rulemaking authority for the Insurance Commissioner concerning certain captive reinsurance transactions involving specific forms of life, annuity, and long-term care insurance. Incorporating these changes into the statute is an NAIC accreditation standard. Maintaining those accreditation standards is important for the department because they assure a level playing field for carriers domiciled in other states who practice in New Hampshire while offering the same assurance to New Hampshire companies doing business in other accredited states. **Vote 20-0.**

**HB 1607**, relative to the appointment of a receiver for properties which are a threat to health and safety. **INEXPEDIENT TO LEGISLATE.**

Rep. John Plumer for Commerce and Consumer Affairs. This bill was an attempt by a city to adopt state legislation addressing a single property owner with whom the city was in dispute. The committee is sympathetic to the city's plight, but does not believe that this bill is either workable or appropriate. **Vote 19-1.**

**HB 1610**, requiring sellers of real property to disclose certain information concerning environmental hazards. **INEXPEDIENT TO LEGISLATE.**

Rep. Reed Panasiti for Commerce and Consumer Affairs. Current law requires a seller and agent to identify any source of contamination on their property. A Purchase and Sales agreement and a Property Disclosure form is required by both the seller and buyer. Both forms require the property owner to disclose water test results and radon results along with a signed Buyer Acknowledgment receipt form. This bill creates a new burden for the seller by requiring him or her to provide notice to buyers of any federally designated Superfund sites and other known environmentally hazardous sites within a one mile radius of the property. The seller must also provide water test results from within one mile of the property and a map identifying auto salvage yards, hazardous waste generators, remediation sites, solid waste facilities, underground storage tanks, environmental monitoring sites, and local potential contamination sources. This would suggest the owner has knowledge about these hazards, both present and past, within 27,878,400 square feet (1 mile) of the property. The committee feels this is a burdensome and unrealistic requirement. We believe it is the buyer's responsibility to conduct a thorough and comprehensive search of the property not the seller. **Vote 19-0.**

**HB 1632**, relative to the labeling of bottled water. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill requires all bottled water sold in New Hampshire to be tested annually for the presence of 24 chemicals and labeled with certain results of such tests. The committee had a wide range of concerns centered on how this bill could be implemented and enforced and had fears that the passage of this bill would dry up the availability of bottled water in New Hampshire. **Vote 17-1.**

**HB 1635**, allowing a license for short-term rentals. **REFER FOR INTERIM STUDY.**

Rep. Edward Butler for Commerce and Consumer Affairs. This is enabling legislation that would allow towns and municipalities to license short-term rental properties. Licensing is a solution that some states and municipalities have used to allow localities to control the character of their residential neighborhoods. The committee agreed that this concept should be considered further. **Vote 17-3.**

**HB 1641**, relative to the rate of interest in business transactions. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill provides that the rate of interest on judgments, including prejudgment interest, must be compounded daily rather than annually. The committee felt this was extremely punitive and unworkable. **Vote 18-0.**

**HB 1643**, relative to balance billing. **INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for Commerce and Consumer Affairs. This bill was filed to make sure the balance billing study committee that met in 2017 would have the opportunity to file legislation following the close of the regular filing period. As the filing period was extended for study committee bills, the Commerce Committee has endorsed the work of the study committee in HB 1809-FN and this bill is not needed. **Vote 20-0.**

**HB 1653**, relative to the uniform commercial code. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill creates two sections of chapter law. The first section establishes a finding that the protocol of the Uniform Commercial Code requires corporations to disclose all elements of a contract. The second requires that all contracts with sovereign "inhabitants" defined under Part II Article 30 of the New Hampshire Constitution must include above the signature line the words "all rights reserved" or "without prejudice RSA 382-A:1-306, RSA 382-A:1-103, UCC 1-103, UCC 1-308." Failure to put this disclosure in any contract would be a forfeiture of \$10,000. **Vote 18-0.**

**HB 1654**, relative to automobile medical payments. **OUGHT TO PASS.**

Rep. David Luneau for Commerce and Consumer Affairs. This bill allows insurance carriers to pay health care providers a reasonable fee for services covered under motor vehicle liability insurance. The injured driver and passengers would not be responsible for medical costs beyond the reasonable costs that have been reimbursed. **Vote 20-0.**

**HB 1660**, relative to delinquent accounts of liquor licensees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Biggie for Commerce and Consumer Affairs. Holders of a beverage manufacturer license, beverage vendor license, brew pub license, nano brewery license, or wholesale distributor license are required to notify the Liquor Commission about any delinquent accounts. Usually, there are no more deliveries until the delinquency is settled. Current law only allows acceptance of cash or check in payment. This bill, with the amendment, will allow liquor licensees to use debit cards, credit cards or other acceptable commercial means to make a payment. However, it does not require that a beverage manufacturer, beverage vendor, brew pub, nano brewery or wholesale distributor licensee accept credit cards. They can add a transaction fee when accepting a payment that incurs a transaction fee. The committee unanimously agreed that this bill will be an advantage for any businesses ready to pay their delinquency and receive further deliveries. This was a request of the Liquor Commission. **Vote 18-0.**

**HB 1662-LOCAL**, requiring radon air testing on all new residential construction. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Costable for Commerce and Consumer Affairs. This bill requires the completion of a radon assessment prior to the issuance of a certificate of occupancy for new residential construction. Although radon is an issue in New Hampshire, it is a known issue and the presence of radon is included on a sales disclosure form. Another concern was that this bill did not allow for temporary occupancy. It was also unclear who was qualified to do the test as there is no certification in New Hampshire for radon. Fairness and cost concerns were addressed as well, which led us to conclude that the bill that is unworkable. **Vote 18-0.**

**HB 1663**, relative to reimbursement rates under automobile insurance policies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill deals with the rates paid by insurance companies to body shops for the mechanical work needed to be done in conjunction with damaged vehicle repair. While the committee agreed that there are issues with reimbursement, the bill had problems that were difficult to deal with in the time available. The committee amendment creates a study committee, which can spend much more time to study this issue and bring back a solution next year. **Vote 18-1.**

**HB 1677**, relative to victims of identity theft. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Costable for Commerce and Consumer Affairs. This is a bill that allows persons notified of security breaches to exercise the rights of victims of identity theft under the credit freeze laws. The committee was supportive of this concept but decided that the approach in HB 1700, adopting a procedure for placing a security freeze on a consumer credit report, was preferable. **Vote 17-0.**

**HB 1687**, relative to banking and consumer credit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill is a collection of technical corrections and small updates to the banking statutes. Auto dealers were concerned with a section that required them to have advertisements available for review by the Banking Department. The committee's amendment solves that issue by permitting the Banking Department to review advertisements as part of an examination within 3 years of publication. It is agreed to by all parties. **Vote 17-0.**

**HB 1690-FN**, relative to liquor licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Biggie for Commerce and Consumer Affairs. State liquor law already allows supplemental wine festival licenses for wine manufacturers. This bill adds provisions for the issuance of a supplemental liquor festival license to liquor manufacturers. The amendment establishes the fee for liquor festivals at the same levels charged for wine festivals. The one-, two- or three-day fee is \$250, \$300 or \$350, respectively. Also, provisions licensing of cocktail lounges on airships will be repealed. This bill is a request of the Liquor Commission. **Vote 17-0.**

**HB 1692-FN**, allowing liquor licensees to select an anniversary for renewal. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Biggie for Commerce and Consumer Affairs. This bill allows a liquor licensee to select an anniversary month for renewal. This convenience helps a person or entity consolidate multiple licenses held. The amendment adds a requirement that such selection may only take place after one year of initial licensure and that the renewal month may not be changed again for a period of three years. **Vote 20-0.**

**HB 1700**, relative to placement of a security freeze on a consumer's credit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill requires credit reporting agencies, such as the company whose lapse in security enabled hackers to steal virtually everyone's credit information, to enable New Hampshire residents to freeze their own credit profile so that no new credit accounts can be created. Then, when the consumer wants to obtain new credit, they can unfreeze their file, and freeze it again once the credit application is complete. The bill requires the agencies to allow the freeze and unfreeze to be done via the Internet, and also allows the same requests to be done by mail. Since we know that attempts

to steal credit information continue unabated, being able to do this is critical for consumer protection. The committee amendment removes all fees from any method of freezing and unfreezing, since at least one credit bureau has already agreed to provide this service for free in other states. **Vote 17-0.**

**HB 1705**, relative to enforcement activity verifying compliance. **REFER FOR INTERIM STUDY.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would require the Liquor Commission to establish a point system for on-premise license holders who sell alcohol to minors and require that the points are kept for 3 years. Licensees were concerned about the effect of such a long period on the future of their businesses. It would also require that every server attend the training program the Liquor Commission requires for management. Since license holders typically employ many part-time servers, this would create a significant training issue for the commission. The committee felt these issues and burdens necessitate additional work on this bill. **Vote 18-2.**

**HB 1712-FN**, relative to New Hampshire local liquor manufacturers. **INEXPEDIENT TO LEGISLATE.**

Rep. Connie Van Houten for Commerce and Consumer Affairs. This bill would create a unique new license for local liquor manufacturers. While the committee has sympathy for the constituent for whom this bill was brought, who has unique circumstances, we also realize that changes in liquor licenses can affect the whole state. Under this bill, local liquor manufacturers would be required to use a large percentage of raw materials grown in New Hampshire in the production of their liquor. This is a requirement that the Liquor Commission says is difficult to measure and monitor, and that the Commerce Committee and the House have previously rejected in other bills. It would also allow for Internet sales and would allow the manufacturer to sell directly to on-premise licensees, rights no other liquor manufacturer has. **Vote 17-3.**

**HB 1715-FN**, relative to arbitrary and unreasonable rent increases in manufactured housing parks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for Commerce and Consumer Affairs. This bill, as introduced, provides for a review by the Board of Manufactured Housing of a rent increase in a manufactured housing park to determine if such increase was arbitrary and unreasonable. The committee amendment establishes a committee to study how to balance the property interests of the owners of manufactured housing parks and the owners of housing units. The committee felt that a problem may exist and that a committee should be tasked to study the problem and recommend any future legislation. **Vote 16-1.**

**HB 1719-FN**, relative to donations of liquor to nonprofits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jason Osborne for Commerce and Consumer Affairs. This bill allows any NH nonprofit entity to receive donations of beer, wine or liquor from NH licensees to be sold or given away at an event sponsored by the nonprofit entity. The committee unanimously agrees this practice should be allowed. **Vote 20-0.**

**HB 1720-FN**, relative to the storage of beverages produced by contract brewers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill allows a beverage manufacturer in a contract brewing arrangement (which means the beer is brewed somewhere else in or out of state) to store beverages produced by the contract brewer at its New Hampshire facility. **Vote 17-0.**

**HB 1724-FN**, creating a credit facility for local investments. **REFER FOR INTERIM STUDY.**

Rep. Valerie Fraser for Commerce and Consumer Affairs. The purpose of this bill was to create a credit facility (which is not the same thing as a bank) to give authority to the NH State Treasurer to invest a certain amount of cash holdings through the legislatively enabled lending authorities such as the Community Development Finance Authority and others. This could provide more money to those agencies and would be underwritten by them in conjunction with the Treasurer's Office. All investments would be made solely in NH and would generate non tax revenue. This type of credit facility has been very successful in Vermont over the last 3 to 4 years. **Vote 15-2.**

**HB 1733-FN**, relative to digital electronic product repair. **REFER FOR INTERIM STUDY.**

Rep. David Luneau for Commerce and Consumer Affairs. This bill would require manufacturers of electronic devices to provide repair information to consumers and independent repair organization on the same terms and conditions that they provide that information to authorized repair facilities. The committee heard substantial testimony relative to the benefit for consumers and new businesses, but also heard concerns that the bill may be too broad and expose security vulnerabilities. **Vote 17-0.**

**HB 1741**, relative to payments for covered prescription medications under the managed care law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill and its amendment simply put in statute an administrative rule adopted by the Insurance Department to allow and empower pharmacists to charge the least amount for pharmaceuticals. **Vote 17-0.**

**HB 1746-FN**, relative to the practices of pharmacy benefit managers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill as introduced would have prohibited pharmacy benefits managers from requiring the credentialing and accreditation of pharmacies. The committee amendment prohibits only the requirement for accreditation and repeals this requirement in two years. Accreditation requires a pharmacy dispensing specialty drugs to obtain an endorsement, at a significant cost, by a third party. The amendment does allow for the continued credentialing of providers, at no cost to the provider, that is essential to maintaining adequate networks. The repeal provision that takes effect in 2020 will allow time for parties to work towards agreement on a longer-term solution on the definition of specialty drugs and the issue of accreditation. **Vote 20-0.**

**HB 1751-FN**, relative to insurance coverage for pediatric autoimmune neuropsychiatric disorders. **REFER FOR INTERIM STUDY.**

Rep. Connie Van Houten for Commerce and Consumer Affairs. This bill requires insurance coverage for treatment of Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections (PANDAS) and Pediatric Acute-onset Neuropsychiatric Syndromes (PANS), which afflict formerly normally functioning children with symptoms like obsessive or compulsive behaviors, sensory or motor abnormalities, or oppositional behaviors. Testimony reflected the evolving nature of treatment, the limited information, even in the medical community, and questions about prevalence, as well as the potential impact of this bill on insurance premiums. For these reasons, the committee deemed the bill in need of further study. **Vote 20-0.**

**HB 1781**, relative to condominiums with 10 or fewer residential units. **OUGHT TO PASS.**

Rep. Michael Costable for Commerce and Consumer Affairs. This bill establishes meetings and insurance requirements for small condominiums with 10 or fewer residential units. This bill makes some changes in RSA 356-B:3 to better accommodate small condominiums regarding meetings. It also establishes a default 50% cost split for units without a master casualty policy. **Vote 17-0.**

**HB 1782-FN**, relative to insurance payments for ambulance providers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for Commerce and Consumer Affairs. The committee heard testimony that municipal and private ambulance providers have difficulty in recovering payment from insurance carriers, and that patients receive bills from ambulance providers for costs that are not reimbursed by insurance. This bill, with the amendment, establishes a committee to study insurance payments to ambulance providers and balance billing to patients by ambulance providers. **Vote 17-3.**

**HB 1784-FN**, relative to cost comparison for certain health care procedures. **REFER FOR INTERIM STUDY.**

Rep. David Luneau for Commerce and Consumer Affairs. This bill seeks to find ways to lower the cost of health care through several different approaches - requiring health care providers to advise patients of low-cost referral options, requiring insurance carriers to provide incentives to patients who opt for low-cost providers, requiring carriers to disclose to patients an estimate of health care costs, requiring the Insurance Department to provide a web site that enables patients to review provider costs for health care services, and requiring carriers to reimburse patient-selected out-of-network providers when the provider is a low-cost health care option. The committee would like more time to review these approaches over the summer. **Vote 17-0.**

**HB 1800-FN-LOCAL**, relative to usury. **INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would require that the interest rate for all business transactions be limited to 4% annually. The committee recognized that such an action would end most credit activity in New Hampshire, and thus we recommend that the bill be found Inexpedient to Legislate. **Vote 17-0.**

**HB 1812-FN**, regulating certain vapor products. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Costable for Commerce and Consumer Affairs. This bill regulates e-liquids sold in New Hampshire. It would prohibit diacetyl and its substrates from being included in e-liquids, require a label to include all ingredients in descending order and establishes a penalty for violations. Diacetyl was used early on in e-liquids, but is rarely used now. It would be burdensome to get a large out-of-state manufacturer to produce labels and carry inventory just for New Hampshire. The penalty of a class B felony is very harsh, especially when considering the person selling the e-liquid can not know for sure what the ingredients are even if it had a label. **Vote 17-0.**

## **CRIMINAL JUSTICE AND PUBLIC SAFETY**

**HB 1372**, prohibiting the implanting of subcutaneous identification devices in individuals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill will prohibit the implantation of a chip or subcutaneous device either under the skin or upon the skin without the individual's consent. Such devices currently are used to unlock doors, provide personal identification or activate other devices. No employer may

intimidate, require or coerce an employee to allow such a practice. The civil penalties are up to \$10,000 initially and no more than \$1,000 for each day the violation continues. The amendment adds 3 definitions and creates an exception for inmates incarcerated or under the control of a government run prison or jail. **Vote 19-0.**

**HB 1678-FN**, reducing the penalty for certain first offense drug possession charges. **INEXPEDIENT TO LEGISLATE.**

Rep. Dave Testerman for Criminal Justice and Public Safety. This bill rewrites the sentencing statute by reducing the penalty from, in some cases a class A felony to a misdemeanor for illegal possession of a controlled drug or its analog. Classified in schedules I, II, III or IV, the fines specified for a class B felony of up to \$25,000 or for a class A felony of up to \$50,000 are deleted. This makes no sense while New Hampshire is struggling with the opioid crisis. **Vote 18-1.**

**HB 1753-FN**, reducing the age for legally possessing alcohol. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shannon Chandley for Criminal Justice and Public Safety. This bill as originally drafted sought to lower the age of legal possession of or intoxication by alcohol from 21 years of age to 20 years of age. The committee was not supportive of this proposal, but did recognize this bill as a vehicle to reintroduce the House position on transportation of alcoholic beverages by a minor. Current law allows for the transportation of alcoholic beverages by a minor in a vehicle when he or she is accompanied by a parent, legal guardian or spouse. This bill, as amended by the committee, increases the list of family members with whom a minor can legally transport alcoholic beverages in a vehicle to include siblings over the age of 25 years, a stepparent, grandparent, stepgrandparent or a domestic partner. This identical language was passed by the House in the 2017 session. It failed in the Senate. **Vote 16-3.**

**HB 1792-FN**, reducing the criminal penalty for certain controlled drugs. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard O'Leary for Criminal Justice and Public Safety. This bill reduces the penalty for possession of a controlled drug, Schedule I, II, III or IV, from a class B felony to a class B misdemeanor and from a class A felony to a class A misdemeanor. This bill also reduces for a Schedule V drug by eliminating a prison term, leaving a fine of up to \$15,000 for a first offense and class A misdemeanor for a subsequent offense. Reducing a felony to a misdemeanor during our current opioid crisis sends the wrong message to those who use and/or deal in prohibited drugs. Currently, our drug courts allow for certain users to use treatment instead of jail or prison to get clean. **Vote 14-3.**

**HB 1807-FN**, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults. **OUGHT TO PASS.**

Rep. Kate Murray for Criminal Justice and Public Safety. This bill extends further protection to a vulnerable, elderly population who are at risk of financial exploitation and/or physical or sexual abuse. The bill will also protect those who have a physical or mental disability. It further provides a procedure for issuing a protective order for vulnerable adults so they may be protected from continuing exploitation in a more timely fashion than currently exists. The language for a protective order is identical to the language for domestic abuse. **Vote 18-0.**

## EDUCATION

**HB 1258**, relative to the advanced manufacturing education advisory council. **OUGHT TO PASS.**

Rep. James Grenier for Education. This bill permits the advanced manufacturing education advisory council to accept and coordinate funds to support certain workforce training efforts. The funds will be used to provide grants for training outside of the public education system for areas such as: apprenticeships, work readiness and employee training. **Vote 20-0.**

**HB 1263**, relative to educational evaluation of home schooled children. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for Education. This bill amends the educational evaluation procedures for home educated children and adds notice, hearing, and appeals procedures relative to the termination of a home education program. Testimony regarding this bill was offered in Representatives Hall and was overwhelmingly in opposition to the bill. One parent stated, "In the 1990's, I can understand your skepticism regarding oversight as homeschooling was believed to be a new concept, but now, in 2018, the unfounded concerns pertaining to an age-old method of education have undeniably, successful results across the board." Parents choose to homeschool their children as one educational option to find the best fit. Further, under existing NH statute, if a school official has a reason to believe that the law is not being followed, that official has the authority to investigate. There are other layers of protection in our society. Educators, family members, neighbors, law enforcement officers, and medical professionals may file neglect reports to the Department of Health and Human Services. With this, there is no need to further change homeschooling statutes. **Vote 20-0**

**HB 1272**, relative to the powers of local boards of education. **INEXPEDIENT TO LEGISLATE.**

Rep. Dan Wolf for Education. This bill modifies the responsibilities of school boards. Board responsibilities proposed in this bill already exist in current statute. Other wording in the bill is not clear and requires further clarification. **Vote 18-2.**

**HB 1348**, relative to the annual audit report of public charter schools. **INEXPEDIENT TO LEGISLATE.**  
Rep. James Grenier for Education. This bill requires chartered public schools to include in their annual financial audit and report a list of donors who have given \$10,000 or more. This bill raises questions such as privacy. Much of the information required by this bill is currently available from other sources. This bill is unnecessary. **Vote 20-0.**

**HB 1403**, relative to members of the state board of education. **INEXPEDIENT TO LEGISLATE.**  
Rep. Robert Elliott for Education. This bill prohibits a member of a local school board from being a member of the State Board of Education. The committee majority believes that local school board members who may also serve on the State Board may have a thorough knowledge of educational issues and may recuse themselves on possible issues of conflicts if necessary. **Vote 19-1.**

**HB 1409**, relative to child restraint practices in schools and treatment facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Wolf for Education. This bill adds two additional hearings in relation to child restraint and seclusion. The Disability Rights Center testified the current process works and does not support the changes in this bill. **Vote 20-0.**

**HB 1439**, relative to requirements for private schools that contract with school districts. **REFER FOR INTERIM STUDY.**

Rep. Victoria Sullivan for Education. The committee recommends this bill be referred for interim study as the committee believes the bill needs more work. As written, the bill left the committee with unanswered questions. It is a possibility that the intention of the bill is currently covered in law and the bill is not needed. Interim study will allow the study committee to research the issue further. **Vote 19-1.**

**HB 1480**, relative to the membership of the board of trustees of a chartered public school. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Victoria Sullivan for Education. This bill, as amended, clarifies the law regarding the board of trustees of public charter schools. This bill stipulates that no paid employees may serve as a voting member of the board. It also states that two parents or 25% of the board, whichever is greater, that currently serve on the board, must be voted onto the board by the school's parent community. **Vote 17-3.**

**HB 1492-LOCAL**, relative to a course of action when a child's attendance at a school has resulted in a manifest educational hardship. **REFER FOR INTERIM STUDY.**

Rep. Mel Myler for Education. The committee did not have enough time or information to fully consider this bill. More study is needed to give the bill its appropriate consideration. **Vote 19-0.**

**HB 1493**, relative to the statewide assessment system of performance in schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Wolf for Education. This bill, as amended, is one of several bills that revise education statutes to align with the state's Every Student Succeeds Act plan. The changes include measuring academic achievement and growth of knowledge and skills as part of the statewide assessment. **Vote 20-0.**

**HB 1495**, relative to standards for determining an adequate education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, adds to the indicators that school districts are required to report annually to the Department of Education regarding delivery of an adequate education. The bill also establishes a rating scale for school districts regarding performance standards. Rating scale scores range from "1," school does not meet grade level performance standards to "4," school exceeds the standards. This bill also requires data gathered from public schools to be included in the annual report NH School District Profiles, which shall be made available to the public on the department website and online at every school administrative unit for public review. **Vote 19-0.**

**HB 1496**, relative to requirements for performance based accountability for an adequate education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, modifies requirements for public school performance-based accountability for an adequate education. Current statute requires schools to demonstrate opportunity for an adequate education by meeting one requirement; either through the narrative report or by the performance system which identifies academic achievement. This bill, as amended, requires every public school to demonstrate satisfactory accountability, not only by one system measure, but by both systems. This change will strengthen the accountability process and better identify schools requiring corrective and technical improvement. An additional change requires the department to conduct on-site school inspection visits at least every five years whereas current statute requires on-site visitation every ten years, or 10% of schools per year. Lastly, this bill is one of the three bills, HB 1495, 1496, and 1497, that better align New Hampshire education statutes with the elementary and secondary education act as amended by the Every Student Succeeds Act passed by the US Congress and signed into law this past year. **Vote 17-2.**

**HB 1497**, relative to accountability for school performance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, better aligns NH statutes with the Every Student Succeeds Act. The bill better defines key educational terms such as “competencies” by emphasizing “level of mastery of key concepts, skills, and knowledge.” The bill identifies all schools, not just Title I schools, that fall in the bottom 5% in terms of achievement and growth performance. Lastly, the bill further defines work-study skills by inserting terms recommended and supported by NH business: communication, creativity, collaboration and self-direction. In addition to knowledge, these skills are sought and required by employers when hiring individuals into New Hampshire’s workforce. **Vote 18-1.**

**HB 1499**, relative to the focus and components of New Hampshire kindergartens. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Victoria Sullivan for Education. The committee supports this bill which will bring play based education to our kindergartens. Kindergarten was intended by its founder, Fredrich Froebel, to be a means of socializing children and preparing them for formal education through exploration, movement, expression and play. This bill returns those concepts to the kindergarten classroom and will help teachers nurture the talents and abilities of our youngest learners. **Vote 19-0.**

**HB 1559**, relative to certification requirements for assistant principals. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Wolf for Education. This bill allows for administrative experience at the college level to count as administrative experience for an assistant principal in K-12 schools. The Department of Education testified that they do not certify assistant principals so this bill is unnecessary. **Vote 19-0.**

**HB 1572-LOCAL**, relative to alternative transportation of students for public school activities. **INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn Halstead for Education. Upon hearing testimony, this bill was considered unnecessary. The School Boards Association has developed appropriate policies relative to volunteers driving for school functions. Most schools already have these policies in place. The bill as introduced also states that no school shall be held responsible for any loss, damage or legal liability resulting from a volunteer driver transporting students to or from school activities, which is questioned by the committee. **Vote 19-0.**

**HB 1636**, establishing a committee to study teacher preparation and education programs. **OUGHT TO PASS.**

Rep. Dan Wolf for Education. This bill will provide an in-depth study of the current status of New Hampshire teacher recruitment procedures, preparation programs, professional development opportunities, and retention rates as they compare with other states and countries whose students perform at the highest levels in the world, as measured by the Programme for International Student Assessment (PISA). **Vote 18-2.**

**HB 1761**, relative to the math learning communities program in secondary schools. **OUGHT TO PASS.**

Rep. Rick Ladd for Education. This bill establishes and encourages NH high schools to participate in an alternative high school math program called math learning communities designed to support and engage those 11th and 12th grade students who require requisite knowledge and skills necessary to adequately prepare them for career and post secondary success. The program will further assist students in avoiding: time and financial costs, discouragement, and reduced post-secondary degree completion due to required math remediation when making the transition from high school to college and career. Approximately half of high school students entering the community college system require remediation. In an effort to address this serious workforce issue, the Community College System of NH has trained high school math teachers and implemented the program in 38 high schools throughout the state. This bill provides a process for continuing the program throughout NH. **Vote 18-1.**

## ELECTION LAW

**CACR 11**, relating to elections. Providing that a majority of selectmen shall be present at certain polling places. **INEXPEDIENT TO LEGISLATE.**

Rep. Andrew White for Election Law. This proposed constitutional amendment would change the attendance requirement for selectmen at state elections. Currently, the New Hampshire Constitution requires the presence of “the selectmen.” The proposal would change this provision to require a “majority of the selectmen” to attend elections. While attendance of all selectmen would be ideal, death, illness, and family emergencies can and do arise. These, and many other legitimate reasons can and do prohibit one or more selectmen from attending elections. Current state law provides a process for a selectman to appoint a replacement to attend in their stead. The committee unanimously believes that current law adequately addresses the attendance of selectmen at elections and an amendment to the State Constitution is not necessary. **Vote 19-0.**

**CACR 17**, relating to initiative and referendum powers. Providing that initiative and referendum powers shall be reserved to the people of the state. **INEXPEDIENT TO LEGISLATE.**

Rep. Andrew White for Election Law. This proposed constitutional amendment would permit residents to enact laws and constitutional amendments independent of the General Court. New Hampshire’s legislature

is one of the most representative in the county; each citizen has direct access to their elected officials and can weigh in on any and all issues of interest to them. Further, in states that allow this type of initiative, passage of citizen generated ballot measures have, in some cases, created significant unintended consequences. The committee noted a general lack of support during the public hearing. For these reasons, the unanimous committee recommendation of Inexpedient to Legislate was reached. **Vote 19-0.**

**CACR 18**, relating to recall elections. Providing that the general court may authorize recall elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Andrew White for Election Law. This proposed constitutional amendment would provide the General Court the power to authorize recall elections of "state officers." All state legislative officers are elected for two-year terms. These short terms of office provide voters a frequent opportunity to vote for candidates who's values most closely align with their own. There are other persons that qualify as "state officers" who the committee did not believe were intended to be impacted by this bill, but would be. The committee unanimously believes the current system provides voters ample opportunity to determine those who represent them in state offices. **Vote 19-0.**

**HB 1220**, relative to valid identification to obtain a ballot. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Negron for Election Law. This bill requires that a driver's license used by a person under 70 years of age to obtain a ballot be current or expired less than 5 years. This section of statute deals with photo identification for purposes of identification only. There are other forms of identification for which no date restriction was proposed. Due to concerns over conflict with other statutes and the limited purpose of this statute, the committee unanimously agreed the bill was inexpedient to legislate. **Vote 20-0.**

**HB 1224**, relative to election dates. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Negron for Election Law. This bill authorizes the moderator to postpone and reschedule a town election because of a weather emergency. The committee found that there were a number of issues with the bill. As proposed this bill deals with only a singular event, weather. It does not account for other emergency circumstances such as threat to the polling place or the destruction of ballots. The process outlined in the bill fails to account for multi jurisdictional races. The bill also does not address school district issues or what to do in multi town school districts. Even if one were to agree that moderators should be able to postpone elections, this bill fails to provide complete or consistent guidelines as to process. **Vote 20-0.**

**HB 1240**, allowing voters to vote for multiple candidates for an office. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Negron for Election Law. This bill proposes to eliminate statutory restrictions on the ability of voters to vote for multiple candidates for the same office. This is similar to the request for ranked-choice voting as it allows an individual to select more than one candidate for an office. It is unlike ranked choice voting in that there are not multiple counts to eliminate candidates. There appeared to be no restriction on elections impacted by this bill and the only provisions affected were those addressing the preparation of voting materials. Many potential issues, such as machine programming and recounts were not addressed. The committee unanimously agreed that the bill was inexpedient to legislate **Vote 20-0.**

**HB 1433**, requiring disclosure of federal income tax returns by presidential and vice-presidential candidates. **INEXPEDIENT TO LEGISLATE.**

Rep. Betty Gay for Election Law. This bill would require that candidates for president and vice president disclose their federal tax returns by filing a complete copy for the last three years with the Secretary of State. The bill further directs that electors shall not cast a vote for any candidate who failed to comply with the tax filing requirement, regardless of the vote results. Current law, NH RSA 655, requires presidential candidates to swear they are qualified according to the Federal Constitution, which requires only that the candidate be a natural born citizen of at least 35 years of age who has lived the previous fourteen years inside the country. Nowhere does it require proof of payment of taxes. States do not have the authority to add to the constitutional requirements for presidential candidates. Testimony presented questions as to why the bill applies to only those particular offices, that states do not control federal elections, that such a requirement would create disparity among the states as to the electoral process, and that the creation of any such requirement is a precedent that might lead to requests for more information. While the intent of the supporters was understood, the bipartisan majority of the committee recommends that this bill be found Inexpedient to Legislate. **Vote 17-3.**

**HB 1479-LOCAL**, relative to the nomination of political candidates. **INEXPEDIENT TO LEGISLATE.**

Rep. Yvonne Dean-Bailey for Election Law. This legislation would allow parties to nominate candidates through a different method, such as a caucus, instead of holding state primary elections. The committee heard no testimony that the current process does not work, merely that there can be alternatives. The committee believes this legislation could severely limit access to those seeking to run for office. New Hampshire is proud to have a nomination process that is easy to participate in and allows candidates to engage in our large local and representative government. The committee also heard testimony that the adoption of such a process would have an adverse effect on our first in the nation primary. **Vote 20-0.**

**HB 1486**, relative to “over voted” ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen Souza for Election Law. This bill would require a ballot machine be programmed to return to the voter a completely blank ballot or a ballot with too many ovals filled in for any office. As proposed, this bill would require programming changes to voting machines. These changes would require the machine to reject the ballot and then an election official would hand the ballot back to the voter. This process would compromise the secrecy of the ballot. If an explanation were required, further compromise would occur. If a voter's preference was a blank ballot, that would be apparent to the official and anyone else nearby. Currently, signs at the voting booths instruct voters on how to fill out a ballot and how to replace a spoiled ballot. **Vote 20-0.**

**HB 1510-FN**, relative to voters using out-of-state drivers' licenses as identification. **INEXPEDIENT TO LEGISLATE.**

Rep. Yvonne Dean-Bailey for Election Law. This legislation provided for additional paperwork at the polling place when an out of state driver's license is used for voter identification. The committee and the sponsor of the legislation recognize that photo identification is used solely for proving the identity of the registered voter. Testimony was provided representing both favorable and unfavorable opinions on this proposal. Given the desire to ensure ballots are provided to registered voters in an efficient manner, and concerns over the impact of this additional paperwork both on the poll worker and the voter, the committee concluded that the bill was not necessary. **Vote 20-0.**

**HB 1520-FN**, relative to access to ballots and relative to verification counts of machine-counted ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Betty Gay for Election Law. This bill is aimed at granting permission to moderators to hand count one NH state-wide race in each election. The committee agreed that the bill has several problems. As proposed, the bill allows 10 voters to petition, before the election, that the moderator perform a hand recount of a federal or statewide race or a constitutional question on the ballot on election night. The bill also subjects ballots to right-to-know requests which would require production of the ballots after the recount period. It also allows a moderator who suspects fraudulent voting to report the same for possible prosecution by placing a distinguishing mark on the ballot that would allow it to be traced to a voter. The marking of ballots is not allowed by current law. As to the recount request, checking only one race on one scanner is not statistically sound. Hand counts are not necessarily 100% accurate and one count would neither prove nor disprove scanner accuracy of all the races. If a discrepancy was found, the bill made no provision for what was to then occur. As to the process of the manual recounting, existing NH law specifically addresses the process; it requires a systematic method of counting simultaneously with representatives of each party, followed by another count using the same method. It is highly unlikely that such a detailed system would be available at the polls. Recounts with other methods and individuals present have been found to be problematic, and allowing ballot examination after results are finalized would create election races that never end. The provisions of this bill place additional burdens and costs on the clerks; the fiscal note indicated the increased expenditures were indeterminable. The sponsor initially identified this bill as a method for correcting any machine tampering or malfunction. It was not clear to the committee that such a thing would occur as a result of this bill. **Vote 20-0.**

**HB 1540-FN**, relative to ranked-choice voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Negron for Election Law. This bill establishes procedures for ranked-choice voting for federal and state offices. The complexity of ranked-choice voting is obvious. Instead of simply voting for the candidate you prefer, each voter must have an election strategy to give the candidates their relative selection as all of their votes have some weight in the selection of the winner. As candidates are given a ranking there are multiple rounds to the counting that must occur to determine a winner. In races with multiple seats there is the potential for thousands of combinations to be counted. This applies to federal and state offices, and no local offices. Testimony indicated that it is uncertain whether the optical scan counting devices used in the majority of our communities can be programmed to process ballots in such a manner. It is certain that elections themselves will take longer causing additional expense to communities. Recounts would become more difficult and time consuming. The bipartisan majority of the committee agreed that the bill should be found Inexpedient to Legislate, after determining that ranked-choice voting is a costly shot in the dark. **Vote 19-1.**

**HB 1543**, relative to domicile of students for voting purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. Yvonne Dean-Bailey for Election Law. This bill proposed to modify the requirements for a student claiming domicile for voting purposes by attempting to provide guidance on determination of whether an individual is an in-state or out-of-state student by examining that person's school status. The bill also attempted to delineate a number of factors to be considered as evidence in the domicile inquiry. The bipartisan majority of the committee found this bill unnecessary and unworkable in its current form. Last session the legislature addressed domicile requirements for all New Hampshire persons registering to vote and this bill would potentially conflict with requirements of that statute. In the hearing there was testimony that this change might have a chilling effect on student voters. **Vote 20-0.**

**HB 1568-FN**, allowing voters to register as members of political organizations. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Negron for Election Law. This bill allows voters to register as members of various political organizations with new guidelines for ballot access. If one percent of the voters register as a member of an organization, it qualifies as a "party." This allows creation of a party with only 1% of registered voters while at the same time the group is not recognized as a legal "party." The committee unanimously agreed that the process for ballot access in New Hampshire is open and not difficult. Accordingly, it is recommended that this bill be found Inexpedient to Legislate. **Vote 20-0.**

**HB 1573**, relative to special elections for the office of state representative. **INEXPEDIENT TO LEGISLATE.**

Rep. Norman Silber for Election Law. This bill proposes that a special election to fill a vacancy for state representative should be held in a multi-town or multi-ward district only when the majority of towns or wards make the request. Under current law a special election in a multi-town or multi-ward district occurs when only one town or ward chooses to do so. Current law causes communities not in favor of such a special election to spend unbudgeted taxpayer money even when they specifically decide they do not want the special election. However, the alternative would deny communities the right to have a voice in the legislative process. This bill would seemingly allow one of the towns in a 2-town district to "veto" the holding of a special election. While special elections are costly to the districts involved, local representation is a critical component of our state government. **Vote 20-0.**

**HB 1666**, relative to redistricting. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Harrington for Election Law. The bill would create a new metric for evaluating redistricting proposals based on a computer model that attempts to measure the "efficiency gap" in votes cast. There are many unresolved issues with this bill. It establishes a commission made up of only Democrats and Republicans and does not include the third party with ballot status in NH. There is also confusion over how the results of an election determined to have an efficiency gap exceeding the allowed limit are to be handled. Would the loser have solid grounds to challenge the results in court? This bill would completely change the way we redistrict and needs more work before it should be considered for passage. **Vote 20-0.**

**HB 1667-FN**, relative to permissible campaign contributions by business organizations and labor unions and relative funding source disclosure for political advertising. **INEXPEDIENT TO LEGISLATE.**

Rep. Norman Silber for Election Law. This bill primarily provides for two things. First, business organizations and labor unions would need to make political contributions only through a separate, segregated fund with unions soliciting voluntary contributions from certain individuals associated with the union. Secondly, it requires that any advertising by the business organization or union must disclose the "5 natural persons" making the largest contribution. While some testimony indicated the bill would improve disclosure, other testimony expressed a need for a number of amendments which were not received. Concerns were also expressed as to how reporting would occur and be validated. Interests in the disclosure of funding must be balanced with case law, the US and state constitutions, and our own existing laws. **Vote 20-0.**

**HB 1713**, relative to the transfer of digital copies of voter checklists to qualified political organizations and candidates. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa Freeman for Election Law. This bill requires the Secretary of State to transfer digital copies of the voter checklists to qualified political organizations and candidates. The bill as presented referred to a marked checklist and there was no way to address the distinction between the centralized voter data base, the local checklist for the election and the marked checklist. The current fee for digital copies is minimal. The checklist to be provided as set forth in the bill refers only to county, state and federal elections. The omission of local elections was not explained. Additionally the bill had a discrepancy in that the requested information was to be requested by a "political party," but was to be provided for the "candidate's district." After considering all of the testimony on the bill, the committee unanimously determined that the bill as drafted is unworkable and not necessary. **Vote 19-0.**

**HB 1770-FN-LOCAL**, relative to verification of checklists. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen Souza for Election Law. This bill, presented with amendment, provided for additional checks on domicile when an absentee ballot request is received and there is a request to mail the ballot to an address other than the voter's domicile address. The additional follow-up would be the sending a letter requesting proof of the voter's qualifications to vote in the town or ward within 30 days. It was noted that many communities have a number of persons who stay for the winter months in more southern states. Without the exercise of significant discretion by the supervisors, some communities could be sending over one hundred letters. While testimony did indicate there may be some problems with absentee ballot requests, such as the lack of the need for identification, this bill did not address those concerns. The committee unanimously agreed the bill as presented was not appropriate for adoption. **Vote 20-0.**

## ENVIRONMENT AND AGRICULTURE

**HB 1238**, relative to animal cruelty and costs of care for such animals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. The original bill sought to make those accused of animal cruelty, although not convicted, pay for the upkeep cost of confiscated animals based on an obsolete animal cruelty statute. The amendment replaces the entire bill and turns it into a housekeeping bill that eliminates this outdated statute that only pertains to colts less than 90 days old and moves the colt cruelty provisions into the modern animal cruelty statute under the Criminal Code, thereby making its enforcement and penalties consistent with other sorts of negligent cruelty. **Vote 11-1.**

**HB 1309**, relative to transferring dogs, cats, and ferrets by animal shelter facilities. **OUGHT TO PASS.**

Rep. Richard Gordon for Environment and Agriculture. This is a housekeeping bill to correct an omission that occurred during the re-write of RSA 437 (Sale of Pets) during the 2017-2018 budget process. The bill adds back the requirement that all shelter facilities have on premises a microchip scanner and shall maintain a file of recognized pet retrieval agencies. **Vote 12-0.**

**HB 1320**, establishing a committee to study crop theft. **REFER FOR INTERIM STUDY.**

Rep. Alan Turcotte for Environment and Agriculture. This bill seeks to establish a committee to study crop theft in New Hampshire. Agricultural crime is on the rise. Left unchecked, crop theft is a problem that can seriously threaten an industry that is an important lifeblood of the state. The scope of legal definitions related to agricultural crime is broad. Agricultural theft involves not only theft of crops, machinery, fertilizer, bee hives, and other farm related assets, but also matters relating to trespass and vandalism. Statutes pertaining to agricultural theft need to be reviewed. New Hampshire must take steps to combat the costly and increasing problem of agricultural crime. Problems exist that prevent these crimes from being successfully prosecuted. Due to the seriousness of these economic and legal concerns, referring the bill to Interim Study will provide the committee with an adequate amount time for a comprehensive analysis of the problem which will result in effective solutions. **Vote 11-0.**

**HB 1385**, establishing a committee to study animal welfare in New Hampshire. **REFER FOR INTERIM STUDY.**

Rep. Stephen Darrow for Environment and Agriculture. This bill would create a committee of legislators to review and study animal welfare. Currently, there are other animal welfare bills making their way through the General Court with provisions that conflict with each. In addition, the Governor has convened his Commission on the Humane Treatment of Animals which is actively discussing the subject and have noted additional deficiencies within the animal statutes that are not currently being address. Due to the uncertainty of each respective outcome, the committee felt that Interim Study would be the best course of action in order to better define its objectives. **Vote 16-0.**

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**HB 1206**, relative to bonds for civil officers. **INEXPEDIENT TO LEGISLATE.**

Rep. Kristina Schultz for Executive Departments and Administration. This bill would replace the term “employee” with “civil officer” in the statutes on government employee bonding. The committee was not convinced the change was either necessary or desirable. **Vote 17-0.**

**HB 1207**, relative to public filing of bonds for public employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Proulx for Executive Departments and Administration. The committee did not endorse this bill because, as much as we want protection for our citizens, this bill does not meet that intent. We heard from a bonding company that a bond would not provide the services the sponsor is looking for, namely, indemnification for misdeeds or failure to perform duties of government officials. **Vote 13-1.**

**HB 1208**, relative to the wording for oath of office for public office. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill seeks to modernize the wording of the oath of office by replacing the words “make and subscribe” with the words “say and write”. The committee rejects the proposed change as faulty. **Vote 13-1.**

**HB 1254**, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire. **OUGHT TO PASS.**

Rep. Steven Beaudoin for Executive Departments and Administration. This bill will create a study committee with the intent of determining a better process for adoption of our state building, residential, electrical, plumbing, mechanical, energy conservation, and life and fire safety fire codes. While considering the adoption of new codes last summer, it became apparent to a House ED&A subcommittee that there was a lack of information being presented to properly assess whether the new codes were needed and cost effective. It is the hope of ED&A that this study committee will be able to propose new guidelines for our agencies to follow when we are being asked to adopt new codes. **Vote 14-0.**

**HB 1255**, relative to the state fire code. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Proulx for Executive Departments and Administration. This bill would revise the state fire code by reverting from the 2015 edition of the Life Safety Code to 2009 edition. The committee heard that the 2015 version is more flexible than the 2009, and for assisted living facilities in particular it is strongly preferred by the State Fire Marshal, nursing home administrators, and advocates for the elderly. The committee unanimously opposes this change. The non-germane amendment to this bill was a recommendation from the governor's commission on regulatory reform, which attempted to fix a problem with the fire safety inspection for foster homes. The problem presented could more appropriately be fixed by staff from DHHS sitting down with staff from the State Fire Marshal's Office and clarifying what they're looking for specifically when new foster homes are inspected for safety. Without that guidance, different fire services interpret the codes differently. In particular, they need clarification on whether the existing buildings code or the new construction code should apply. The amendment also was intended to fix conflicts in fire codes and building codes when local communities try to change them, but did not achieve that goal. Perhaps a better solution is a bill to remove local options on all building and fire codes. The committee agreed that the amendment should not be adopted. **Vote 17-1.**

**HB 1273**, (New Title) suspending state licensure laws for physicians and physician assistants employed by the United States Department of Veterans Affairs. **OUGHT TO PASS.**

Rep. Jean Jeudy for Executive Departments and Administration. This bill would suspend New Hampshire licensure laws, rules and regulations for physicians and physicians assistants employed by the United States Department of Veterans Administration. This bill was brought forward due to an incident that took place at the Manchester Veterans Administration Medical Center (VAMC). A broken water pipe rendered the facility unfit for the performance of medical procedures at that location. This bill will allow physicians and physicians assistants from the VAMC to perform medical procedures, on VA patients only, at other local facilities or hospitals without having to obtain NH licensure. **Vote 18-0.**

**HB 1305**, requiring a performance audit of the department of health and human services, bureau of elderly and adult services. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration. This bill would require a Legislative Budget Assistant (LBA) audit of the Department of Health and Human Services, Bureau of Elderly and Adult Services. The LBA routinely audits the various departments of state government. It does so according to a schedule developed many months in advance, by the Joint Legislative Performance Audit and Oversight Committee. The sponsor did not approach the audit committee with his request. Regardless of the merit of the audit requested in this bill, our committee was reluctant to put itself ahead of the committee which is charged with the responsibility of reviewing audit schedules. We should be approached as a last resort, not a first resort, in scheduling audits. **Vote 15-0.**

**HB 1327**, relative to apprentice electricians. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Hansen for Executive Departments and Administration. This bill, as amended, increases the number of apprentice electricians allowed to work under supervision of journeymen and master electricians. The committee was satisfied that this change was prudent and fulfilled its expectations for continued professional and safe electrical services. **Vote 17-1.**

**HB 1421-FN**, relative to regulations for event tents. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol Roberts for Executive Departments and Administration. This bill, as amended, provides that event tents located on public property comply with the state building code and the state fire code. No permit is needed for event tents of any size erected as an accessory structure on property that is an owner-occupied, one or 2 family dwelling. The business community described the need for the latter provision as town to town regulations were confusing to the occasional consumer and urged the committee to address the issue. The original intent of the bill was to exempt private property completely from permit requirements but the bill as introduced did not define any limits. With the committee amendment, this bill provides a reasonable solution within the parameters of the original intent of the bill. **Vote 18-0.**

**HB 1434**, relative to the New Hampshire council on developmental disabilities. **REFER FOR INTERIM STUDY.**

Rep. John Sytek for Executive Departments and Administration. This bill would move the Council on Developmental Disabilities (CDD) into the Governor's office and place it with the Governor's Commission on Disabilities. The purpose is to provide "one-stop shopping" for the disability community. Several problems were discovered as the committee studied the bill. The Council on Developmental Disabilities is a state agency (the "Designated State Agency" (DSA) under Public Law 106-402), and is 100% federally funded. Under the federal law, it is required to develop and follow a 5-year plan and to report periodically to the federal government. The federal law permits the DSA to be a free-standing agency, as the CDD is presently or to be placed in the Governor's office as this bill proposes. If the CDD were to be so placed and the Governor's office were to be designated as the DSA, the state would have to pay 50% of the council's administrative costs. While a work-

around might be possible, it's complicated and not guaranteed to satisfy the federal government. However, more troubling is a prohibition in PL 106-402. The DSA may not offer the actual delivery of services as the Governor's office presently does (e.g. Client Assistance Program, Telecommunications Equipment Assistance Program) at the risk of losing federal funding altogether. All parties agree on the broad goals of serving the disability community but this bill contains unnecessary risk. There is nothing urgent about this situation. The committee would be receptive to a bill agreed to by all the stakeholders. **Vote 12-1.**

**HB 1440**, relative to prohibiting the adoption of administrative rules after final objection by the joint legislative committee on administrative rules. **INEXPEDIENT TO LEGISLATE.**

Rep. Kristina Schultz for Executive Departments and Administration. This year, the ED&A Committee received four bills on the rulemaking process, all with related concerns about legislative oversight. The committee considered all four bills and decided to consolidate them into one bill in order to ensure clarity and prevent potential conflicting provisions. The committee has recommended referring HB 1570 for Interim Study and during the work sessions on this bill intends to conduct a thorough review of legislative oversight over administrative rules and conformance with legislative intent. Therefore, HB 1440 was found Inexpedient to Legislate. **Vote 14-0.**

**HB 1460**, relative to the criteria and standards for professional and occupational regulation by the state. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill would create a committee within the Office of Professional Licensing and Certification to review current and proposed occupational regulations. The sponsor determined that the content of this bill was covered in HB 1685, and so requested that this bill be found Inexpedient to Legislate; the committee agreed. **Vote 14-0.**

**HB 1482**, relative to testing of state law enforcement officers for steroid use. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Proulx for Executive Departments and Administration. This bill would require the random testing of state police officers for steroids. The committee had several objections to the bill. First, it singles out the state police, implying that their division is the only one that might have this problem. Second, we did not hear any testimony that this was a common problem. State police applicants are tested for illegal and inappropriate drugs prior to hiring and, when needed, in an investigation. Finally, the committee believes this should be handled by individual departments in a way they see fit. **Vote 12-0.**

**HB 1530**, requiring criminal history records checks for applicants for allied health professional licensure or certification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Hansen for Executive Departments and Administration. The bill requires criminal history record checks for applicants for Allied Health Professional licensure or certification. The check may be through either the FBI National Database or criminal background reports from each state where the applicant has resided or been licensed in the last 6 years. Today's mobile society and the refusal of some states to share background checks with states which do not require the FBI background check has some applicants waiting for licensure, and thus employment, for extended periods. The committee amendment allows the allied health professional to work under supervision for up to 90 days while a background check is pending if specific conditions are met and the applicant has notified both the board and the employer that no disqualifying criminal history exists. **Vote 19-0.**

**HB 1553**, relative to removal of trees from state property. **INEXPEDIENT TO LEGISLATE.**

Rep. Jacalyn Cilley for Executive Departments and Administration. This bill sought to require permission from abutters for the removal of certain trees or for clear cutting trees by the state on state owned/managed properties. The committee agreed that the circumstances that gave rise to this bill negatively impacted abutters' views and esthetics of their abutting property. However, the majority of the committee believed that state forests needed appropriate conservation, and this includes removing trees for various reasons: the health of the tree, danger to campers or hikers, or, as in this case, clear-cutting an area of low grade trees to create a young forest for wildlife shelter. A temporary eyesore is a minor price to pay for a healthy forest. **Vote 12-2.**

**HB 1556**, relative to licensing requirements for barbers, cosmetologists, estheticians, and licensed nursing assistants. **INEXPEDIENT TO LEGISLATE.**

Rep. Raymond Gagnon for Executive Departments and Administration. The goal of providing training as cosmetologists and licensed nursing assistants for women incarcerated in the NH prison system is laudable, however the committee believes factors exist that cause the bill to be problematic. Our concerns are that the Board of Barbering, Cosmetology and Esthetics has an existing process in place to review individuals with a criminal record. Secondly, the board is presently working with the Department of Corrections to create a cosmetology program on-site at the women's prison. Lastly regarding licensed nursing assistants - Federal Law (42 CFR 482.156) prohibits any hospital, nursing home or related organization from billing Medicaid or Medicare for reimbursement that employs a convicted felon. This would have a devastating impact on health care services in New Hampshire. Therefore it is the committee's recommendation that this bill be found Inexpedient to Legislate. **Vote 12-1.**

**HB 1570**, relative to the scope of rules adopted under the administrative procedures act pursuant to statutory authorization for agency rules. **REFER FOR INTERIM STUDY.**

Rep. Jacalyn Cilley for Executive Departments and Administration. This bill sought to strengthen laws requiring that newly proposed agency rules be rooted in clear legislative authority and to also ensure that all existing rules be shown to have legislative authority. The committee determined that the Joint Legislative Committee on Administrative Rules already applies the “legislative authority” standard. However, the committee also agreed that there may be rules approved previously that require review and that the process of rulemaking and passage is one worthy of closer inspection. Thus, the committee recommends this legislation be referred for Interim Study. **Vote 18-2.**

**HB 1571**, authorizing an alternative recovery monitoring program for nurses licensed by the board of nursing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Hansen for Executive Departments and Administration. This bill, as amended, would create an alternative program to monitor the recovery of persons licensed by the Board of Nursing who are impaired by substance use disorders or mental or physical illness. The intent is to return our medical professionals to the workforce, upon the satisfaction of specific criteria, while monitoring each individual to insure patient safety. All stakeholders have approved the committee amendment and are committed to this program, similar to existing ones for doctors and dentists. The committee vote indicates our belief that this program will succeed with no sacrifice to patient safety. **Vote 18-0.**

**HB 1599**, relative to the governor’s commission on disability. **OUGHT TO PASS.**

Rep. Kristina Schultz for Executive Departments and Administration. This bill updates the definition of a “person with a disability” in state law to match the current language of the Americans Disabilities Act (ADA, 28 CFR 35.104.) This will allow for all persons with disabilities to be included in the new definition and create uniformity between the state and federal definition. The bill also amends the number of members on the Governor’s Commission on Disability to be up to 30, rather than exactly 30. The change makes recruiting and attaining a quorum easier and maximizes a diverse representation of members. The term for membership is changed from 6 years to no more than two 3-year terms. **Vote 14-0.**

**HB 1600**, relative to objections to proposed rules by the joint legislative committee on administrative rules. **INEXPEDIENT TO LEGISLATE.**

Rep. Kristina Schultz for Executive Departments and Administration. This year, the ED&A Committee received four bills on the rulemaking process, all with related concerns about legislative oversight. The committee considered all four bills and decided to consolidate them into one bill in order to ensure clarity and prevent potential conflicting provisions. The committee has recommended referring HB 1570 for Interim Study and during the work sessions on this bill intends to conduct a thorough review of legislative oversight over administrative rules and conformance with legislative intent. Therefore, HB 1600 was found Inexpedient to Legislate. **Vote 11-1.**

**HB 1603**, relative to employee representation on the independent investment committee in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Sytek for Executive Departments and Administration. The independent investment committee of the NH Retirement System (NHRS) oversees the investment activities of the NHRS. The Governor appoints 3 of the 5 members and the Chairman of the Board of Trustees appoints the other two. The Governor’s appointments may not be trustees. This bill would require that one of the Governor’s appointments be an active member of the NHRS. The committee heard testimony that several other states have employee representatives on their comparable boards. The bill also includes a list of public employee associations which would nominate members from whom the Governor may select his appointee. The amendment adds the AFL/CIO to this list which had been inadvertently omitted. **Vote 19-0.**

**HB 1604**, renaming Columbus Day as “Indigenous People’s Day.” **REFER FOR INTERIM STUDY.**

Rep. Kristina Schultz for Executive Departments and Administration. Testimony was strong both by the sponsors and supporters of this bill to rename Columbus Day, as well as by our colleagues of Italian heritage who oppose the change. Further discussion during the interim would allow the bill’s sponsors to seek an amenable solution or compromise that neither slights the Italian American community nor disrespects America’s indigenous communities. The case against Columbus himself was compelling. Columbus didn’t step foot upon what is now U.S. soil, and his treatment of indigenous peoples of the Americas was deplorable. An interim study subcommittee would work toward the common ground needed for both communities. **Vote 16-2.**

**HB 1606**, relative to naturopathic health care practice. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill, as amended, simply fixes a number of housekeeping issues with the naturopath statute, primarily those identified by last year’s performance audit. The continuing education cycle is aligned with the license period, criminal background checks are explicitly required, the pharmacy board is given authority to inspect naturopathic drug processes, and a

naturopath is added to the advisory board for the prescription drug monitoring program. The open questions on the naturopath scope of practice are not included in this bill, due to lack of time. The committee felt that it was important to move these corrections forward, even without the scope of practice updates. **Vote 15-1.**

**HB 1623**, relative to criteria for debarment of vendors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jacalyn Cilley for Executive Departments and Administration. This bill establishes additional criteria for the debarment of vendors. The majority of the committee felt that the state should not be doing business with companies found guilty of wage theft from their employees, felony level unsafe workplace conditions or practices, or the misclassification of workers. These criteria would prohibit the state of New Hampshire from doing business with companies found guilty of such practices within the past two years. The committee amendment clarifies misclassification, specifies that only felony level safety violations would be considered and changes the look back period from 5 to 2 years. **Vote 15-3.**

**HB 1648**, relative to review by the joint legislative committee on administrative rules. **INEXPEDIENT TO LEGISLATE.**

Rep. Kristina Schultz for Executive Departments and Administration. This year, the ED&A Committee received four bills on the rulemaking process, all with related concerns about legislative oversight. The committee considered all four bills and decided to consolidate them into one bill in order to ensure clarity and prevent potential conflicting provisions. The committee has recommended referring HB 1570 for Interim Study and during the work sessions on this bill intends to conduct a thorough review of legislative oversight over administrative rules and conformance with legislative intent. Therefore, HB 1648 was found Inexpedient to Legislate. **Vote 14-0.**

**HB 1665**, relative to the authority of the governing boards of allied health professionals. **OUGHT TO PASS.**

Rep. Carol McGuire for Executive Departments and Administration. This bill simply authorizes the allied health professionals' governing boards to deal with "certified" professionals as well as "licensed." It is necessary because we added a certified profession (speech-language assistants) to their statute and currently, they only have explicit authority to write rules for, collect fees from, and discipline licensed individuals. HB 1665 extends this authority to certified professionals as well. **Vote 14-0.**

**HB 1670-FN**, relative to bonds for public employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol McGuire for Executive Departments and Administration. This bill would require that bonds for public employees be available to citizens aggrieved by their actions. It further provides that the bond company would investigate, pay the complainant, and then take the guilty party to court to recoup their costs. The bond industry testified that the bonds the state and municipalities purchase are not intended for this process, and a bond to do as the sponsor wanted, if available, would be extremely costly. **Vote 18-0.**

**HB 1684**, relative to criminal background checks for emergency medical services license applicants. **OUGHT TO PASS.**

Rep. Mark Proulx for Executive Departments and Administration. This bill helps to streamline the background check process for the emergency medical services licenses by allowing law enforcement officers whose current position requires a criminal background check to avoid a second check. This is particularly important since we added a new license to administer Narcan, which is sought by police officers. **Vote 17-0.**

**HB 1703**, relative to the requirements for directors of licensed practical nurse education programs. **INEXPEDIENT TO LEGISLATE.**

Rep. Kristina Schultz for Executive Departments and Administration. Both this committee and this bill's sponsors unanimously support a recommendation of Inexpedient to Legislate on this bill. It would lower the education requirements for directors of training programs issuing diplomas or associate's degrees leading to a practical nurse license. According to the testimony from the bill's sponsors, the issues that created a need for this bill have now been addressed by the parties involved with New Hampshire's nursing education programs and this bill is no longer needed. Officials from the NH Nurses' Association submitted testimony also supporting this position. **Vote 12-0.**

**HB 1729-FN**, allowing the state retiree medical benefits subsidy to be used for alternative group insurance plans. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for Executive Departments and Administration. The state makes health insurance benefits available to retirees. This bill would permit retirees to opt out of the state health care coverage system and use the partial, state-paid contribution attributable to the retiree towards the retiree's purchase of some third-party health insurance. In testimony before the committee, the Commissioner of the Department of Administrative Services pointed out two serious consequences of this bill that would jeopardize the state system. First, because the state is self-insured, the retiree's portion of the costs paid by the state represents money that is an internal transfer. No money actually leaves the state; it is used for payment of benefits. This bill would require actual cash to leave the system to some third-party insurer and thereby weaken the system. More seriously, this bill would allow a healthy retiree to purchase low-cost, minimal, "just in case"

insurance and then permit the individual to re-enroll in the state system with its full benefits in the event of some medical issue. When healthy people opt out and return when they feel the need, this “adverse selection” could pose a real threat to the state system. For these reasons, the committee recommends that the bill be found Inexpedient to Legislate. **Vote 13-0.**

**HB 1732-FN**, establishing a nursing professionals’ health program. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Goley for Executive Departments and Administration. The committee has recommended this bill as Inexpedient to Legislate at the sponsors’ request. The subject matter of this bill will be addressed in HB 1571, authorizing an alternative recovery monitoring program for nurses licensed by the Board of Nursing. **Vote 17-1.**

**HB 1742-FN**, relative to food service licensure inspections. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Sullivan for Executive Departments and Administration. This well intentioned bill would allow certain franchised restaurants to be exempt from state inspection requirements, and instead rely on corporate franchise inspectors to ensure these establishments are clean, up to code and operating in a safe manner. The sponsor reported that the bill as written was impractical, and suggested an amendment which would have established a study commission with members representing the stakeholders on this issue. Such an amendment was never presented. The majority of the committee agreed that this bill was impractical to implement as written. **Vote 13-1.**

**HB 1755-FN**, establishing an office of the inspector general. **INEXPEDIENT TO LEGISLATE.**

Rep. Kristina Schultz for Executive Departments and Administration. This bill establishes an Office of the Inspector General to independently advocate for the people and provide assistance in the exercise of their Article 14 rights. The committee does not support the adoption of this bill because we felt that HB 1441, a bill establishing the Office of the Ombudsman in the Department of State, accomplishes what this bill’s sponsors want, and at less cost. **Vote 18-0.**

**HB 1759-FN**, regulating the use of drones. **INEXPEDIENT TO LEGISLATE.**

Rep. J.R. Hoell for Executive Departments and Administration. The intent of this bill was to create a new chapter to regulate the use of drones by the government and private citizens. The committee supports this intent, but after reviewing the text, we found many details that needed to be cleaned up. There is no declaration that evidence obtained by surveillance without a warrant is not admissible in court. There is a requirement for reporting the use of a drone to the Attorney General within 5 days of the initiation of use that is too cumbersome and excessive. The restrictions regarding use of drones by nongovernmental entities restricted the use of drones to use as surveillance mechanisms for the protection of private property. The bill needs additional work and with the current workload of the committee and the lack of time before the reporting deadline, it was deemed too incomplete to correct in time. **Vote 17-0.**

**HB 1764-FN**, relative to New Hampshire cost of living information. **REFER FOR INTERIM STUDY.**

Rep. Carol Roberts for Executive Departments and Administration. This bill would require the collection and analysis of a great deal of demographic and economic information, most publicly available, some not. While thinking that it would be useful to have this information, the committee was concerned about the expense of hiring analysts to do this work and whether the data listed in the bill was actually what was necessary for our purposes. We agreed that further study was required. **Vote 19-0.**

**HB 1767-FN**, establishing a multiple employer public retirement plan. **REFER FOR INTERIM STUDY.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill proposes that the state develop and implement a retirement plan for employees who are not provided one by their employers. Recognizing the number of constituents who do not plan for their retirement, the committee found the idea intriguing but voted to await information about 4 other states who are currently exploring this issue. There were also concerns about how the funding should be amassed and how best to safeguard those funds. The vote to study this idea was unanimous. **Vote 19-0.**

**HB 1803-FN**, relative to payroll deductions for government employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill would have prohibited any state entity from providing any accounting service or payroll deduction on behalf of a private corporation or organization. The fiscal note stated that this would not provide any savings to the state. It would prove detrimental to charities and some small businesses who depend on these deductions for much of their income. As well as being a large inconvenience to employees, testimony revealed that this prohibition would violate RSA’s 275:48 and 273-A:5 (i), relative to terms of negotiated contracts with employees. **Vote 12-1.**

**HB 1805**, establishing a committee to study level dollar amortization of retirement system unfunded accrued liability. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Sytek for Executive Departments and Administration. This bill sets up a committee to study “level dollar amortization” of the NH Retirement System (NHRS) unfunded accrued actuarial liability. The present amortization system is based on payments which are a percentage of payroll, rather than a fixed dollar

amount. The proposed committee would study the advantages and disadvantages of each method. This bill is a request of the Decennial Retirement Commission. The non-germane amendment changes the term of the trustees of the NHRS Board from 2 years to 3 years. **Vote 15-0.**

**HB 1823-FN**, relative to layered amortization of retirement system liabilities. **OUGHT TO PASS.**

Rep. John Sytek for Executive Departments and Administration. For a variety of historical reasons, the NH Retirement System (NHRS) has an unfunded accrued actuarial liability (UAAL) of about \$5 billion. An amortization plan has been adopted and anticipates the elimination of this liability by 2039. This bill provides for the smoothing out of any future, unforeseen financial events – either positive or negative - that might occur before 2039. Suppose, for example, that there was a sudden increase in the UAAL – perhaps a year of poor investment returns - near the end of the pay-off term. This would cause a jump in the employer rates. This bill would smooth out such a bump by “layering” a new 20-year period for the new liability instead of the present requirement of paying the entire UAAL down by 2039. This could cause a major jump in rates, rather than spreading the cost over a more manageable and appropriate time frame. This is working in other states. This bill is a request of the Decennial Retirement Commission. **Vote 14-0.**

## FINANCE

**HB 525-FN**, relative to stabilization grants for education. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Weyler for Finance. The sponsor was eloquent in his discussion of the problems his districts as well as many others were facing due to declining enrollment. The intent of the bill is to stop the plan of reducing the stabilization grants by 4% each fiscal year. Stabilization grants were introduced in 2011 by the legislature. In 2011 the formula for computing adequate education money was changed and in recognition of the effect this change would have on numerous districts the legislature passed the stabilization grant to take effect in 2012 at \$158 million, to keep municipalities at the 2011 funding level. In addition to the formula change there was declining enrollment in many school districts. The legislation passed in 2011 also capped the amount of adequate education dollars municipalities that had growth in enrollment, but the cap limited the increased distribution, resulting in the state not paying for some students in one municipality while paying another district for students that did not exist. The Finance Committee in the FY16 budget realized that the municipalities had had about five years to adjust to their declining enrollment and a reduction in stabilization was called for. Thus the process was set in motion, following the passage of HB 1 and HB 2 in 2016, to reduce the stabilization grant by 4% each fiscal year for 25 years. This results in a statewide reduction of approximately \$7 million per year. The stabilization grants also result in significant disparities in the dollars allocated to municipalities for education. We also have a study committee looking at adjustments to the adequacy formula for future years. Given all of the above, the committee believed that this short-term proposal did not fit with longer term plans. This bill also would call for spending money that was not in the FY18/19 budget. **Vote 24-0.**

**HB 596-FN**, relative to review hearings in involuntary admission cases. **REFER FOR INTERIM STUDY.**

Rep. Erin Hennessey for Finance. This bill would allow a person who has been involuntarily committed to a treatment facility to submit a petition seeking discharge from the order. This petition may be filed 2 years after admission and every 2 years thereafter. Finance was able to remove the fiscal impact of this bill by moving the implementation date to January 1, 2019. However, during Finance’s work session, some unresolved issues beyond the scope of Finance’s authority were brought forward. After consulting with the Chair of the Judiciary committee, the Finance committee moved interim study to allow for policy fixes to this bill. **Vote 21-2.**

**HB 613-FN**, amending the procedures for use of segregated housing for inmates. **INEXPEDIENT TO LEGISLATE.**

Rep. Gerald Griffin for Finance. This bill (as amended) requires the commissioner of the department of corrections to initiate an audit to ensure that all state correctional facilities are accredited by the American Correctional Association. The revised fiscal note indicated a cost of approximately \$300,000 just for the audit alone. In addition to that, it was estimated that two additional staff would be needed to perform the required work in preparation for the audit and the continuing work to keep certification once it was achieved. The committee heard testimony that all correction officers attend the Police Academy and get certified as correctional officers. All the other professional staff at the prison are certified in their respective fields of work. The nurses are registered nurses and the teachers are certified and licensed by the state. The woman’s prison is a new building that meets prison standards. In addition, the committee heard testimony from the director of the prison system that officials keep available the guidelines from the American Correctional Association and that they regularly consulted and used them. The committee learned that there is no financial benefit, such as reduction in insurance costs, that would accrue to the agency as a result of this effort. Therefore it was deemed that the expenditures out-weighed any benefits. **Vote 24-0.**

**HB 619-FN-LOCAL**, relative to medical services for prisoners. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia Lovejoy for Finance. This bill requires a county or state prisoner to authorize a claim for payment from Medicaid before receiving inpatient care for a period of 24 hours or more. This bill is unnecessary because, first, the Department of Corrections already works with inmates to enroll them in Medicaid and, second, the state or the county cannot withhold necessary medical care. **Vote 24-0.**

**HB 1596**, requiring a report on state government commitments and contingent liabilities. **INEXPEDIENT TO LEGISLATE.**

Rep. William Hatch for Finance. This bill would require the legislative budget assistant office to report annually on amounts of commitments and contingent liabilities of the state for the next five years. The committee determined this requirement to be redundant in some cases and impractical in others. First, the state's Comprehensive Annual Financial Report contains many of the state's obligations that can be quantified, thus making this report redundant. Second, the retirement system is a significant obligation that cannot be quantified for this report. Actuaries can only project out for a period of two years, so a large part of the state's obligations cannot be projected for five years out as the bill would require. Third, the bill lists examples of some of the data required but also would require "other obligations not falling in these categories" not listed. The committee has no means to know what these would be and could not get clarity from anyone. Finally, it was determined that every agency would be required to calculate expected expenditures for an uncertain future. As a result, agencies were unable to determine cost and staffing needs for the five year future projection. For all these reasons, the committee recommends that this bill be found inexpedient to legislate. **Vote 24-0.**

**HB 1736**, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lynne Ober for Finance. This bill amends two definitions found in RSA 482:54, which covers dam maintenance, repair and reconstruction projects. The amounts of money found in these two sections had not been increased for 36 years despite inflation. Section IV "Minor project" is defined to mean work performed on a periodic basis with costs not exceeding \$50,000 but does not include routine budgeted maintenance on a dam. This was an increase from \$20,000 to \$50,000. Section VI "Repair" means performance of intermediate amounts of work on a portion of a dam with costs not exceeding \$150,000. The bill originally asked for an increase from \$75,000 to \$225,000 before Executive Council approval was needed. The committee reviewed repairs and costs for the past 24 months and decided that \$150,000 was an appropriate figure. Repair work is done to ensure the dams in New Hampshire are maintained in good, safe operating condition. While some repairs can be scheduled, others occur when there have been conditions, such as heavy rain fall or damage from ice, that cause unexpected damage to a dam. In either case (minor project or repair) the agency has the option of obtaining Executive Council approval for amounts above the definitions. No general dollars are expended as a result of this bill. **Vote 24-0.**

## FISH AND GAME AND MARINE RESOURCES

**HB 1342**, relative to live trapping of wild rabbits and hares by sporting clubs. **REFER FOR INTERIM STUDY.**

Rep. James Spillane for Fish and Game and Marine Resources. During testimony in committee, it was determined that the Fish and Game Department is working with the state clubs to expand the live trapping of hares state-wide through the Fish and Game Commission. Interim study is the appropriate action to be taken while we see how the commission handles the issue. The committee will make recommendation, if needed. **Vote 19-0.**

**HB 1575**, permitting hunting with an air rifle. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James Spillane for Fish and Game and Marine Resources. This bill, as amended, allows for the hunting of small game with an air rifle. The amendment addresses all the issues raised by the Fish and Game Department. The bill, as amended, will finally remove New Hampshire from the distinction of being the only state in the nation that does not allow hunting of any kind with an airgun. The committee was invited to and attended an air rifle demonstration at Sig Sauer. These rifles are made in New Hampshire by a New Hampshire company. Please support the unanimous, bipartisan recommendation of the committee. **Vote 17-0.**

## HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**HB 1102-FN**, enabling the department of health and human services to enter into a contract with an Academy Society of Addiction Medicine certified physician. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. The Governor, with his policy advisor for prevention, treatment and recovery, asked the legislature to enable the Department of Health and Human Services (DHHS) to enter into a contract with a physician certified in addiction medicine or addiction psychiatry, to provide consultation and guidance to the department related to designing, updating and monitoring medication assisted treatment for substance use disorders in New Hampshire. The Health, Human Services

and Elderly Affairs Committee amended the bill to broaden the scope, allowing DHHS to contract with one or more physicians as the need arises, and to deal with both medication assisted treatments and non-medication related treatments for substance use disorders. **Vote 18-1.**

**HB 1577**, relative to the administration of anesthesia by dentists. **OUGHT TO PASS WITH AMENDMENT.** Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill brings the standards for anesthesia provided in dental offices up to the same level as hospitals and surgery centers. It adds to the Grounds for Professional Misconduct to permit the Board of Dentistry to enforce these standards. It also creates a procedure for root cause analysis of adverse events similar to hospitals and surgery centers. Amendment 0736h is based on conversations with the various dental groups to create a bill that addresses all concerns. **Vote 18-1.**

**HB 1769-FN**, relative to maintenance of certification by physicians or applicants for a license to practice medicine in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill was brought forward on behalf of the NH Medical Society. It prohibits maintenance of certification (MOC) being used as a mandatory requirement for insurance reimbursement, licensure or hospital privileges. It maintains the requirement of continuing medical education. The committee received extensive testimony that the MOC process is abusive and expensive for physicians. Further physicians are retiring early due to MOC. Given the physician shortage this is most undesirable. The amendment clarifies the definition of medical school. **Vote 15-4.**

**HB 1806**, relative to notification procedures of the New Hampshire health protection program. **INEXPEDIENT TO LEGISLATE.**

Rep. Martin Bove for Health, Human Services and Elderly Affairs. This bill is unnecessary. The Department of Health and Human Services already provides the notification that is required. **Vote 18-2.**

**HB 1813-FN**, relative to the law regarding Medicaid expansion. **INEXPEDIENT TO LEGISLATE.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. The committee agreed the topic needs to be part of the larger discussion, but this is not the right time. **Vote 22-0.**

## JUDICIARY

**HA 1**, seeking the removal from office of superior court judge James D. O'Neill, III. **OUGHT NOT TO PASS.** Article 73 of the State Constitution provides that in a House Address, "the cause for removal shall be stated fully and substantially in the Address." This address does not meet that requirement; therefore, the committee voted unanimously to recommend the Address be found Ought Not To Pass. **Vote 17-0.**

**HB 1438**, relative to residential leases including provisions prohibiting tenants from possessing firearms, explosives, or ammunition within the premises. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Sylvia for Judiciary. This bill would allow a landlord to prohibit a tenant from possessing firearms, explosives, or ammunition. They can do this already through the lease process. The committee found no need for this bill. **Vote 16-1.**

**HB 1490**, relative to limits on money judgments in landlord-tenant cases. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. This bill increases the maximum amount which may be awarded as a money judgment in a landlord/tenant proceeding from the current \$1,500 to \$3,000. The committee believes that raising the jurisdictional amount will result in landlord/tenant cases being brought in superior court, rather than circuit court, where they are currently heard. The committee does not believe that this is a good policy. **Vote 15-0.**

**HB 1589**, relative to actions against tenants for a caregiver under an agreement for a person with disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kurt Wuelper for Judiciary. This bill aims to provide a means by which a contracted caregiver can lawfully be removed from a residence when the cared-for person fires the caregiver. The committee totally agreed one should be able to evict such unacceptable contracted employee and have that fired person leave the premises. The amendment simplified a confusing phrase. **Vote 14-0.**

**HB 1645**, relative to forwarding addresses of tenants in landlord tenant actions. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill wants the courts to require tenants against whom a judgment is issued to maintain a current postal address for 90 days after judgment. The committee felt the plaintiff could ask for this as part of the judgment order and the bill unnecessary. **Vote 15-0.**

**HB 1656**, relative to the assertion of civil claims, cross claims, or counter claims in civil cases. **INEXPEDIENT TO LEGISLATE.**

Rep. Dan Hynes for Judiciary. This bill is a form of anti-SLAPP (Strategic Litigation Against Public Participation) litigation. While some members of the committee would support such a bill, this specific bill had issues with the language and whether it would fix the potential problem with lawsuits filed or silence or penalize someone. **Vote 16-2.**

**HB 1704**, requiring court costs and attorneys fees to be paid to the prevailing party. **INEXPEDIENT TO LEGISLATE.**

Rep. Sandra Keans for Judiciary. The system used in the United States is working well, each side pays its own expenses. However, the legislature has found that there are certain circumstances where the judge, upon presentation of loss and egregious behavior, may award attorney's fees. Passage of this legislation would have a chilling effect on the little guy, with a legitimate claim from taking on the larger, wealthier entity because of its deep pockets. **Vote 13-0.**

**HB 1750-FN**, relative to an expectation of privacy in personal information. **REFER FOR INTERIM STUDY.**

Rep. Dan Hynes for Judiciary. The committee thinks expectation of privacy in personal information is something that should be looked into further as this bill is over broad without the appropriate exceptions for police investigations or for matter that does not have an expectation of privacy. **Vote 16-2.**

**HB 1760-FN**, establishing an expectation of privacy in personal materials. **REFER FOR INTERIM STUDY.**

Rep. Dan Hynes for Judiciary. This bill establishes an expectation of privacy in personal materials. It establishes fines for violation thereof. This bill is similar to HB 1750 which was recommended for Interim Study. It makes sense to study both at the same time. **Vote 18-0.**

**HB 1786-LOCAL**, prohibiting costs for inspection of governmental records under the right-to-know law. **OUGHT TO PASS.**

Rep. Michael Sylvia for Judiciary. This bill clarifies the legislative intent to provide for free inspection of governmental records by adding the words 'cost or' to RSA 91-A:4, IV. Recent court rulings necessitated this clarification. **Vote 17-1.**

## **LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**

**HB 1100**, establishing a commission to review and evaluate workforce and job training in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Philip Bean for Labor, Industrial and Rehabilitative Services. 33 million dollars are expended annually in support of job training programs in New Hampshire. This legislation rightfully establishes a commission to review the fiscal expenditure and evaluate the efficacy of myriad job training programs. **Vote 21-0.**

**HB 1451**, relative to employee work schedules and rest periods. **INEXPEDIENT TO LEGISLATE.**

Rep. Keith Murphy for Labor, Industrial and Rehabilitative Services. This bill would require employers with more than ten employees to provide at least ten hours off between shifts unless the employee consents to less. If the employee gave consent, the employer was to pay time and a half for the period of time that was under the ten hours. The committee felt that this requirement was a massive new record keeping burden that was frankly logistically unworkable. **Vote 21-0.**

**HB 1508-FN**, relative to wage compensation under workers' compensation. **INEXPEDIENT TO LEGISLATE.**

Rep. Lino Avellani for Labor, Industrial and Rehabilitative Services. The current ratios used in worker's compensation stem from the recommendations of the February 1994 conference between labor, employees and the worker's compensation division to lower costs. As a result, the committee unanimously agreed that changes were not required at this time. **Vote 21-0.**

**HB 1688**, relative to salary ratios for employers and employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Leonard Turcotte for Labor, Industrial and Rehabilitative Services. This bill would have created a salary ratio where the highest paid employee in a company could make no more than a multiple of the lowest salaried or hourly paid employee in that same company. When asked, the main sponsor stated he was unaware of any instance currently in NH where this ratio would actually come into play. The ratios of 43 times the lowest paid employee for a NH incorporated employer, and 34 for employers incorporated elsewhere, were not based on any specific data, rather randomly chosen. The vast majority on our committee recommended that this bill be found Inexpedient to Legislate. **Vote 20-1.**

## **MUNICIPAL AND COUNTY GOVERNMENT**

**HB 1210**, establishing a committee to study the effect of current use taxation on small and rural municipalities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan Treleaven for Municipal and County Government. As amended, this bill will allow a detailed investigation and discussion of current use exemptions and conservation restrictions as they pertain/apply to tax rates in rural communities. **Vote 14-0.**

**HB 1211**, relative to presite built housing. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. The intent of this bill was to make it mandatory for all cities and towns that have adopted land use zoning to allow for the placement of offsite built dwelling units of 500 square feet "on individually owned lots in most, but not all..." residential lots. The stated reason

for this proposed addition to RSA 674:31 was to provide affordable housing for elderly, homeless and working people. While the committee was sympathetic to the idea, there were unanswered questions concerning water, sewer and off street parking. Therefore the committee voted to recommend Inexpedient to Legislate. **Vote 14-0.**

**HB 1215**, relative to voting on variances. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin Sterling for Municipal and County Government. As amended, this bill requires a Zoning Board of Adjustment (ZBA) to use the same method in approving variances. It does not mandate which method a ZBA may use. For example, a ZBA may approve a variance with one vote of the board indicating all five criteria have been met, or may vote on each criteria one at a time, or some other method they have been using. The bill, however, mandates that they use the same method for each application. This prevents bias which would allow the board to use one method for one applicant and another method for a different applicant. This prevents favoring one applicant over another. It does, however, allow the board to change its method of voting as long as they publicly declare the change which would take effect 60 days after its passage. The result of this bill will ensure all applicants are treated with the same standards. **Vote 17-0.**

**HB 1216**, relative to liability for deferred property taxes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin Sterling for Municipal and County Government. This bill closes a loophole with respect to deferred property taxes. When indigent or other qualified residents are granted a tax deferral by the governing body, and then pass away with a mortgage, the lending institution usually forecloses on the property. When they foreclose, they become the owner but are not required to pay the back taxes. This bill closes that loophole and requires the "owner" to pay the taxes whether it is a relative or a lending institution. Lending institutions sometimes foreclose on a property and allow it to sit vacant for a period of time subjecting it to vandalism, etc. This lowers the value of the property until a buyer acquires it at auction or some other method of sale when the value has decreased substantially but the taxes due have not changed. An uninformed buyer may be presented with an unexpected tax bill from the municipality which the "owner" has avoided paying. The amendment is rather simple in that if the taxes on the property are paid by a third party and the property is then granted an abatement, the taxes paid by that third party are refunded in the amount of the overpayment. **Vote 17-1.**

**HB 1269**, relative to the requirement for campground owners to provide certain information to local assessing officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. This bill was introduced to make a campground owner guilty of a violation if they failed to report to the local taxing authority the name(s) and address of the owners of an unregistered recreational vehicle at their campground. The requirement is already in statute (RSA 216-I: 1, III and it is already a violation not to do so under RSA 72:7-b. Therefore the additional language to RSA 216-I is unnecessary. **Vote 12-2.**

**HB 1318**, relative to permits required for certain fires. **INEXPEDIENT TO LEGISLATE.**

Rep. Jane Beaulieu for Municipal and County Government. This bill would have eliminated the requirement to obtain a burning permit for fires under specific sizes. This would have placed an undue burden on firefighters and fire tower watchers who spotted smoke. It would also have allowed fires in wooded areas without the knowledge of the local fire department. The committee believes the current statute is not unreasonable. Several NH Fire Safety officials who testified were very concerned with the intent of the bill. Applying for and receiving a permit to burn is merely a safety measure protecting the owners of the property and neighboring properties from uncontrolled fires. **Vote 17-2.**

**HB 1340**, relative to absences among officers required to be present at school district elections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Josephson for Municipal and County Government. As amended, this bill clarifies existing law and allows for a school board member to appoint a pro tem member, similar to the process for selectmen to cover absences at school district elections. The committee felt that the amended version adds clarity and allows the same process for school board members that selectmen currently have. **Vote 15-0.**

**HB 1391**, relative to municipal retention of employment files. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. Under RSA 33:3-a LX municipalities are required to retain the records of successful applicants for municipal employment for 50 years after either their retirement or termination. This bill was introduced to reduce that time to 25 years. The committee also had in its possession HB 1450 which would reduce that time frame to 10 years. The sponsors of the bill agreed that HB 1450 should be adopted. **Vote 14-0.**

**HB 1396-LOCAL**, relative to requirements for a default budget. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. This bill is one of four that the committee considered dealing with default budgets for Official Ballot Act (SB2) political subdivisions. The committee established a subcommittee to review all four bills and choose those parts of each that made the most sense to recommend to the House for adoption. The subcommittee recommendations were attached to another default budget bill (HB 1307) making this bill redundant. **Vote 17-1.**

**HB 1414-FN**, relative to forfeiture fees regarding dog licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. James Belanger for Municipal and County Government. This bill changes the time to pay the town or city clerk for a \$25.00 fine for failure to license a dog after notice of a violation from 15 days to 45 days. No testimony was received to identify a problem with the current 15 day limit and no abuses were identified. The committee didn't feel any action to change current statute, which hasn't changed since 2001, was needed.

**Vote 19-0.**

**HB 1450**, relative to retention of job applications and personnel files. **OUGHT TO PASS.**

Rep. Franklin Sterling for Municipal and County Government. This bill was introduced to reduce the time that municipalities are required to retain the employment records of successful applicants from 50 years (RSA 33-A:3-a, LX) to 10 years. The committee agrees that 10 years after retirement or termination of the employee is more than sufficient. **Vote 14-0.**

**HB 1533**, relative to expiration of variances and special exceptions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jane Beaulieu for Municipal and County Government. As amended, this bill will allow for variances and special exemptions if not exercised, to terminate. Zoning ordinance 674:33 may be amended to provide for the termination of all variances that were authorized and not exercised before August 19, 2013. After adoption of such an amendment to the zoning ordinance, the planning board shall post notice of the termination. The variances shall be valid if exercised within two years of the expiration date of the notice or as further extended by the zoning board of adjustment for good cause. **Vote 14-0.**

**HB 1547**, requiring review of default budgets by the department of revenue administration. **INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn Matthews for Municipal and County Government. This bill proposed sending a certified copy of the default budget used in (SB2) towns and school districts that have adopted the official ballot form of voting to the Department of Revenue Administration (DRA). The bill provided no criteria for review, and testimony from the DRA outlined the complexities associated with such a review. The committee believes that this proposal would do little to provide the voters with the detail they need to be able to understand and question the default budget and would only shift distrust in SB2 towns and school districts from selectmen and school board members and staff to distrust of DRA interpretations. **Vote 18-0.**

**HB 1608**, prohibiting a municipality or school district from compensating an employee on leave of absence. **INEXPEDIENT TO LEGISLATE.**

Rep. James Belanger for Municipal and County Government. This bill proposes to forbid a municipality or school district from compensating an employee on a leave of absence. Many collective bargaining agreements have written into them conditions under which an employee may take a leave of absence for higher education, personal family issues, or other situations which are approved by the governing body with conditions set at the local level. This bill would remove the option of a local governing body to do that, and would nullify provisions in approved collective bargaining agreements. It essentially denies the option for a local governing body to conduct its business with provisions they determine to be in the best interest of the employer and employee. The minority of the committee felt that this bill might be acceptable with some wording changes but the majority felt it was an erosion of what little local control a governing body has to determine employment conditions. **Vote 12-2.**

**HB 1634**, regulating disorderly houses. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. The intent of this bill is to add the ability to towns under RSA 31:39 I, to regulate "disorderly houses." Testimony given concentrated more on giving towns a tool to police loud parties at short term rental housing. The commonly accepted definition of a "disorderly house" does not fit what the sponsors of the bill intended to regulate. **Vote 14-0.**

**HB 1702**, relative to the management of the Gunstock Area. **INEXPEDIENT TO LEGISLATE.**

Rep. Jane Beaulieu for Municipal and County Government. This bill as drafted would jeopardize the future of Gunstock and would have given the Belknap County Convention authority to control Gunstock's finances. The Gunstock Area Commission was created by special legislation in 1959. The purpose of the five member commission is to "operate, maintain, develop, improve, and promote the Gunstock Area in Gilford, New Hampshire." Gunstock provides a significant economic boost to Belknap County in particular and the commission has for years managed this valuable asset, benefitting the Lakes Region and the state. **Vote 13-0.**

**HB 1728-FN-LOCAL**, removing the homestead exemption. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan Treleaven for Municipal and County Government. After careful consideration, the committee found there was no justification given to change the Homestead Exemption. **Vote 14-0.**

## PUBLIC WORKS AND HIGHWAYS

**HB 1271**, changing the name of Industrial Drive at the Hugh Gallen Office Park to Ratification Way. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin Tilton for Public Works and Highways. This bill renames a section of Industrial Drive in the City of Concord as Ratification Way. The cost of any signage or other markers as required will be part of the archives building project approved in the current capital budget. **Vote 18-0.**

**HB 1777-FN**, relative to energy infrastructure corridor revenue. **OUGHT TO PASS.**

Rep. John Graham for Public Works and Highways. The committee received this bill as a second committee. The bill is a housekeeping measure that requires that all revenue generated from the use of state-owned lands or assets within the turnpike right of way be deposited in the turnpike fund. The committee unanimously supported the motion to recommend the bill ought to pass. **Vote 21-0.**

## RESOURCES, RECREATION AND DEVELOPMENT

**HB 1226**, relative to restricting the watering of lawns through the use of private wells. **INEXPEDIENT TO LEGISLATE.**

Rep. James McConnell for Resources, Recreation and Development. This bill sought to exempt private wells from restrictions which current law permits local governing bodies to impose during drought conditions. The committee believes that overuse of private wells during a drought can have an adverse impact on the aquifer and that local regulation and the ability to grant exceptions should lie with the local governing body. **Vote 12-1.**

**HB 1371**, repealing certain exemptions from permitting requirements for temporary seasonal docks. **REFER FOR INTERIM STUDY.**

Rep. Chris Christensen for Resources, Recreation and Development. This bill focused on two troublesome areas of law related to temporary seasonal docks, shore frontage and lot line setbacks. The Department of Environmental Services spends inordinate amounts of time regulating what they describe as having little or no environmental impact. Although the problems were recognized, there was not sufficient agreement on specifics to immediately move the bill forward. **Vote 15-0.**

**HB 1376**, repealing the prohibition on collecting seaweed at night. **INEXPEDIENT TO LEGISLATE.**

Rep. Chuck Grassie for Resources, Recreation and Development. This bill is opposed by the Fish and Game Department which is responsible for the statute's enforcement, along with state and local law enforcement officials. In testimony before the committee, it was stated that the collection of seaweed at night is used as a cover for other poaching and illicit activities. Also, the excessive taking of seaweed can have adverse effects on wildlife and aquaculture. **Vote 12-0.**

**HB 1473-FN**, relative to the timber yield tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith Spang for Resources, Recreation and Development. This bill, as amended, will streamline the regulatory process for logging, part of the \$1.4 billion forest products industry that is one of NH's largest. The amendment, replacing all after the enacting clause, was written with the input of municipalities, loggers, the Department of Revenue Administration, conservation interests, and the Division of Forests and Lands to clarify the "intent to cut" process and other administrative procedures. **Vote 16-0.**

**HB 1585**, requiring conservation commissions to keep a natural resources inventory. **INEXPEDIENT TO LEGISLATE.**

Rep. John Mullen for Resources, Recreation and Development. Conservation commissions are required by statute to conduct research into their local land and water areas. The commissions must keep an index of all open space, wetlands, and other natural, aesthetic, and ecological areas in their communities. The bill would allow commissions to keep a natural resources inventory of such areas instead of an index. Most commissions view the word index to mean a full expansion of data, not just a list, and so already provide supporting documentation. Therefore, the committee felt the bill was not necessary. **Vote 12-0.**

**HB 1590-FN**, relative to standards for perfluorinated chemicals in surface water. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris Christensen for Resources, Recreation and Development. Nobody wants to vote against clean water. However, this session we have had a number of bills repeating and or overlapping on the same issues. Two comprehensive bills, HB485 and HB1101 have already been approved by the House and this bill was seen as unnecessary. **Vote 15-0.**

**HB 1618-FN**, relative to ambient water quality standards and maximum contaminant levels for perfluorinated chemicals. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris Christensen for Resources, Recreation and Development. Nobody wants to vote against clean water. However, this session we have had a number of bills repeating and or overlapping on the same issues. Two comprehensive bills, HB 485 and HB 1101, have already been approved by the House this session, and this bill was seen as unnecessary. **Vote 15-0.**

**HB 1689-FN**, repealing the repeal of the pollution prevention program of the department of environmental services. **OUGHT TO PASS.**

Rep. Chris Christensen for Resources, Recreation and Development. The pollution prevention program assists small businesses in preventing pollution and in understanding compliance with environmental regulations. The program has been in place about twenty years with various sunsets and renewals. Seeing success over that period, this bill would repeal the sunset. **Vote 12-0.**

**HB 1727-FN**, relative to monitoring perflourinated chemicals in public water supplies. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris Christensen for Resources, Recreation and Development. Nobody wants to vote against clean water. However, this session we have had a number of bills repeating and or overlapping on the same issues. Two comprehensive bills, HB 485 and HB 1101, have already been approved by the House this session, and this bill was seen as unnecessary. **Vote 15-0.**

**HB 1810**, establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Mullen for Resources, Recreation and Development. This bill was filed based on a recommendation from last session's Committee to Study Temporary Seasonal Docks. While the study committee focused on temporary seasonal docks, the overall complexity of structures in non-tidal public waters became apparent, including the need for a more thorough examination of the various statutes and rules across the various departments that regulate such structures. The study committee had only a brief time to examine what became a more complex issue. Thus, the need for a study commission which will have a good 18 months to study the issues and be composed of a much broader stakeholder group. The amendment removes the attorney general, or designee, from commission membership. **Vote 15-0.**

## SCIENCE, TECHNOLOGY AND ENERGY

**HB 1488**, establishing a committee to study the public utilities commission's role and scope of duties in a deregulated environment. **OUGHT TO PASS.**

Rep. Michael Vose for Science, Technology and Energy. This bill creates a study committee to investigate whether the Public Utilities Commission should change its makeup and budget in a restructured electricity environment. Now that all NH utilities have divested themselves of generation assets, making restructuring as required under RSA 374-F complete, will the commission's workload decrease and to what degree? Will utility sector regulatory activity decrease and will ratepayer costs decline? What aspects of the commission's activity, as specified in the restructuring statute, be reduced? The committee will focus on this narrow set of issues and report back to the full House and Senate by November 1, 2018. **Vote 21-0.**

**HB 1796**, relative to the legislative oversight committee on electric utility restructuring. **OUGHT TO PASS.**

Rep. Michael Vose for Science, Technology and Energy. This bill renames and redefines the goals of the Legislative Oversight Committee on Electric Utility Restructuring. This statutory committee has been meeting at least quarterly since its inception to hear reports on the progress of New Hampshire's effort to restructure its electricity industry. This bill recognizes that restructuring is nearly complete and redefines the duties of the committee to ensure oversight of the transformations expected from grid modernization. **Vote 21-0.**

## STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

**HCR 10**, applying for a convention of the states under Article V of the Constitution of the United States. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Spencer for State-Federal Relations and Veterans Affairs. The committee feels that this bill contains too many requests for Article V constitutional amendments. Each request should be placed on a separate bill. To request fiscal restraint, term limitations, and limitations on power of the federal government, are too many subjects to submit for Article V consideration. **Vote 17-1.**

**HR 20**, affirming states' powers based on the Constitution for the United States and the Constitution of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Reed Panasiti for State-Federal Relations and Veterans Affairs. Although well intended to affirm our state powers, this 5-page bill as written expounds on many state and federal constitutional issues that were confusing, difficult to follow, and sometimes misleading. Our state constitution declares the people of this state as having the sole and exclusive right of governing themselves as a free, sovereign, and independent state. This bill claims the federal government usurps many of these state powers without justification. One could interpret this bill as a prelude to secession and therefore, without a clear and concise understanding, the majority opposes this bill as written. **Vote 16-2.**

**HR 22**, urging Congress to amend federal law on the issues of civil and criminal liability for providers and users of computer services carrying advertisements offering sex with sex trafficking victims. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Lascelles for State-Federal Relations and Veterans Affairs. The committee agrees that sex trafficking (by means of force, fraud, and coercion) is a terrible crime, but disagrees with the resolution's proposed means of addressing trafficking. The resolution's advocates argued for gutting 47 U.S.C. section 230 (a bill in Congress currently known as "SESTA"). This would open up web content hosts to civil and criminal liability for carrying ads that are purchased by sex traffickers. Though this sounds fine at first glance, a deeper dive into the issue revealed a whole host of problems. First, the resolution's prime sponsor argued that leaving section 230 intact was somehow an oversight, when in fact the US Supreme Court did so deliberately. A free and open internet requires distinguishing criminals from the internet platforms that criminals use. Civil and criminal liability would have a massive chilling effect, causing some platforms related to the sex industry, and even dating websites, to shut down completely. Distinguishing between an ad for a massage and an ad for sex with a trafficking victim is not a trivial task and would require an enormous amount of manpower. That a bill like SESTA would shut down large parts of the "adult" web is not wholly unintentional - the National Center on Sexual Exploitation, which worked on this resolution, defines "sexual exploitation" very broadly; they are chiefly focused with banning pornography. Language in several areas of the resolution equivocated between coercive sex trafficking and consensual adult sex work. Anti-trafficking organizations and law enforcement are divided on whether such an act would actually make trafficking less likely, or whether it would drive the coercive fraction of the sex industry into the dark web and foreign-owned servers (which notably, do not respond to US law enforcement subpoenas). The resolution's proponents confuse making trafficking less visible with making trafficking less frequent. Many law enforcement officers use sex industry platforms, like the personals section of Backpage, to identify trafficking victims and apprehend traffickers. Further, the resolution's proponents claim to oppose pimps and traffickers, yet ignore the evidence that the internet has made sex workers much safer, primarily by allowing sex workers to contact and screen potential clients online rather than making snap judgments on the streets. This has allowed many sex workers to "go independent" and work for themselves rather than for agencies or pimps. A recent study (Craigslist's Effect on Violence Against Women) found that the availability of the "erotic services" section reduced the female homicide rate by a stunning 17.4%. Given these concerns, the committee found that this resolution would send the message that the House will support any misguided legal change as long as it carries the label of "anti-trafficking." Good intentions do not make up for bad effects. **Vote 18-0.**

## TRANSPORTATION

**HB 1290**, relative to vehicle registration for new residents to New Hampshire. **OUGHT TO PASS.**

Rep. Chris True for Transportation. This bill would allow new residents to New Hampshire to register their vehicle when their title is held by a foreign state lien holder. As written, the law now says the owner has 60 days to provide certificate of title. Many times, the vehicle owner is unable to get the certificate within 60 days. This bill extends the time to secure the certificate from 5 to 16 months depending on vehicle registration date. The vehicle will not be allowed to be re-registered without the certificate of title. **Vote 15-0.**

**HB 1324**, relative to driver education programming. **INEXPEDIENT TO LEGISLATE.**

Rep. Werner Horn for Transportation. The Transportation Committee feels that there is no demonstrated need for the state to mandate the curriculum in driver's education courses. This bill would have added specific topic requirements to the curriculum and require new forms and manuals. **Vote 15-0.**

**HB 1331**, relative to incidental uses for agricultural plates. **OUGHT TO PASS.**

Rep. Karel Crawford for Transportation. This bill authorizes uses of a vehicle with agricultural plates that are incidental to agricultural uses. Authorized uses include, but are not limited to, stops at a school or place of business during travel. This bill is supported by the Commissioner of Agriculture. **Vote 12-1.**

**HB 1339**, relative to motorist duties when approaching highway emergencies. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. This bill sets a mandatory 20 MPH speed reduction by motorists when approaching emergency vehicles. The Department of Safety testified that the Move Over Law that passed a few years ago is working well and this law was not needed and would be difficult to enforce. **Vote 15-0.**

**HB 1363**, relative to the waiver of vehicle registration suspension fees. **OUGHT TO PASS.**

Rep. Peter Torosian for Transportation. This bill authorizes waiver of vehicle registration suspension fees for good cause. This allows the commissioner, for good cause to waive the restoration fee for a suspension. Further, the commissioner shall adopt rules under RSA 541-A, relative to such waiver procedures. **Vote 19-0.**

**HB 1453**, eliminating the traffic safety commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven Smith for Transportation. This bill was filed because the General Court website showed that no meetings of the Traffic Safety Commission had occurred. It came to light that the commission does meet and is worthwhile. The committee amendment adds two legislative members to the commission and fixes the current problem of there being no charge or reporting requirements. They will report annually beginning November of this year. **Vote 13-0.**

**HB 1454**, eliminating the commission to study recommendations of the National Transportation Safety Board. **OUGHT TO PASS.**

Rep. Steven Smith for Transportation. This commission has never met. Since the stated function of the commission is within the scope of Traffic Safety Commission, it is redundant and not needed. **Vote 13-0.**

**HB 1459**, prohibiting autonomous vehicles on New Hampshire highways. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Smith for Transportation. No one testified in support of this bill. Advocates for the disabled and the trucking industry testified in opposition. Earlier this year, House Transportation passed a prudent testing program for autonomous vehicles unanimously, and that program should go forward. The bill also is in conflict with federal prohibitions on states banning autonomous vehicles. **Vote 14-0.**

**HB 1517**, relative to vehicle inspection failures for rust. **OUGHT TO PASS.**

Rep. Peter Torosian for Transportation. This bill will amend RSA 266 to change rust examination during vehicle inspection and establish a standard for failure from rust that is structural in nature. This change will ensure that vehicles do not fail inspection for rust that is cosmetic only. **Vote 15-0.**

**HB 1523**, relative to heavy duty recovery vehicles. **OUGHT TO PASS.**

Rep. Craig Moore for Transportation. This bill allows heavy duty recovery vehicles to travel our roadways without being in violation of law. The Department of Safety routinely asks these vehicles to assist with wrecks when no other vehicle is capable of clearing the wreck. **Vote 13-0.**

**HB 1583**, relative to indicating citizenship on drivers' licenses and nondrivers' identification cards. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. This bill adds either "citizen USA" or "non-citizen USA" to all NH driver's licenses and non-driver identification cards. While the committee appreciates the effort in helping preserve the integrity of our elections, members were left with unanswered questions: 1. With our federally compliant state identification, can it even be done? 2. After speaking with several supervisors of the check-list, knowing of all the other allowed forms of identification, what will it accomplish? Finally, with a cost of \$50,000 to implement, the committee felt these questions should be answered first. **Vote 17-2.**

**HB 1595**, prohibiting the use of the far left lanes on all highways for anything other than passing or preparing for a left turn at an intersection or into a private road or driveway. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas Walsh for Transportation. The original bill created questions and unintended consequences. The committee amendment replaces the original bill by adding one sentence to the existing chapter. Motor vehicles shall not be operated continuously in the left lane of a multilane roadway whenever it impedes the flow of other traffic. This is consistent with the keep right except to pass philosophy we were all taught, but eliminates the unintended consequences in cases of left lane ramps and heavy traffic. This does have the support of the Department of Safety. **Vote 15-0.**

**HB 1613**, relative to operation of uninspected vehicles by licensed New Hampshire dealers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris True for Transportation. This bill, as amended, allows licensed NH repairers and licensed NH dealers to purchase an uninspected used vehicle or a registered uninspected vehicle from a location and, within 24 hours, operate the vehicle to relocate it to the dealer's place of business or the repairer's place of business, provided that the vehicle is safe for road use. **Vote 19-0.**

**HB 1615**, relative to speed limits in work zones. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas Walsh for Transportation. The committee amendment replaces the original bill. The amendment makes two minor changes to the speed limits in work zones. These changes were a request from the Department of Transportation for flexibility in sensitive areas as well as safety in the 70 MPH interstates. The original bill required the zone to be set at exactly 10 MPH below the posted limit. The committee amendment adds the words "at least," to allow flexibility based on local conditions. **Vote 13-0.**

**HB 1697-FN**, authorizing the Daniel Webster Council of Boy Scouts of America to issue decals for multi-use decal plates. **OUGHT TO PASS.**

Rep. Peter Torosian for Transportation. Passage of this bill continues the Transportation Committee policy of putting to good use the decal plates that this committee approved last legislative session. In this case, authorizing the Daniel Webster Council of Boy Scouts of America to issue decals for multi-use decal plates for their organization. **Vote 15-0.**

**HB 1734-FN**, relative to inspection and registration of motor vehicles. **INEXPEDIENT TO LEGISLATE.** Rep. Steven Smith for Transportation. This bill would eliminate inspection stickers and require a certificate of inspection prior to registration. The bill establishes no mechanism to accomplish this on registration renewal. Will the Department of Safety create an online submission method? Will everyone have to bring the document to their town clerk? These questions were unanswered, so the bill failed. **Vote 18-1.**

**HB 1795**, eliminating the oversight commission on motor vehicle fines. **OUGHT TO PASS.** Rep. Peter Torosian for Transportation. This bill eliminates the oversight commission for motor vehicle fines. We heard testimony in committee that this commission last filed a report in November 2011. As there is no work for this commission, it makes sense to dissolve the commission and repeal RSA 262:45. **Vote 15-0.**

## WAYS AND MEANS

**HB 1294**, relative to religious societies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jordan Ulery for Ways and Means. This is a long overdue housekeeping bill that ends an unconstitutional entanglement of government and religion. It repeals laws from the 1840s which only apply to Episcopalians and Quakers. The bill also repeals laws which limit donations that may be made to religious entities. The subcommittee looking at the repeal consulted with the New England Chapter of the Quakers, the Attorney General, and the Division of Historical Resources. The amended bill includes their recommendations. **Vote 21-0.**

**HB 1501-FN**, relative to regulation of consultants for operators of games of bingo and lucky 7. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick Abrami for Ways and Means. This bill called for defining the term “gaming consultant” and called for the licensing of individuals who act in this role. The original intent of the sponsors was to make this a requirement for consultants supporting operators of bingo and Lucky 7 games. The need for the license was to provide a tool to the Lottery Commission to oversee the actions of these consultants. Through the audit process of these operators, several cases of consultant impropriety were uncovered, but since consultants were not licensed by the Lottery Commission corrective action was difficult to enforce. The bill was amended to address two issues. The original bill swept gaming consultants into the charitable gaming statutes as well. This was done in error because gaming consultants are not utilized by the charitable gaming facilities. The amendment corrected this problem. In addition, the amendment lowered the license fee of \$750 in the original bill to \$100. The basis for this adjustment was the range of fees collected by these consultants annually which was provided by the Lottery Commission. With these changes, the amended bill was overwhelmingly supported by the committee. **Vote 21-0.**

**HB 1502**, adding the tax exemption for water and air pollution control facilities to the tax expenditure review. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Arthur Barnes for Ways and Means. This bill would amend RSA 71-C:2 by adding the water and air pollution control facility exemption under RSA 72:12-a to the list of tax expenditures listed in this section. It would appear this would simply add water and air pollution control facilities exempted from local property tax to the annual Tax Expenditure and Potential Liability report issued by the Department of Revenue Administration (DRA) per RSA 71-C:4. However, the testimony from the DRA was that it was not as simple as it looks. The role of the Department of Environmental Services as prescribed under RSA 72:12-a is to review applications from parties seeking tax exempt status and determine whether the purpose of the facility is solely or only partially pollution control. The information is forwarded to the taxing authorities to determine the property's appraised value and maintain the appraisal in their property inventory even though it is tax exempt. The information on appraised value or local property taxes exempted is not reported to the DRA, thus it could not be included in the annual Tax Expenditure and Potential Liability report. Further, because each municipality in the state establishes its own appraisal and tax rate, it would be beyond the ability of the DRA, with its current resources, to compile the value of local taxes lost by the exemptions determined under RSA 72:12-a. The committee accepted the suggestion of the DRA to amend this bill by substituting the reference to RSA 72:12-a with RSA 83-F:1, V(a). Information required under RSA 83-F:1, V(a) is collected by the DRA and could be included in the report. **Vote 20-0.**

**HB 1512-FN-A**, relative to taxes applicable to certain transfers of real property. **REFER FOR INTERIM STUDY.**

Rep. Marc Abear for Ways and Means. This bill modifies the application of the business profits tax (BPT) and the real estate transfer tax (RETT) to the ownership, taxation, and transfer of investment interests in a real estate investment trust (REIT) and certain limited partnerships. It amends the BPT statute to provide an exemption from gross business profits for dividends paid to investors of real estate investment trusts. It also amends the definition of “sale, granting and transfer” and “real estate holding company” so a real estate investment trust will not be considered a real estate holding company which would result in a real estate investment trust being taxed when the ownership is transferred. It also amends the RETT statute to create

two new exceptions to the tax. The first exception would apply to the transfer of shares of ownership interest in a real estate investment trust; the second exception would apply to the change in a limited partner of a federal low-income housing tax credit limited partnership for the transfer of affordable housing that has been awarded a federal low-income housing credit. DRA is unable to determine the exact fiscal impact of this bill, however; the creation of new exceptions and exemptions from the BPT and the RETT will decrease state general fund and education trust fund revenue in FY 2019 and each year thereafter. The bill was sent to a subcommittee where all attendant issues could not be resolved timely. The subcommittee saw merit in the bill but could not complete the necessary work in the time available. **Vote 21-0.**

**HB 1558-FN**, relative to the payment of the meals and rooms tax by individuals renting cars through an online service. **REFER FOR INTERIM STUDY.**

Rep. Bill Ohm for Ways and Means. This bill would clarify existing law that car sharing is taxable as rentals, under the same provisions that apply to conventional car rental companies. The bill is an outgrowth of a new industry that facilitates Uber-like services, but without the driver. You drive the car yourself. Work in subcommittee revealed that there is a pending case before the US Supreme Court on the taxability of certain internet businesses, such as this one, that provide services but do not have a physical presence in the state. Consequently, the committee voted to recommend Refer for Interim Study until such time as the case is resolved. **Vote 21-0.**

**HB 1619**, adding the rehabilitation of tourist lodging to qualifying structures under the community revitalization tax relief incentive program. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for Ways and Means. This bill would add the rehabilitation, renovation, or replacement of tourist lodgings as qualifying structures under the community revitalization tax relief incentive program. The committee unanimously felt that these structures were already covered in the current statute and that they did not need to be specifically enumerated. **Vote 21-0.**

**HB 1722-FN-LOCAL**, relative to the property tax exemption for chartered public school property, including leased property. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Lang for Ways and Means. This bill would create a slippery slope of tax exemptions for local property taxation; if we include chartered public schools, why not include all public schools, and if we include all public schools why not include municipalities, and so on. HB 1228 would repeal the limitation against public charter schools that prohibit them from incurring long term debt during their first five years in operation. The House Education Committee voted to recommend that bill Ought to Pass, and this committee feels that HB 1228 is a more appropriate way to achieve the same goal of this bill. **Vote 21-0.**

## TUESDAY, MARCH 6

### REGULAR CALENDAR - PART ONE

#### CHILDREN AND FAMILY LAW

**CACR 14**, relating to natural rights of children. Providing that children have a natural right to be protected by their parents. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Patrick Long for the **Majority** of Children and Family Law. This CACR has been before the committee multiple times. The majority of the committee rejected this concept due to unintended consequences and the uncertainty of a legal definition for "natural right." **Vote 10-4.**

Rep. Daniel Itse for the **Minority** of Children and Family Law. This proposed amendment would make the right of children to the protection of their parents, which is implicit in the natural rights recognized in Part 1, Article 2 of the Constitution of the State of New Hampshire, explicit. The New Hampshire Supreme Court has recognized these rights as inherent in Part 1, Article 2, and the Supreme Court of the U.S.A. has recognized them as inherent in the Constitution for the United States of America. Just as it was found expedient to make the right to keep and bear arms explicit in Part 1, Article 2-a in 1984, the minority believes it would prudent to make the sanctity of the family explicit today. Furthermore, it makes clear that the rights in question truly belong to the children, rather than the parents; since the power to protect those rights can be transferred from natural parents to adoptive parents. Parents have this duty because children are inherently unable physically, intellectually or legally (they are not emancipated) to protect their rights. This means that the rights follow the children. The majority expressed a belief that the concept of natural rights is ill defined, despite the fact that it is currently referenced in our Bill of Rights five times. This concept has been articulated by enlightenment philosophers such as Hobbes, Locke, Burke, Montesquieu and Smith; and our own founding fathers such as John Adams and Thomas Jefferson. While each of these great thinkers might phrase it slightly differently, none are so different as to change the fundamental concept. Simply put, natural rights "are those that are not dependent on the laws or customs of any particular culture or government, and so are universal and inalienable (they cannot be repealed or restrained by human laws)." (Wikipedia) Some of the majority also express a concern that making the right explicit rather than implicit might impair the power of the state to intervene when parents are unwilling or unable to fulfill their duty to protect their children's rights. One of Blackstone's statements regarding natural rights clarifies the power of the state to intervene: "Those rights, then, which God and nature have established, and are therefore called natural rights, such as are life and liberty, need not the aid of human laws to be more effectually invested in every man than they are; neither do they received any additional strength when declared by the municipal laws to be inviolable. On the contrary, no human legislature has power to abridge or destroy them, unless the owner shall himself commit some act that amounts to a forfeiture." Though here the question is one of to whom the duty to protect children's rights falls first, the principle is clear. The natural parents have the duty first, and exclusively, until it is shown that they are unwilling or unable to perform the duty. We as a society have delegated our power to intervene on behalf of the children to the state, that delegation can only be removed by the repeal of the laws to that effect.

**HB 1325**, relative to venue in child protection actions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Mary Beth Walz for the **Majority** of Children and Family Law. This bill attempts to dictate the judicial district for child protection hearings. This is a well-intended bill that will create more problems than it solves. Furthermore, it is a solution looking for a problem. There was no testimony from anyone other than the sponsor that there is a problem with the location of child protection hearings. **Vote 8-5.**

Rep. Daniel Itse for the **Minority** of Children and Family Law. This bill sought to give the same protections in abuse and neglect cases as the Constitution of the State of New Hampshire gives in criminal cases. The idea has merit but the language needs work. The minority believes it should be worked on over the fall.

**HB 1650**, removing education as required by law as a criterion for determining child neglect. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Caroletta Alicea for the **Majority** of Children and Family Law. The committee members agree that the issue of educational neglect is a very important one. In looking at the issue and the ways that children fall through the cracks, there was disagreement about the best way to address the issue. There was no agreement about what the relative roles of truant officers and the Division of Children, Youth and Families should be. The committee concluded that more study was necessary before more action is taken and committed to working diligently on that study. **Vote 12-2.**

Rep. Kevin Scully for the **Minority** of Children and Family Law. The minority believes that the amended bill clarifies and isolates responsibility for educational neglect where it belongs, in the Department of Education. it also removes an ill-fitted responsibility from an already over-burdened Division of Children, Youth and Families. The amended bill also creates a study committee with a goal of fixing a broken system.

## COMMERCE AND CONSUMER AFFAIRS

**HB 1418-FN**, relative to transparency and cost control of pharmaceutical drug prices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill as introduced would have required the Department of Health and Human Services and the Insurance Department to develop a list of prescription drugs, to analyze the components of their cost, and to report on that analysis and how it impacts our cost of health care and insurance coverage. The amendment creates a commission composed of representatives from state agencies, health care providers, insurance carriers, drug manufacturers, consumer advocates, legislators and the public to look at the issue of transparency in the cost of pharmaceuticals and the impact on health care costs. Additionally, the commission will look at the issue of rebates from drug manufacturers to carriers and pharmacy benefits managers. **Vote 18-1.**

**HB 1484**, relative to late fees and early payment discounts in manufactured housing parks. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for the **Majority** of Commerce and Consumer Affairs. Residents of manufactured housing parks are often senior citizens on fixed incomes who receive social security checks sometimes late in the month. Under the amendment, this bill provides a 7 day grace period following the date a payment is due for rent. Late fees applied to rent paid in full during the grace period are prohibited. **Vote 13-5.**

Rep. Elizabeth Ferreira for the **Minority** of Commerce and Consumer Affairs. The bill, as introduced, with the aim of protecting the elderly and those receiving disability benefits, would prohibit owners or operators of manufactured housing parks from charging a late fee if rent “is paid in full within 7 calendar days of the due date,” and also “require notice of early payment discounts and exceptions for tenants receiving monthly social security benefits.” The concern raised during the hearing was that this bill might have the unintended consequence of discouraging owners and operators of manufactured housing parks from renting to these populations, in order to avoid having to comply with this new mandate, thereby adding to an already challenging search for affordable housing in our state. The minority believes that imposing this kind of regulation on manufactured park owners and operators, however well intentioned, will interfere with how they do business. If we move in this direction for one type of housing, it would follow that we would then be opening ourselves up to having the state tell other groups (e.g. landlords, condo associations, mortgage companies) when they can charge late fees. Otherwise, we will be carving out a protected class that applies to those living specifically in one kind of residence (manufactured housing), which is also problematic, and unconstitutional.

**HB 1668**, relative to children’s meals served by food service establishments. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Costable for Commerce and Consumer Affairs. This bill restricts the type of beverage offered with a children’s meal to choices such as milk, fruit juice or water. While reducing sugar in a child’s overall diet is a known health benefit, the focus should be on education and information, not mandates and force. A child’s health, happiness and well being are paramount to almost all parents. It is their responsibility and the overwhelming majority in New Hampshire meet that responsibility every day. **Vote 14-4.**

**HB 1809-FN**, relative to balance billing under the managed care law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for Commerce and Consumer Affairs. This bill, with the amendment, protects insured patients from receiving a surprise bill for certain health care services performed by an out-of-network health care provider when such services were performed at an in-network hospital and are covered by the patient’s health insurance plan. The bill strengthens network adequacy requirements for insurance carriers and provides a dispute resolution process when there is a disagreement in reimbursement rates between providers and carriers. **Vote 18-2.**

## CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB 1394**, relative to animals in motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis Fields for Criminal Justice and Public Safety. The majority of the committee feels this bill creates a liability problem. If a person cannot find the owner and the vehicle is locked and the animal in the vehicle cannot be removed by assistance not arriving in time or if a person or owner of the vehicle is not found, it could be a liability for anyone other than an authorized law enforcement or animal control officer to remove the animal. If anyone breaks in to remove the animal, the animal could get away and also could hurt someone. Who would be responsible for liability if someone else is injured? While this bill is well intentioned, the current law seems to be adequate. **Vote 18-2.**

**HB 1445**, relative to penalties for corrupt practices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dennis Fields for the **Majority** of Criminal Justice and Public Safety. The committee believes that any public servant who fails to be accountable is currently subject to the penalties in RSA 92:2. Therefore this bill is unnecessary. **Vote 15-4.**

Rep. Scott Wallace for the **Minority** of Criminal Justice and Public Safety. This bill would strengthen RSA 92:2 by making RSA 640:2 consistent with the N.H. Constitution Part II, Article 84 language, thereby removing potential misinterpretations of the statute.

## EDUCATION

**HB 1228**, removing the limitation on a chartered public school incurring long term debt. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill simply removes the requirement for a charter school to be in operation for five years before it can incur long-term debt. Currently, most charters must lease space at an average cost of over \$600.00 per student. This bill will allow them greater financial flexibility as well as planning for the future. As already in statute, the state is not liable for any financial obligations.

**Vote 11-9.**

Rep. Mel Myler for the **Minority** of Education. The minority believes that public charter schools should have a proven history prior to incurring any long term debt. The elimination of the current five-year requirement may prove to be a financial burden on a new charter school.

**HB 1528**, prohibiting discrimination in the university and community college systems. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Josh Moore for the **Majority** of Education. The majority of the committee believes this bill will create more problems than it tries to solve. The majority of the committee certainly does not support discrimination. This bill could interfere with existing statutory protections including areas in Title IX and other protected classes. The college and university systems already have non-discrimination policies. **Vote 14-6.**

Rep. Linda Tanner for the **Minority** of Education. The minority feels that the State University System and the Community College System should be the leaders in promoting diversity and inclusion to put into practice the value of equity for all. This bill ensures both systems will make a declaration of intent to meet these standards.

**HB 1552**, requiring school districts to submit an annual report concerning gifted students. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Victoria Sullivan for the **Majority** of Education. This bill is well-intended. However, the committee felt that interim study was required in order to better define the scope of the information that the sponsor is interested in securing. **Vote 16-4.**

Rep. Michael Moffett for the **Minority** of Education. New Hampshire ranks near the bottom nationally in terms of support for gifted students. This bill simply requires school districts to submit an annual narrative report to the New Hampshire Department of Education (DOE) with regard to what, if anything, a district does to identify and support gifted students. These reports would simply be filed in a "Best Practices" folder which would be public information at the DOE. There is no cost and no policy mandate. This measure includes a broad definition of "gifted," but leaves it to districts to determine locally who they feel should be classified as gifted.

**HB 1612**, relative to data security in schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. This bill addresses additional information security provisions for local school districts. Districts will be required to have data security plans and policies. District contracts with educational service operators will be required to provide time frames for operator destruction of student personal information upon request of the district and upon contract termination unless there is consent of the student or parent. The Department of Education or Department of Information Technology is encouraged to provide guidance to districts on their security plans and contracts. **Vote 14-5.**

**HB 1744**, authorizing a parent to exempt his or her child from participating in the statewide assessment program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Victoria Sullivan for the **Majority** of Education. This bill simply clarifies that a parent has the authority to opt his or her child out of the statewide assessment. The Every Student Succeeds Act (ESSA) allows for parental opt out, if supported under state law. Many parents have significant security concerns in regard to the online assessments. Other parents have expressed concerns that these tests lead to anxiety or request information that is non-academic. Some parents have, in the past, been told by districts that every child must participate. The majority of the committee believes that parents are capable of making this decision for their children. **Vote 12-7.**

Rep. Mary Heath for the **Minority** of Education. The minority finds that the NH state assessment program was established by RSA 193-C:1 in 1993 for the purpose of improvement and accountability in education; understanding that a well-educated populace is essential for the maintenance of democracy, the continued growth of our economy, and the encouragement of personal enrichment and development. Furthermore, it emphasized the importance of widespread participation in the statewide education improvement and assessment program as essential. This bill changes that priority and allows a student's parent or guardian to exempt his or her child from the assessment. If a critical body of students do not participate in the statewide

assessment, the local community and state have no way to gauge the extent to which the local schools are meeting their responsibility for an adequate education and the degree to which all students are showing improvement over time. The minority finds that the intent and purpose of the statewide assessment could very well be compromised by this bill.

## ELECTION LAW

**HB 1239**, relative to nomination of political organizations. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa Freeman for Election Law. This bill attempts to make it easier for a political organization to have its name on a ballot by allowing a voter to sign more than one nomination paper. This applies only to the state's general election. Testimony from the prime sponsor acknowledged that other sections of law would need to change in order for this to be implemented properly. The current requirement that an organization obtain signatures from 3% of the number of voters in the previous general election was discussed, along with the fact that our current laws allow relatively easy access to the ballot by political organizations. The bipartisan majority of the committee believed this change is not necessary and recommends this bill be found Inexpedient to Legislate. **Vote 18-2.**

**HB 1345**, relative to election officers at additional polling places. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Yvonne Dean-Bailey for the **Majority** of Election Law. Though this legislation is well intentioned, the majority of the committee believes that current practice of requiring assistant clerks and assistant moderators to come from the voting district where they serve is an appropriate way to appoint election officers. The majority of the committee believes election officers who work in the polling place in which they vote are better equipped to know local voters and administer those elections. **Vote 15-5.**

Rep. Betty Gay for the **Minority** of Election Law. When skilled election officials cannot be found within each of multiple voting districts in a town, it is the opinion of the minority that the moderator and the town clerk should be permitted to appoint skilled assistant moderators and assistant town clerks from any part of the town.

**HB 1448**, relative to the definition of "party" for election purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. Yvonne Dean-Bailey for Election Law. The majority of the committee believes this legislation is well intentioned but unnecessary and unworkable. This bill would create arbitrary benchmarks for political organization to attain ballot access and party status. Currently, ballot access is granted to any party receiving more than 4% of the vote for the office of Governor or US Senate. Under this proposed legislation, ballot access would be granted to any political organization having one executive councilor of that organization in office. Other benchmarks are included for the offices of US representative, state senate and state representative. Lastly, the committee raised concerns regarding office holders who switch party mid-term which was not addressed in the proposed legislation. **Vote 18-2.**

**HB 1582**, relative to the authority of the moderator to verify the device count. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Norman Silber for the **Majority** of Election Law. This bill allows for a random verification count of ballots by hand, under direction of the moderator, after the voting process is concluded. Only federal or statewide offices or issues may be included in the verification count. If the verification count is different from the machine count, this bill requires that the verification count is to be used in the vote tally. The results of the election are not complete until the verification is complete. The bill provides that discrepancies are to then be reported and investigated, with no specific process or time line for such investigation to occur. While moderators have always had the authority to conduct hand counts, either to total or verify, that process has been for use when issues have arisen in the actual processing of the ballots. While the committee heard issues in regards to ballot processing and the validity of results, none of the cited examples were in recent years or in New Hampshire. None of the issues referred to supported any conclusion that hacking has occurred in New Hampshire. The process as outlined in this bill would significantly delay the reporting of the election result. The verification count would allow public access to review all ballots prior to any official recount creating questions over the integrity of the ballots when official recounts are actually counted as the verification is only for some of the races on the ballot. This state has more recounts than any other state in the country. Moderators already take appropriate steps to test and verify machine counts prior to the commencement of voting, and after voting has concluded. The bipartisan majority of the committee agreed that this bill is unnecessary **Vote 14-6.**

Rep. Marjorie Porter for the **Minority** of Election Law. Recent events in the news have made us aware that voting machines being used nationwide are vulnerable to hacking. Although the devices used to count our votes in NH are of the safer sort, and moderators check their accuracy before each election, it is still possible for someone with nefarious intent to interfere with their internal workings to change the count on Election Day. A 2009 statutory committee recommended post-election random audits of the machines to assure their accuracy, and the NH Election Procedure Manual given to election officials in 2014 states town moderators may conduct a post-election count on Election Day at their discretion. Although no legislation was passed

to rescind moderators' authority to conduct such audits, the language was removed from the 2016 edition of the manual, causing confusion. This bill establishes in law that moderators may do random device count audits, and outlines a procedure for doing so. The minority believes "trust but verify" is good advice for the state to follow

**HB 1699**, relative to state representative districts for Hudson and Pelham. **INEXPEDIENT TO LEGISLATE.** Rep. Norman Silber for Election Law. This bill changes current state representative districts by separating Hudson and Pelham. It keeps the same total representatives by allocating 7 to Hudson and 4 to Pelham. Redistricting is addressed by the State Constitution and a 2004 State Supreme Court ruling that declared that the legislature may not reapportion elective districts more than once every 10 years. New districts are adopted after the decennial federal census. A similar bill was voted Inexpedient to Legislate in 2014. As was the case in 2014, the majority of the committee is sympathetic to the plight of Pelham voters but do not feel it can be addressed due to constitutional concerns. **Vote 19-1.**

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**HB 1242**, establishing a committee to study redesigning the state flag. **INEXPEDIENT TO LEGISLATE.** Rep. Raymond Gagnon for Executive Departments and Administration. This bill would create yet another committee to redesign the state flag, with no perceived need except change. A series of events beginning this summer will occur celebrating the 200<sup>th</sup> Anniversary of the NH State House in 2019. It is the opinion of the ED&A Committee that to establish a state flag design study committee would deflect and compete with the historic celebrations planned. Therefore, as indicated by the bi-partisan vote, the committee believes this is the wrong time for the state to explore an alternative design to the existing NH flag that has its origins with the First Provincial Congress of 1784. **Vote 13-1.**

**HB 1315**, prohibiting the university system funds from being spent to oppose the formation of unions and collective bargaining units. **OUGHT TO PASS.**

Rep. Jacalyn Cilley for Executive Departments and Administration. This bill prohibits the University System of New Hampshire from using university funds for the purpose of discouraging employees from exercising their rights of association or forming a labor union. The committee heard testimony that the University System paid \$200,000 to a public relations firm for the purpose of, or as a portion of its work on behalf of the University, to discourage employees during a recent organization attempt. **Vote 12-6.**

**HB 1427-FN**, relative to membership in the retirement system for certain officials. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Sytek for Executive Departments and Administration. This bill corrects an error in the contract of the Manchester superintendent of schools, which provides that the superintendent does not have to enroll in the NH Retirement System (NHRS) – an exemption granted to town managers who so choose. However, this exemption does not exist in law for school superintendents and this bill grants the exemption. The amendment does two things. First, Manchester must pay the employer portion of the unfunded accrued actuarial liability for the superintendent's position to the NHRS. This prevents loss to the system and costs to all other employers. Also, while the committee had no objection to the exemption in this case, it was not prepared to recommend this as a permanent policy change. Thus the availability of this exemption expires at the end of 2018. **Vote 10-3.**

**HB 1456**, relative to state acceptance of the lowest reasonable bid contract and relative to the sale, lease, or transfer of state property. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Beaudoin for Executive Departments and Administration. This bill seeks to remove from statute the very well defined and time tested term "qualified" as used in the bidding process and replace it with the undefined word "reasonable." Past study committees have refined the definition of the term "qualified" and the majority didn't agree that we should replace it with the ambiguous word "reasonable." The bill also addresses the sale, lease, or transfer of state property by inserting restrictive language into statute that the majority felt should be addressed with proper contract language. **Vote 9-5.**

**HB 1624**, relative to state procurement practices and criteria for acceptance of bids. **OUGHT TO PASS.**

Rep. Jacalyn Cilley for Executive Departments and Administration. This bill seeks to recognize companies that offer a positive contribution to our economy within our procurement practices. Currently the lowest qualified bid determines the awarding of contracts. However, in instances in which the qualified lowest bids are tied, preference is given to New Hampshire-based companies over out-of-state companies. This bill creates an additional criterion in the event of the same low bid by two New Hampshire-based companies, that preference be given to the bidder who pays higher wages and benefits. While such a set of circumstances is exceedingly rare, it offers one way for the state to recognize companies that have a positive impact upon our workers and our economy. **Vote 8-6.**

## FINANCE

**HB 476**, relative to the duties of registers of probate. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Tracy Emerick for Finance. This bill: 1) Modifies the duties of registers of probate. 2) Modifies the duties of the probate division of the circuit court. 3) Requires the county delegations to determine the salary and benefits of registers of probate. As amended this bill accomplishes the original intent. The duties and compensation of the county registers of probate is to be defined by the county delegation. Presently the position, while constitutional, is largely in name only and is compensated at \$100 per year. This amendment allows counties to continue their current practice (opt out) or to follow the bill's guidelines (opt in). A funding source for the counties is a 10% set aside of all entry fees paid to the state (only the state collects probate entry fees) based on the number of entry fees paid in each county; quarterly payments for register's costs will be made by the state based on costs invoiced by each county to the state. The funding provides for county delegations to expand the duties of the register, or not if the current duties are sufficient for the needs of the county. Beginning June 1, 2017 all Probate filings can and are made exclusively online. Every person probating an issue has a login to the eCourt system in order to check on the status, update the records and track work done by the court. To accomplish this the Probate Court has placed a kiosk and trained staff individual in each county courthouse to assist citizens with electronic filing. The Probate Court will provide the same training to registers of the probate so that they can also assist citizens. The bill spells out timing for maintaining previously filed hard copy probate files. Maintaining and accessing electronic files is currently a strategic initiative being undertaken by DoIT. The goal is to have as much information converted to online access as is practical and affordable. Because all probate cases are now handled electronically with users having full access to records, the bill provides for probate legal notifications to move from newspapers to online notices posted to the probate website, a system that has proven preferable to involved parties in other areas of judicial activities that have already transitioned to eCourt. **Vote 23-1.**

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

Rep. Timothy Twombly for Finance. This bill would increase the amount of funding available for 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. This bill increases money going to low-income weatherization from the current 15% to a minimum of 35%, which will greatly enhance the ability to provide modifications to low-income renters and homeowners across the state and will cut their household energy bills by up to 30 percent, allowing them to afford other basic necessities, avoid evictions and foreclosures and reduce reliance on welfare programs. Importantly, the low-income energy efficiency waitlist of over 10,000 households across our state will finally begin to be lowered as the additional spending ensures more programs can be completed. Hundreds more middle-income residential customers falling above the qualification for the low-income program might 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. The amendment ensures that participation in paying for this program is shared by New Hampshire electricity users. Funding program elements shall include but not be limited to funding for direct technical and project management assistance to identify and encourage comprehensive projects and incentives structure to assist with reducing energy costs and to provide more energy efficiency, which benefits all electrical users. No general fund dollars will be expended for this program. **Vote 24-0.**

**HB 1743-FN**, relative to the alcohol abuse prevention and treatment fund and funding for the Sununu Youth Services Center. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank Byron for Finance. This bill, as amended by House Finance, establishes criteria for the Commissioner of the Department of Health and Human Services (DHHS) to obtain Fiscal Committee approval to transfer additional funds to operate the Sununu Youth Services Center (SYSC). These criteria allow transfers in two emergency situations only: first, a census increase of at least 30% of the average census for the prior 30 days that continues for 60 days and, second, a natural or other disaster that is beyond the control of DHHS. In either case, the commissioner would be able to obtain additional funding for the SYSC in 3-month increments, provided the Fiscal Committee approved. The commissioner is also required to provide the Fiscal Committee with a monthly report on the incarceration costs per juvenile held at the SYSC. As a result of these changes, the committee amendment terminates the authority of the Commissioner, granted in the budget trailer bill, to tap funds held by the Governor's Commission on Alcohol and Drug Abuse Prevention to meet emergency needs at the SYSC. While the original bill increased the funding of the Governor's Commission on Alcohol and Drug Abuse Prevention from 3.4% to 5% of gross liquor profits, the committee amendment deletes this, as this increase would have required the budget be reopened to accommodate this additional expense by cutting other existing programs. At the request of DHHS, the amendment allows the commissioner to fund authorized but vacant DHHS positions from within existing appropriations without first obtaining Fiscal Committee approval. This authorization was not part of the current biennial budget but has been a common feature of prior budgets. **Vote 21-3.**

## FISH AND GAME AND MARINE RESOURCES

**HB 1286**, relative to fish and game regulations relative to disabled veterans. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Binford for the **Majority** of Fish and Game and Marine Resources. This bill, as amended, maintains in statute the complimentary hunting and fishing license for NH veterans who are totally disabled, while adding a provision that allows NH veterans who are 80% - 99% disabled to purchase a lifetime license at 50% of the cost of such license. As with the totally disabled veterans, such veterans must have received a discharge other than dishonorable from service in any war or police action engaged in by the United States, and the disability must be permanent and service-connected. The committee felt that if a NH veteran has been permanently and significantly disabled during service to our country, then a discount on a lifetime hunting and fishing license should be available to that veteran. **Vote 18-1.**

Rep. Cathryn Harvey for the **Minority** of Fish and Game and Marine Resources. The minority felt that the discrepancy between the numbers presented by the Fish and Game Department and those suggested by the committee in regards to the cost of this bill was too great to support the bill, as amended.

**HB 1527**, relative to the authority of fish and game officers regarding arrest and search and seizure. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jonathan Manley for the **Majority** of Fish and Game and Marine Resources. This bill seeks to repeal some authorities held by certain law enforcement officers, in particular conservation officers of the Fish and Game Department. Current authority has worked well by providing the department the ability to enforce the law, thereby helping to protect the public. Without this authority, officers would be restricted in doing their jobs. **Vote 15-4.**

Rep. Ed Comeau for the **Minority** of Fish and Game and Marine Resources. This legislation seeks to limit the authority of conservation officers to arrest, search, and seize only when enforcing fish and game laws. This ensures compliance with the constitutional protections of the Fourth Amendment of the Bill of Rights which clearly states that any arrest, search, and seizure only be conducted through issuance of a warrant provided through a judge. It is the opinion of the minority that our Fourth Amendment rights shall at all times be weighted to protect the individual.

## HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**HB 1367**, removing tetanus from the law requiring certain immunizations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joseph Guthrie for the **Majority** of Health, Human Services and Elderly Affairs. Removing tetanus from the list of required immunizations would be ill advised. Our Health Department's goals through immunization policy are to provide public health protection while appropriately balancing individual and parental choice and keeping children enrolled in school while protecting their health. Tetanus is an acute, often fatal disease caused by a bacterial toxin. **Vote 17-5.**

Rep. Jess Edwards for the **Minority** of Health, Human Services and Elderly Affairs. The minority supports the inoculation of children with the tetanus shot. From a practical perspective, it comes with a diphtheria and pertussis inoculation (DPT). The issue is that the state's interest is in prevention of communicable diseases by children in the confines of school. Tetanus is not transmitted between children. Including tetanus on the list of required immunizations represents the state's intrusion into a choice a parent should properly make. While recommending tetanus shots, the decision is the parent's, even if no rational parent would not immunize against tetanus.

**HB 1476**, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use. **OUGHT TO PASS.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. After careful consideration the committee voted to recommend Ought To Pass on this bill. There is increasing evidence that cannabis is helpful in treating chronic pain, and therefore cannabis may help mitigate the opioid epidemic facing this state and our nation. Since cannabis can be a valuable component of a person's treatment plan, access and affordability should not be a roadblock to good care. Allowing cultivation addresses the access and affordability issues. Safeguards are in place to mitigate inappropriate distribution. **Vote 13-8.**

**HB 1798-FN-LOCAL**, relative to eligibility for food stamps/supplemental nutrition assistance. **INEXPEDIENT TO LEGISLATE.**

Rep. Jess Edwards for Health, Human Services and Elderly Affairs. The majority appreciates the intent of pursuing fiscally conservative approaches to reducing the costs of programs. This bill though would only impact, at most recent count, 38 people spread over 14 towns considered by federal standards to be impoverished as determined by a waiver review. This would deny \$150 per month federal payments on a temporary, demonstrated need basis. This bill would also create a barrier to obtaining a waiver, blocking federal support in the event of a natural disaster if it were to increase overall unemployment. **Vote 15-5.**

**HB 1804-FN**, relative to work requirements for able-bodied adults for public assistance programs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lucy Weber for the **Majority** of Health, Human Services and Elderly Affairs. This bill would prohibit the commissioner of health and human services from waiving the federal work requirements under the Supplemental Nutrition Assistance Program (SNAP) and the New Hampshire Employment Program (NHEP). It would establish new and different work requirements for these programs that would track those written into the New Hampshire Health Protection Program (NHHPP). While aligning the requirements for all three programs sounds attractive, New Hampshire has not yet received a federal waiver for the NHHPP, and further federal waivers might be necessary with respect to the SNAP and NHEP programs. With respect to waivers of the existing federal work requirement, the department currently has one waiver for the SNAP program which covers only 13 towns identified as having few employment opportunities. The fiscal notes says that as of October 2017, only 108 individuals received food stamps in those towns, and only 10 of those individuals are currently participating in the waiver. In the NHEP program, there were 102 individuals out of compliance with the federal work program, and NHEP imposes a penalty for failure to comply. Because of the departure from federal work requirements already in place, the majority is concerned that this bill could result in the loss of federal funding for much-needed programs, thus requiring the expenditure of general funds. In addition, it would result in the dropping of some individuals from the programs. Those individuals would then turn to municipal welfare systems as their last resort, with a resulting increase in expenditures raised wholly from local property taxes. The majority concluded that the potential losses under this bill greatly outweighed any potential savings. **Vote 15-5.**

Rep. Jess Edwards for the **Minority** of Health, Human Services and Elderly Affairs. The minority recognizes the potential conflict this bill may have with federal law and/or policy. However, given the looming challenges of finding resources to fix the funding mechanism of the 2015-2016 Medicaid expansion, it is important for the legislature to encourage innovative ways to reduce the financial demands of all existing programs. The minority sided with the intent of the bill more than the legislative language.

## JUDICIARY

**CACR 15**, relating to legal actions. Providing that taxpayers have standing to bring actions against the government. **OUGHT TO PASS.**

Rep. Paul Berch for Judiciary. This constitutional amendment restores to the taxpayers of our state the legal ability to bring certain lawsuits relating to the spending of public funds by the state or the political subdivision in which the taxpayer resides. In doing so, our taxpayers will have broader access to our courts and greater ability to ensure governmental accountability. As the New Hampshire Supreme Court noted several decades ago, every taxpayer has a vital interest in proper government, regardless of whether his or her purse is specifically affected. Until relatively recently, the New Hampshire Supreme Court recognized taxpayer standing. This amendment will assure that this important taxpayer right will continue to be recognized and enforced. **Vote 18-0.**

**HB 1337**, relative to public bodies under the right-to-know law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Sandra Keans for the **Majority** of Judiciary. Most court information is already available except where there has been a reason to seal the records, such as in juvenile or domestic violence cases. There is also a question of "separation of powers;" the extent to which the courts can be ordered to adopt certain activities has been the topic of much debate and ruling by the Supreme Court **Vote 15-1.**

Rep. Kurt Wuelper for the **Minority** of Judiciary. This bill seeks to make the court system a public body subject to the Right-to-Know law. The minority believes the courts, relative to their records, should be as transparent as the rest of government. The General Court still retains authority over the courts except as related to actual court procedures and rules. The minority thinks RSA 91-A has plenty of exemptions to allow the courts to operate as they have. We have heard all information allowable is already available to the public, but we have also heard "not so much" and think the public's right to know should be clear. The minority's amendment simply includes the court system as a public 'agency' vice 'body.'

**HB 1591**, relative to a private right of action for toxin exposure. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Claire Rouillard for the **Majority** of Judiciary. This bill creates a complicated and private individual right of action for hazardous waste violations, which are not prevalently recognized in the United States. These actions are generally brought by the New Hampshire Department of Environmental Services or as a class action. The process for the private right of action as outlined in this bill is complicated, very broad, and vague. It requires prior notice to the Commissioner of the Department of Environmental Services, along with notice to any alleged violator, without providing a period of time for corrective action. The private right of action can be brought against a person who "has contributed or who is contributing to the past or present

handling, storage, treatment, transportation or disposal of a solid waste or hazardous waste that may present endangerment to health or the environment, including any past or present generator, past or present transporter, or past or present owner or operator of a facility.” It also allows “any person to intervene as a matter of right unless the commission shows that the applicant’s interest is adequately represented by existing parties.” Also included is the ability of the court to award attorney’s fees, to the person bringing the action, without requiring that party to prevail in the litigation. This bill also provides for a “strict liability” litigation standard for exposure to toxic substances. Strict liability does not require the plaintiff to prove the defendant is at fault. Strict liability only requires the plaintiff to show harm and that the defendant was likely responsible, even if the defendant acted in good faith or took all possible precautions. For this reason, strict liability is sometimes referred to as absolute liability. Articles reviewed indicate that strict liability is not universally recognized across the country in toxic tort litigation. To complicate this even more, this bill indicates that a person who releases a toxic substance shall also be “jointly and severally liable” for any harm resulting from such release. Joint and several liability in New Hampshire is based upon fault. Our New Hampshire statute states that any defendant who is less than 50% at fault is only severally liable (i.e.: liable for that portion of the claimant’s damages equal to the share of fault). Therefore, strict liability and joint and several liability are in conflict, as one requires no fault and the other requires assessment of the percentage of fault. Lastly, this bill has a provision for “medical monitoring.” Medical monitoring is a provision in a settlement, typically in class action suits, which requires the defendant to deposit large sums of money to monitor the health of many individuals who have been exposed to toxic pollution by periodic testing for disease. The key issue is whether claimants can recover costs before a latent disease manifests. The great majority of states in this country say “no.” Only 16 states allow it and it is typically when there is a class action, not an individual claim as stated in this bill. There was also a suggestion by the New Hampshire Oil Fund Disbursement Board that passage of this legislation would likely lead to attempts to reach into third party funds that are intended to fulfill clean up and remediation obligations of the board, violating the intent of RSA 146-D. The bipartisan majority of the committee understands the concerns of possible toxic exposure to our citizens, but this bill is not the way to go for New Hampshire. **Vote 10-5.**

Rep. Suzanne Smith for the **Minority** of Judiciary. The health of New Hampshire’s water is in crisis. Hazardous wastes are permeating our groundwater, surface water and drinking water. Whether from the Coakley Landfill superfund site or from manufacturing facilities like St. Gobain, toxic chemicals have leached into the state’s ground and surface waters. This bill provides a private right of action for hazardous waste violations. This bill would allow a person to commence civil action against any person or company that has been in violation of any permits or violations, as well as a person or company that has contributed to the past or present handling, storage, treatment transportation or disposal of a solid or hazardous waste. If an offender is already engaged in remedial action or if DES or the attorney general has commenced and is prosecuting an offender, the actions outlined in the bill would not be applicable. This bill also provides for medical monitoring for people with known exposure to toxins, including testing for the purpose of detecting or monitoring disease or tests to detect latent disease. The minority understands that the department is working hard to keep up with the threat of emerging contaminants and other toxins in our water, but believes that any steps we can take to combat this threat and protect our citizens should be our highest priority.

**HB 1717-FN**, requiring a jury trial before the municipality transfers certain property. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill sought to require any municipality to get a verdict from a jury before transferring private property valued over \$1,500 for its own benefit and to have such property listed on the State Treasurer’s abandoned property list. The committee believed adequate legal protection is already afforded before physical property is declared “abandoned” and the state abandoned property list has no ability or process to deal with any non-financial property. **Vote 16-1.**

## LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

**HB 1321**, relative to the hours youth are permitted to work. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Brian Seaworth for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill, as submitted, would exempt homeschoolers from a portion of the law that restricts work hours for youth under 18-years-old. The intention of the bill was to prevent students with non-traditional hours from being blocked from gaining work experience by laws tailored for public school students. This bill had several problems. First, it impacts two different areas of law, working youth under 16 and working youth 16-17. For the under 16, NH law closely mirrors federal law and making changes merely at the state level would not change the legality of a particular working arrangement. For 16-17, however, federal law does not restrict hours and only state law applies. While we heard a number of specific issues regarding youth employment, it seemed that most, if not all, were not in conflict with existing law. Rather, there seems to be significant misunderstanding about

what the NH-specific laws which restrict the hours of workers 16-17 say, and how they should be applied. By holding this bill for interim study, the majority of the committee hopes to learn more about these problems with perception and perhaps rectify them, whether the solution be legislative or administrative. **Vote 20-1.** Rep. Janice Schmidt for the **Minority** of Labor, Industrial and Rehabilitative Services. There was no compelling testimony that this bill would address any issue not already in current law.

## MUNICIPAL AND COUNTY GOVERNMENT

**HB 1307**, relative to the default budget in certain towns. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carolyn Matthews for Municipal and County Government. As amended, this bill addresses the way the default budget is presented to voters in towns and school districts that have adopted the official ballot (SB2) form of town meeting. Presentations are intended to provide voters at the first budget hearing and again at the deliberative session with enough detail to be able to understand and question how their default budgets have been constructed. After studying the history of past proposed default budget bills, the committee believes that this added transparency will go a long way toward establishing accuracy and trust in the default budgeting process between voters and their towns and school districts. The bill also adds a definition, recently tested in superior court, to stipulate that “contracts” and their amounts are those included in the previous year’s operating budget or in previous separate warrant articles. Defining how contracts are to be used in the construction of default budgets is intended to align this element of default budget construction more clearly with the concept that a default budget should freeze the previous year’s budget in place. For example, if a school district signs a new contract with a new superintendent of schools shortly before voting day, any increased amount over the previous year’s allotment for this position cannot be included in the default budget calculations. If a town negotiates a new contract for fuel oil mid-year, any increase in costs over the previous year’s allotment for fuel oil cannot be included in the default budget calculations. If the proposed budget fails and the default budget is put into place, any signed contracts must still be honored by the town or school. The committee believes that since town selectmen and school board members can exercise their right to move money around in their budgets to cover any additional costs of new contracts, the town and the school can continue to honor these contracts. The amendment replaces the entire bill and combines elements from the other three default budget bills which were before the committee (HB 1396, 1547 and 1652). **Vote 14-4.**

**HB 1561**, relative to the use of recycled tire rubber at village, town, municipal, and school playgrounds. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Franklin Sterling for the **Majority** of Municipal and County Government. This bill was introduced to prohibit the installation of “crumb rubber” filled artificial turf “within the boundaries of a village, tow, etc.” The committee heard testimony from proponents of the proposed ban and from those opposed. Although there are ongoing studies of the potential harm, those in favor of the ban where unable to provide conclusive evidence of any direct correlation between illness or disease and the crumb rubber filled turf. In the absences of such evidence the committee decided that a total ban would be inappropriate at this time. **Vote 15-4.**

Rep. Clyde Carson for the **Minority** of Municipal and County Government. This bill resulted from a study strongly linking the use of crumb rubber in artificial turf in soccer fields to the incidence of cancer in soccer players, particularly in goalies. Crumb rubber from recycled tires is a common turf material used in playgrounds and athletic fields. The committee heard testimony that as crumb rubber deteriorates, it emits several chemicals, some of which are known carcinogens. The committee also heard testimony that more study needs to be done before a definitive connection can be concluded. The minority agrees that more study is needed, but it also believes that does not equate to inaction while those studies occur. The minority supports interim study to see what makes sense for NH.

## PUBLIC WORKS AND HIGHWAYS

**HB 1428-FN**, relative to removal of roadside memorials. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen Ebel for Public Works and Highways. This bill, as amended, responds to the NH Department of Transportation’s request for legislative guidance in the treatment of roadside memorials that have been placed in the right of ways of state primary and secondary highways. The department currently has clear autonomy to remove obstructions in those highways. However, not all roadside memorials are obstructions. This bill, as amended, prohibits the placement of roadside memorials in the right of way of any primary or secondary highway. However, respectful of the emotional content of roadside memorials, the department is authorized to remove and dispose of roadside memorials after 90 days have elapsed from the date of the event being memorialized. **Vote 18-0.**

**HB 1706**, relative to the construction of a Lake Sunapee public boat ramp. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McConkey for Public Works and Highways. This bill proposed to fund the construction of the Fish and Game Department’s proposed Lake Sunapee public deep-water boat launch with parking at Birch Grove road in Newbury, commonly referred to as the Wild Goose site. The construction would have been funded

by a \$2,075,000 bond appropriation. While the location was favored by the Fish and Game Department, the Department of Environmental Services, and the Public Works and Highways committee in 2017, it was not ultimately funded in the 2017 Capital Budget. In September 2017, by Executive Order 2017-06, Governor Sununu created the Lake Sunapee Public Boat Access Development Commission. The Commission's charge is to "research and evaluate both potential alternatives for development of the Wild Goose property and potential alternative opportunities for expansion of public boat access at Lake Sunapee." The Commission's report is due on March 1. Recognizing that the Commission's recommendations will directly affect future decisions by the Governor, the legislature, and Fish and Game regarding the Lake Sunapee boat ramp, the committee believes it is unwise to move forward with funding the project as proposed in this bill. **Vote 19-2.**

## RESOURCES, RECREATION AND DEVELOPMENT

**HB 1737-FN-LOCAL**, relative to the permissible level of methyl tertiary butyl ether in drinking water. **IN-EXPEDIENT TO LEGISLATE.**

Rep. Chris Christensen for Resources, Recreation and Development. This bill sought to establish MtBE levels in statute. The House and this committee have routinely voted to set levels in rules. The Department of Environmental Services already has the authority to set MtBE standards, so this bill is unnecessary. **Vote 15-0.**

## SCIENCE, TECHNOLOGY AND ENERGY

**HB 1101-FN**, regulating groundwater pollution caused by polluting emissions in the air. **OUGHT TO PASS.**

Rep. Douglas Thomas for Science, Technology and Energy. This bill allows the Department of Environmental Services (DES) to regulate the air emissions of perfluorinated compounds (PFCs) or their precursors in circumstances where they cause or contribute to or have the potential to cause or contribute to the exceedance of a groundwater or surface water standard through the deposit of such pollutants from the air. It clarifies the basis for and requires periodic review of ambient groundwater quality standards and directs the department to evaluate the ambient groundwater quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) and to set ambient groundwater quality standards for perfluorononanoic acid (PFNA) and perfluorohexanesulfonic acid (PFHxS). It establishes criteria for setting maximum contaminant limits for public drinking water systems and directs the department to set maximum contaminant limits for PFOA, PFOS, PFNA, and PFHxS. This bill has already been unanimously recommended by the Resources, Recreation and Development Committee and subsequently passed the House by voice vote prior to referral to this committee. Testimony received by the committee, including from DES, strongly supports this bill. **Vote 19-0.**

**HB 1230**, establishing a commission to study the economic impact of national carbon pricing on New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. This bill would establish a commission to study the economic impact of a national carbon pricing program on New Hampshire. The committee heard testimony after testimony that a national carbon pricing program was in the works and will imminently be in place. Testifier after testifier adamantly argued that a carbon tax program was so imminent that we needed to study how it worked and what the effects would be. Further testimony explained in some detail how this could work. One outlined how the expected increase in carbon generated energy prices would be offset by dividends such that the low income users would get more back than they put in, the average wage earners would see a zero sum, and expectedly, the higher earners would get less back. The committee heard that even if a national program was not forthcoming, the states around New Hampshire were surely on the verge of enacting one and we needed to plan for the future. With all this assuredness, the majority of the committee wondered why such a commission was needed. There is ample information available. Carbon tax programs are not new ideas and it was felt that nothing new would be accomplished to justify the time and expense of a commission. The majority felt the best course of action was not to pass the bill. **Vote 12-9.** Rep. Marjorie Shepardson for the **Minority** of Science, Technology and Energy. National interest is growing for carbon pricing, putting a fee on fossil fuels to reflect their true costs. An increasing number of people recognize that it is a simple, transparent, market-based approach to lowering carbon emissions which will improve our environment and our health while ensuring a robust and resilient economy. This bill would set up a study commission to look at what impacts national carbon pricing would have on our state businesses, industries, and consumers. It would help us plan for the future and give businesses predictable energy costs. What energy projects should we be building? How can we help our local businesses adapt? Other countries are already doing this, other states in our region are looking at this, and we should be too.

**HB 1338**, establishing a committee to study the changes in law necessary to allow for microgrids in electricity supply. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. This bill seeks to explore the concept of microgrids in the electric supply and to uncover any legal barriers preventing their development and use. The committee heard testimony indicating no such barriers exist. It also learned of the studies already

being conducted by the electric utilities which have produced no requests for legislative action. Additionally, the Chair of the Legislative Oversight Committee on Electric Utility Restructuring noted the subject of microgrids will be included in its agenda to monitor progress and actions needed, if necessary. The sponsor indicated he did not care if this study was approved as long as the subject of microgrids was included in other ways. The majority felt enough is being done in this regard, making this study unnecessary. **Vote 12-9.**

Rep. Kenneth Vincent for the **Minority** of Science, Technology and Energy. Though the majority of the committee does not favor establishing this study committee, many people have no idea what a microgrid is. A microgrid is a localized group of electricity sources and loads that normally operates connected to and synchronous with the traditional centralized electrical grid (macrogrid), but can also disconnect off the grid and function autonomously as physical and/or economic conditions dictate. The US Department of Energy's Microgrid Exchange Group defined a microgrid as a group of interconnected loads and distributed energy resources within clearly defined electrical boundaries that acts as a single controllable entity with respect to the grid. A microgrid can connect and disconnect from the grid to enable it to operate in both a connected or off-grid mode. The value of using a microgrid together with storage capacities can keep areas fully supplied with energy when there is a blackout on the grid. This bill supports the Governor's goals for reducing energy costs in the state of New Hampshire. Let us give it a chance by establishing this study committee.

**HB 1515**, relative to an exemption from the combustion ban on construction and demolition debris. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glen Aldrich for the **Majority** of Science, Technology and Energy. This bill is enabling legislation that simply removes a barrier that prevents the combustion of bio-oil and synthetic gas extracted from construction and demolition debris, and opens the door for further research and development of another source of bio-fuel. **Vote 15-6.**

Rep. Robert Backus for the **Minority** of Science, Technology and Energy. This bill would permit the Department of Environmental Services to process an application for reuse of construction and demolition (C&D) debris by means of pyrolysis or gasification. C&D has been banned for several years as a result of health concerns caused by combustion of this waste in waste to energy incinerators, such as Bio Energy that operated in Hopkinton. C&D debris contains known toxins, such as arsenic, mercury, and asbestos which can be a potential cause of cancer and other illnesses. Testimony before the committee revealed that the proposed process is in important respects untried and therefore experimental. The waste product not reprocessed into fuel, known as char, may contain hazardous materials. The only company to appear which may be the processor of this debris, testified that it had only used its technology on green wood, not C&D. In addition, the company interested in being able to provide C&D debris for pyrolysis stated that at this time it has a sufficient market for this material. Although the legislature provided a limited, 10,000 ton exception to the ban when used in municipal waste combustors, the minority is concerned that this bill represents a further and less limited breach of the present ban on the combustion of C&D and could lead to other requests that would reintroduce the dangers of reuse of C&D debris.

**HB 1611**, establishing a committee to study off-shore wind energy development. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Herbert Vadney for the **Majority** of Science, Technology and Energy. For an excellent example of why one should not pursue off-shore wind power development, one need only go about 140 miles south to investigate the Block Island Wind Farm. That development, with only 5 to 6 megawatt turbines, cost \$300 million and produces a paltry amount of electricity. Although rated at 30 megawatts, its actual production is only half of that full rating. The electricity that it produces is being sold for about 25 cents per kilowatt hour, double or more our price in New Hampshire. That site sits in shallow water while turbines in New Hampshire would have to be in much deeper water, likely making the power even more expensive than Block Island's. Four years ago the legislature conducted a study similar to what this bill is suggesting. Quite simply, our short 17 mile seacoast, Portsmouth to Seabrook, would encounter many opponents from the fishing, beach, and boating communities which are all quite valuable to the seacoast way of life and its assorted business community. **Vote 11-8.**

Rep. Peter Somssich for the **Minority** of Science, Technology and Energy. The minority believes that this bill, calling for a study of off-shore wind energy, is an important step in planning for New Hampshire's energy future and should be supported. Already globally, wind energy is under bidding all other new energy generation. The North Sea in Europe already has numerous such installations in operation. This January, Colorado utility Xcel Energy was offered new wind power at 1.8 cents/kWh or 2.1 cents with battery storage for 24/7 utilization. This is probably the lowest priced energy nationally. The Gulf of Maine has been identified as one of the best locations for new off-shore wind energy development. Our state last evaluated this potential over four years ago. Since then new technologies, including viable floating wind turbines, improved blade efficiencies, better and cheaper energy storage capabilities, and more power generation per turbine have changed what is possible. Currently, 28 off-shore wind energy projects are already being considered for implementation. Our state should not fall behind other New England states currently considering this op-

portunity. NextEra Energy, the owner of Seabrook station, is one of the major national players in the wind energy sector and could play a significant role in our future energy planning. The fossil fuel industry will not be bringing significant companies and jobs to NH. However, the wind energy industry could do both, using either the Portsmouth Naval Shipyard or the Pease Tradeport as new locations for future development. It is time for NH to take a fresh look at this significant clean and sustainable energy source.

**HB 1779-FN**, requiring monitoring of certain radioactive air pollutants. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. This bill requires the Department of Health and Human Services (HHS) to monitor the air for radioactive air pollutants. If enacted, HHS would develop a network of stations to monitor in real-time various types of radioactive airborne pollutants. In essence, the monitoring would be to determine the extent and seriousness of radiation doses received by humans and animal life. This determination would be based on the analysis of the data collected and further requires that the department publish and make available to the general public, on a semi-annual basis, a summary and discussion of the information collected during the previous 6 months. The committee heard that an extensive network of monitors are deployed and have been since the Seabrook Station came online. It also heard testimony that no significant incidences had ever occurred. The nearby Portsmouth Naval Shipyard also monitors for nuclear pollutants. These are external monitoring stations. Seabrook Station has over 80 monitors inside the plant and on its property. In addition, the cost of such a project was estimated to be \$142,534, with ongoing annual costs of approximately \$100,000 per year. Because the bill failed to allocate monies to support the efforts required by the agency, this bill was not identified as a second committee bill, although a fiscal note was included. As written, this bill would make the state responsible to fund, develop, and maintain a monitoring network. Further, there is a question as to whether HHS is the appropriate agency to establish, maintain, and monitor the data collection. The majority of the committee felt there are enough monitors and saw no indications that more were needed to justify the expense. **Vote 13-8.**

Rep. Robert Backus for the **Minority** of Science, Technology and Energy. The minority of the committee believes this bill is needed to employ 21<sup>st</sup> century technology to monitor radiation levels along the seacoast of New Hampshire where there are two large potential radiation sources. The minority cited the presence a pediatric cancer cluster in the area and that Massachusetts has had a monitoring system in place since the 1980's. The minority also felt it was necessary to install this equipment to monitor radiation levels because NextEra Energy has admitted that more than 50% of the concrete structures at Seabrook Nuclear Power Plant have been degraded by an alkali-silica reaction to the worst stage, Stage 3.

## STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

**HJR 4**, urging Congress to apply laws equally to United States citizens and members of Congress. **INEXPEDIENT TO LEGISLATE.**

Rep. Alfred Baldasaro for State-Federal Relations and Veterans Affairs. While the committee agrees that Congress should comply with laws they pass, this bill also served as a resolution for an Article V Convention for changes to the Constitution, to force Congress to comply with the laws of the land. We considered the requirement that Congress obey its own laws. This is not a subject for an Article V Convention. **Vote 14-4.**

## TRANSPORTATION

**HB 1270**, relative to the prohibition on the use of mobile electronic devices while driving. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Werner Horn for the **Majority** of Transportation. NH drivers are safest when traffic laws are clear and uncomplicated; black and white, like speed limit signs. Everyone knows what a black and white sign reading "speed limit 55" means. If a driver travels at 85 MPH in a 55 MPH zone they have a good idea why they would be pulled over. With current law, a NH driver understands that they cannot operate their mobile electronic devices while driving. This bill would have introduced a grey area making enforcement more difficult, and the applicability of the law less certain, resulting in a decrease in overall safe driving conditions. **Vote 13-2.**

Rep. Chris True for the **Minority** of Transportation. This bill would allow the use of a hand held cell phone while stopped at a red light. Many people testified as being against hand held cell phone use while driving. This bill does not allow hand held cellphone use while driving. The minority feels that a quick check of your cell phone while sitting at a red light should be allowed.

**HB 1350**, requiring headlight use when windshield wipers are in use. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Smith for Transportation. This bill would require headlights or daytime running lamps to be on when wipers are in use. The bill made no distinction between intermittent use and steady use. It also did not strike the existing visibility and weather conditions under which lights are required. This makes the statute too confusing to enforce. **Vote 10-3.**

**HB 1365**, relative to OHRV operation on public ways. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven Smith for Transportation. This bill, as amended, resolves a conflict with RSA 263, where an under-aged off-highway recreational vehicle (OHRV) rider operating on a public way could receive a moving violation. The bill also changes the requirements for the rider supervising the child. The supervising rider must be an 18-year old family member or 25 years of age. The amendment strikes a provision that would have raised the minimum age to 14. **Vote 15-4.**

**HB 1400**, relative to red light equipment on vehicles owned by dispatchers. **INEXPEDIENT TO LEGISLATE.**

Rep. Karel Crawford for Transportation. There was no demonstrated need for this bill. No one other than the sponsor testified in support. The committee felt that expanding red light usage to dispatchers state wide without reviewing their qualifications and training is a risk. **Vote 11-2.**

**HB 1419-FN**, relative to biennial motorcycle inspections. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for Transportation. This bill changes the annual inspection requirement for motorcycles to every other year. The committee learned of the varied amount of miles that motorcyclists drive annually. For many, the miles ridden far exceeds the life expectancy of most tires and brakes. For those that ride less, it is known that sitting can be worse for vehicles. Dry rotted tires and seized brakes are common problems. The committee also received data showing that the failure rate with the current annual inspection is almost 40%. With most motorcycles having only two points of contact with the road, an inspection failure rate of almost 40%, and with overwhelming opposition to this bill, including by motorcyclists, the committee recommends this bill be found Inexpedient to Legislate. **Vote 15-4.**

## REGULAR CALENDAR - PART TWO

### COMMERCE AND CONSUMER AFFAIRS

**HB 1241**, establishing a commission to assess benefits and costs of a “health care for all” program for New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Barbara Biggie for the **Majority** of Commerce and Consumer Affairs. This bill would create a commission that brings together over a dozen people representing everyone who would be interested in the state providing health coverage for everyone. The goal is to make health decisions for all NH residents by assessing benefits and costs of a “health care for all” program. The majority of the committee noted that Vermont abandoned a similar plan because it would have required a 11% increase in the state’s income tax and felt that NH is not ready for an income tax, especially a tax solely designed to fund health insurance for all. **Vote 11-8.**

Rep. Edward Butler for the **Minority** of Commerce and Consumer Affairs. Though the minority understands that we may not be ready, yet, to embark on a one-state single-payer health care solution, it believes that it is high time that we listen to the professionals and advocates who note that our health care system is biased towards those who have the means to afford costly deductibles and insurance policies. Ours is a system that performs poorly in comparison to those in all of the major industrialized nations, all of which offer universal health care. This is true in terms of infant mortality, maternal health and life expectancy among other indicators. The minority believes that we should further study this issue and work within the health care industry to begin to transform our system to one which provides good, quality, affordable health care for all.

**HB 1362**, authorizing individuals and certain businesses to purchase health insurance from out-of-state companies. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Kermit Williams for the **Majority** of Commerce and Consumer Affairs. This bill would allow out of state insurance companies to offer health insurance plans under certain circumstances that would provide less benefits than currently required, presumably for a lower cost. While the committee recognizes concerns over the rising costs of health insurance, we were unsure this policy would help this issue and believe it requires further study. **Vote 12-8.**

Rep. Laurie Sanborn for the **Minority** of Commerce and Consumer Affairs. Last Fall we learned that health care premiums in our state would increase on average 52 percent in 2018. We now have the highest health insurance costs in the nation. It is high time to pass innovative ideas to allow for more choices and more competition. With the new administration in DC, we have heard that more options will be given to states to craft their own strategies for lowering costs. We can purchase nearly everything else from anywhere, so why not health insurance? We must rethink options, enable and encourage new market opportunities, and allow for additional consumer choices. The minority believes that allowing the purchase of health insurance from out of state companies would be a small step in the right direction.

**HB 1516**, establishing a commission to examine the feasibility of the New England states entering into a compact for a single payer health care program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laurie Sanborn for the **Majority** of Commerce and Consumer Affairs. Our neighboring state of Vermont studied the issue of single payer health care and learned that it would double their state budget and

potentially double costs on their large employers who already offer their own plans. They rejected a single payer system and so should we. Instead, let's focus our efforts on examining ways that NH can expand more affordable health insurance and health care options for our citizens. **Vote 11-9.**

Rep. Edward Butler for the **Minority** of Commerce and Consumer Affairs. This bill would create a commission to study an issue that gets raised repeatedly in the Commerce Committee – that of health insurance products being able to be supported and sold across state borders. In addition, it would explore the issue of a single payer system within the concept of a multi-state compact. The minority thinks that such an exploration within the commission process could yield important discussions regarding cost, affordability and access and should be supported.

## CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB 1514-FN**, relative to shelter-in-place orders. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kate Murray for the **Majority** of Criminal Justice and Public Safety. This bill provides that no officer shall issue a summons or detain an individual for violating a “shelter in place” order issued by the state, municipality, or a law enforcement agency. As there is no mention in New Hampshire statutes of a “shelter in place” order, there can be no violation. A shelter in place order is a recommendation only, according to law enforcement officers. The majority of the committee believes that this bill is inexpedient to legislate for two primary reasons: 1. Cooperation with such an order is voluntary; 2. The shelter in a place order is merely a recommendation and has no force of law. **Vote 14-6.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. We are a free society and the ability to move about peacefully is a critical component of what makes America the great nation that we are. This holds true even during a “crime scene” lock down, like the one that happened in 2016 in Manchester, N.H. The Supreme Court has ruled in *Town of Castle Rock, Colorado v. Gonzales*, that law enforcement have no duty to protect and therefore if a citizen feels that it is in his or her best interest to protect oneself or members of their family, there should be no prohibitions preventing their ability and right to vacate the area or to move about freely. We are not a “papers please” society and we as a society vehemently rejected that philosophy and fought a war to prevent the spread of that mindset. This bill creates a reasonable prohibition on what police can and cannot do during a “shelter in place” event without tramping the current procedures that ensure an officer must have reasonable suspicion to detain someone or probable cause to arrest someone. Continuing to allow the process as was exercised in Manchester is a true violation of the rights of our citizens and this needs to stop.

**HB 1752-FN**, requiring a search warrant to obtain blood samples. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kate Murray for the **Majority** of Criminal Justice and Public Safety. This bill requires a search warrant to obtain blood samples. Currently, an individual can refuse to allow a blood sample to be given to law enforcement. In the event the individual is not conscious, the blood sample will be taken. During the court proceedings, a subpoena can be issued to obtain the blood sample. Therefore, there is no need for a search warrant. **Vote 14-5.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. The minority of the committee recommends this bill be ought to pass. This bill would ensure patient confidentiality of their medical records unless the police obtain a warrant for blood or blood results after showing probable cause to a judge. Under present law, police can obtain hospital records just by telling the hospital they are investigating a DWI charge. They need not even have arrested the person or have probable cause. This bill is partly in response to the recent publicized case of a nurse in Utah who was falsely arrested and eventually awarded \$500,000 for refusing to give the police blood or hospital records of a patient. When patients are forced to turn over medical records, they are deprived of their right from unlawful search and seizure of sensitive private medical records. Being forced to give evidence to the police to prosecute also violates someone's right against self-incrimination. Finally, when someone knows the evidence will be turned over to the police, they might be less inclined to go to the hospital or even consent to medical treatment which could save their life out of fear that they will be charged with a crime. Under the implied consent statute in New Hampshire, drivers have a legal right to refuse to provide a blood draw to police after they are arrested for DWI. There should not be an exception when someone is not arrested and/or where the hospital happened to draw blood to treat someone. Under this bill the police would still have access to the blood and medical records as long as they obtain a search warrant showing probable cause. Because the hospital saves the blood and the results for a while, police will not be losing out on evidence as they can obtain a search warrant very quickly.

## EDUCATION

**HB 1277**, relative to the renomination of teachers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill is another attempt to reduce the five years required for renomination. We repeatedly have had testimony that it often takes the five years to determine if a teacher is going to be successful. The five-year period provides new teachers the opportunity and time to improve. **Vote 11-9.**

Rep. Mary Heath for the **Minority** of Education. This bill would reduce from five to three consecutive years of teaching required for a teacher to be entitled to notification and a hearing when the teacher is not re-appointed. New Hampshire has a growing problem in finding and retaining educators, especially in the North Country. Surrounding states require only three years and are attracting and employing New Hampshire educators. This bill would provide greater job security for beginning educators burdened with high debt.

**HB 1333**, relative to the criteria for teachers in charter schools. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Carolyn Halstead for the **Majority** of Education. This bill is an attempt to change the ability of charter schools to hire uniquely qualified teachers. It would change the requirement that a minimum of 50% of the teachers be either certified or have three years experience teaching in New Hampshire to 80% of the teachers being certified only. Charter schools are successful, but with their limited revenue sources (no tax base to draw from), this would not be financially feasible to them. **Vote 11-9.**

Rep. Linda Tanner for the **Minority** of Education. The minority feels raising the minimum requirement for teaching staff at charter schools from 50% licensed educators to 80% will improve the overall performance and educational opportunity at those schools. Charter schools are part of the public system that requires 100% of its staff to be licensed.

**HB 1354**, adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn Halstead for the **Majority** of Education. This bill makes the Speaker of the House of Representatives and Senate President permanent voting members of the University System Board of Trustees. The Board of Trustees is composed of 27 members that include 11 members appointed by the Governor, six elected by alumni, two elected by students, and eight who are members by virtue of their office. As a member of the Board, trustees have a duty to: 1) serve as advocates for higher education and the University System, helping to raise the profile of each institution and the system as a whole; 2) ensure that the mission of the institution is kept current and aligned with public purposes; and 3) maintain a thorough understanding of economic trends and social needs of New Hampshire and their potential impact to higher education. Currently, the House Speaker and Senate President, who have the skill and knowledge needed to govern the system, are non-voting members. The House Speaker and Senate President, both elected officials by the citizens of NH, are not allowed to vote on behalf of the people who sent them to Concord. The University System has many difficult issues to overcome such as student affordability, capital needs, funding strategies, leadership-labor costs, and more that require resolution and the voting voices of the Speaker of the House and President of the Senate. **Vote 10-9.**

Rep. Mel Myler for the **Minority** of Education. The minority believes that this proposal poses a potential conflict. Trustees of the University System of New Hampshire are responsible for implementing the mission and fiduciary responsibility of the institution. Legislative representatives are responsible to the state. In creating budgets, fiscal allocations, constitutional amendments, etc., state legislative representatives may come into conflict with the interests of other state priorities. Further, other northeast state university trustees have state representatives as non-voting members.

**HB 1369**, limiting educational assessments to academic skills and knowledge. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. James Grenier for the **Majority** of Education. This bill limits educational assessments to academic skills and knowledge; however, the bill is unclear regarding which assessments would be affected by the bill's wording. The committee agrees that the statewide assessment should be a measure of academic knowledge and skills which is already stated in law. However, the bill's wording is unclear as to whether other tests or assessments would also be impacted. Wording in this bill states that work-study practices could not include empathy, values, attitudes, or sensitivity. When preparing students for the workforce, there is certainly a need for a person to develop workforce practices that address how an individual works, treats, and collaborates with others. **Vote 12-7.**

Rep. Glenn Cordelli for the **Minority** of Education. The intent of this legislation is to limit student assessments to academic areas and specifies that areas such as values, empathy and attitudes shall not be assessed. These same non-academic areas are specifically excluded in the statutory definition of "work study practices."

## ELECTION LAW

**HB 1264**, relative to construction of the terms "resident," "inhabitant," "residence," and "residency." **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for the **Majority** of Election Law. This bill modifies the general statutory definitions of "resident or inhabitant" and "residence or residency." It does so by eliminating the reference to "for the indefinite future" in the existing definition. Under current law our Supreme Court has found that the ref-

erence to the indefinite future separates residents from those merely domiciled here, definitions critical to voting eligibility. As it currently exists, the law effectively creates two classes of voters. Testimony before the committee by those in favor and opposed to the bill rightly made reference to the State Constitution that refers to inhabitants having equal rights to vote. The majority of the committee believes it is important to ensure that “equal” right to vote by aligning the definitions of domicile, resident, and inhabitant. Testimony made it clear there are two classes of voters because testimony opposed to the bill contained repeated reference to the fact that a certain class of persons would lose ability to vote. Some objection to the change made reference to the fact that certain voters, who currently do not need to comply with motor vehicle laws, would have to with this bill. It was said that a requirement to comply with motor vehicle licensing and registration of vehicles would create a post-election poll tax. A poll tax is something that must be required before the vote; this change creates no such pre-vote obligation. Additionally, this distinction serves to clarify that we currently have two classes of voters; some need to register their cars, some don’t. This legislation does not change current practice of driver’s licensing and motor vehicle registration. What this legislation does do is clear decades of confusion and conflation of common terms used in our statutes: resident, domicile, and inhabitant. Under this legislation, someone who is domiciled in our state will be considered a resident and must follow the laws of our state. The majority of the committee believes that those living and voting in New Hampshire should follow our laws and statutes. **Vote 11-9.**

Rep. David Huot for the **Minority** of Election Law. The minority believes the deletion of “for the indefinite future” from RSA 21:6 and RSA 21:6-a will accomplish nothing with respect to election law except for potentially creating a situation in which another lawsuit could be filed. It does not change the law as decided in the *Newburger v. Peterson* case in 1972. Changing language in these statutes could only result in unforeseen consequences such as altering eligibility for such things as in-state tuition rates, hunting and fishing licenses and other legal benefits of New Hampshire residence.

**HB 1368**, relative to political contributions made by limited liability companies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Norman Silber for the **Majority** of Election Law. This bill requires that a political contribution by a limited liability company (LLC) be specifically reported to include the amount(s) of a contribution allocated to a specific member or members of the LLC. Current reporting to the Secretary of State requires that only the LLC identify a contribution amount. Testimony was that member information for LLCs is not collected and changes to other statutes and in-house software and processes would be necessary; the cost of such implementation is unknown. The majority of the committee believes that this bill is potentially harmful because it eliminates the existing privacy of members of LLCs and would give the state an anti-business reputation for the formation of new entities, a practice which currently generates state revenues. Testimony indicated that this bill originated primarily due to a specific series of contributions from LLCs that used the same address. The public testimony indicated that there are numerous LLCs in the state with the same address on file with the Secretary of State. It is common practice for many unrelated business entities to use the same address for their registered agents and registered offices which are required to be public record by law. **Vote 11-9.**

Rep. Marjorie Porter for the **Minority** of Election Law. Current NH campaign finance laws place a limit on the amount which can be contributed to a candidate’s campaign at \$7,000. However, nothing in the current law prohibits an individual who controls multiple limited-liability companies (LLCs) from donating the maximum amount on behalf of each LLC. The minority of the committee believes candidates from both parties have taken advantage of this loophole, which violates the spirit and intent of the law. This bill provides a remedy by requiring that LLCs, when making campaign contributions, provide the recipient with the names and addresses of its members, and the amount of the contribution to be attributed to each, to be used when filing the candidate’s financial reports. The minority of the committee believe this fix closes the loophole and restores the law to its original intent.

## ENVIRONMENT AND AGRICULTURE

**HB 1233**, preempting local regulation of seeds and fertilizer. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Darrow for the **Majority** of Environment and Agriculture. This bill ensures the consistent statewide regulation of agricultural seeds. In recent years, a number of US local governments have enacted legislation prohibiting or restricting the cultivation of genetically engineered crops or plants. Making it illegal for a particular method of farming will make it challenging for a farm to be financially viable. The impacts of inconsistent regulations not only will hurt the NH farmer’s livelihood but will unfairly limit consumer choice and pose serious legal and financial risks for local governments. This legislation simply defines that the authority to regulate seed lies with the Department of Agriculture, Markets and Food. The bill also maintains property rights of those who are working the land. It should be the right of the grower to decide what crops make the most sense for them to grow in order to sustain their business. Local bans can result in a confusing assortment of laws governing agriculture and make farming more complicated. Many of NH’s farmers own

or lease land in multiple towns. Restrictions by individual towns would cause an unnecessary burden to the farmer. As a result, their ability to practice land management for production and crop rotation for maximum yields will be curtailed. It would be inappropriate for local municipalities to make it illegal for farmers to cultivate agricultural products that are lawful to grow under federal and state law. The second part of the bill is in regard to fertilizers. The intent is to address the concern of local regulations impeding the farmer's choice when selecting the type of fertilizers to be used on their agricultural land. This amendment is specific to agricultural lands and would not prevent towns from developing plans that would restrict the type of fertilizer used in certain sensitive areas. **Vote 7-6.**

Rep. Peter Bixby for the **Minority** of Environment and Agriculture. This bill preempts local control in two areas: fertilizer and seeds. Without the committee amendment, it prevents localities from regulating any use of fertilizer. This is very problematic for communities that are working with the Department of Environmental Services (DES) to mitigate nutrient run-off into nearby water bodies, especially those communities that are facing large financial penalties from the EPA if water quality does not improve. The committee amendment only prevents local control of agricultural uses, and makes this aspect of the bill less stringent. Regarding seeds, the bill blocks any local regulation of anything to do with seeds, including notification requirements and any products of seeds. For example, a town could not require anyone planting seeds treated with neonicotinoids to notify bee keepers. This could be a substantial economic liability for bee keepers. Removing local control of seed products is even more problematic. This removes the right of a town to regulate any plant product which could extend as far as local regulation of food and food waste and to any material that started out as a plant. This bill follows a template created by national lobbyists for corporate agriculture giants with the intent of blocking local laws on genetically modified crops or seeds treated with pesticides, but its effects in terms of erosion of local control could be far greater.

**HB 1766-FN**, relative to remediating the Coakley Landfill in Greenland. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Howard Pearl for the **Majority** of Environment and Agriculture. The Coakley Landfill is a federal Superfund site and has received funding to mitigate documented environmental concerns. This bill would require the Department of Environmental Services (DES) to compel the responsible parties to spend an estimated \$7 million on a different remediation method using 1990 technology. The responsible parties are part of the Coakley Landfill Group (CLG) which is comprised, by share, of municipalities (62.5%), generators (20%), and transporters (16.9%). This legislation would violate the consent decree between the state and the Environmental Protection Agency (EPA), resulting in NH exerting power that it does not have under the Superfund program. Recently the Governor met with EPA chief, Scott Pruitt, who agreed to expedite deep bedrock testing with additional information forthcoming from the operation before the end of summer. In addition, the committee heard legal testimony and received outside legal advice which brought forth the following legal issues: (1) The consent decree was signed by the U.S. Department of Justice, DES, and CLG in 1999, thereby making the bill, if enacted, a possible violation of separation of powers since the NH Legislature has no authority to modify a federal court order (*Plaut v. Spendthrift Farm, 514 U.S. 211, 227 (1995)*). (2) It could violate the prohibition against retrospective laws (NH Constitution Part 1, Article 23). (3) It could be a violation of equal protection under the NH and Federal Constitutions. (4) It would breach the consent decree and may also be unconstitutional under the contract clause of the NH Constitution, Part 1, Article 23. The committee, being concerned about the health, safety, and welfare of the surrounding communities, has been assured by DES that they do have the authority to break the consent decree under RSA 147-A if an imminent hazard is present. After a lengthy public hearing, where much of the testimony was anecdotal, the committee determined it is premature to act before EPA has completed its new analysis using the latest available science. **Vote 9-7.**

Rep. Peter Bixby for the **Minority** of Environment and Agriculture. The minority believes that this bill addresses a critical environmental public health threat affecting seacoast communities. The committee heard testimony that the Coakley Landfill Group has failed to effectively contain pollution at the Coakley Superfund dump site. Toxins are contaminating groundwater, drinking water, and surface water of five neighboring towns. The Department of Environmental Services (DES) stated in correspondence to state legislators that the contamination of surface water in Berry's Brook is unacceptable and needs to be addressed. While some ongoing investigations, including deep bedrock investigations, and the possible involvement of other contaminated sites are used as a reason for delay or inaction, the minority understands that the Coakley Landfill has been mismanaged for decades. The possibility of other problems is not a good reason to delay action on this well identified threat to public health. Passage of this bill would force DES to take immediate action.

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**HB 1685-FN**, establishing a statutory commission for oversight over occupational regulation. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill, with the amendment, sets up a ten-member legislative commission to conduct a continuing review of the existing system of occupational

regulation in NH. Given that NH has a well-established and well-designed structure of occupational regulation dating back as much as a century, or more, and that, importantly, the legislature has an active role in directing the Legislative Budget Assistant Audit Division to carry out thorough reviews of NH's executive branch agencies and boards on an ongoing schedule, and given further that the existing regulatory system is strongly supported by the regulated professions and occupations, as well as by the people of NH, one can only wonder as to the useful purpose, benefit and result of imposing a permanent legislative review commission, as proposed by this bill. The majority of ED&A sees this bill as unnecessary and unwarranted. **Vote 9-8.**

**HB 1754-FN-LOCAL**, establishing a state defined contribution retirement plan for state and political subdivision members of the retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Goley for Executive Departments and Administration. Research shows that Defined Contribution (DC) retirement plans are more expensive to administer and may not deliver sound and reliable benefits as consistently or inexpensively as Defined Benefit (DB) retirement plans. Given that a recent report provided by Boston College's Center for Retirement Research, at the request of the 2017 Decennial Retirement Commission, shows New Hampshire's pension costs are well below the national average, switching to a DC plan will only exacerbate increases to employer costs. In fact, this bill's fiscal note says making this change will increase the unfunded actuarial accrued liability (UAAL) of the NH Retirement System (NHRS) by \$1.9 billion. The current UAAL, which makes up the bulk of employer payments, will be paid off in 2039. Employer costs after that time will be next to nothing and much less expensive than any DC plan, including the one proposed in this bill. A DC plan is the wrong policy fix for the NHRS. The correct course of action is to maintain the current DB plan, as independent actuaries have demonstrated that with sound contribution rates and smart investment decisions, the UAAL will be paid off during the remaining 21 years of the amortization period and the normal pension cost is an affordable way to provide public employees with retirement security. **Vote 14-2.**

## FINANCE

**HB 1626-FN**, requiring the governor's commission on alcohol and drug abuse prevention, treatment, and recovery to report on the cost effectiveness of funded programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Erin Hennessey for the **Majority** of Finance. As amended by Finance, this bill incorporates into the work of the Governor's Commission on Alcohol and Drug Abuse Prevention, the requirement, methodology and means for performing a comparative cost effectiveness and outcomes analyses of treatment and prevention programs. This program was endorsed by both the Governor's Commission and the Department of Health and Human Services as beneficial to their efforts to maximize the effectiveness of their spending. The program would take in the first year commencing on January 1, 2020, the four largest treatment programs by highest dollar value for comparison while during year two, a comparison of the four largest prevention programs will be performed. The analysis will compare the outcomes and costs of the program categories used by New Hampshire and will reference the use of the Pew-MacArthur Results First Clearinghouse Database which will also provide comparison standards. Reports of the comparison analysis including cost effectiveness will be provided to the Speaker of the House, President of the Senate and the members of the House and Senate having jurisdiction of health and human services issues as well as the fiscal committee of the general court. The amended bill also includes the formation of a subcommittee by the Chairperson of House Finance to evaluate the usefulness of the information generated by the reports with the requirement that suggested changes be incorporated into legislation. The cost of the program is \$300,000 that will be taken from the Department of Health and Human Services existing appropriations for the biennium ending June 20, 2019. After that time, the program will be subject to the normal budget process and, as it is supported by the department, likely included in its budget. **Vote 14-10.**

Rep. Sharon Nordgren for the **Minority** of Finance. The minority agrees with the process of evaluation and cost effectiveness of grants from the Governor's Commission on Alcohol and Drug Abuse Prevention and Recovery. However, we do have great concern for the future viability of funding. The \$300,000 from "existing appropriations" is a one-time funding until June 2019. Obviously, we have no assurances that funding will be included in the next budget cycle.

**HB 1756-FN-A**, relative to an additional allowance and a cost of living adjustment for retirees from the state retirement system. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. J. Tracy Emerick for the **Majority** of Finance. This bill grants a one-time additional allowance of \$500 to certain retirees in the state retirement system and makes a general fund appropriation to cover the cost. The bill also grants a cost of living adjustment to such retirees contingent on the funding for the total actuarial cost which is more than \$10 million in the current fiscal year and indeterminate in future years. None of this has been budgeted. Beyond the unbudgeted cost, the bill present other issues that the Committee could not resolve. Of the retirees, 28 percent are state employees, and 72 percent are county, city, town and school district employees. Because the current retiree database does not have information from which non-state entity

the individual retiree retired, there is no way for subdivisions to provide a one-time \$500 grant to former employees of that subdivision. Even the Decennial Retirement Commission, which released its report in January of this year, was unable to provide a methodology for having county, city, town and school districts pay their share of this cost. With respect to COLAs, although the N.H. Retirement System (NHRS) does not provide for COLAs in its plan, the majority of Group I retirees (teachers, political subdivision employees, etc.) also draw Social Security, and for many years Social Security has provided a cost of living adjustment, although some of that benefit is reduced by a corresponding increase in Medicare premiums. Group II employees (first responders, corrections officers, etc.) earn higher pensions than those in Group I retirement, but do not get Social Security. In the past, COLAs were provided to retirees from a special account that was funded from NHRS earnings. This practice was discontinued some year ago, and the special account was terminated after it was found that the special account was partially responsible for the NHRS's \$5 billion unfunded liability. So today, no fund exists from which to pay COLAs. Indeed, the Decennial Retirement Commission did not recommend COLAs in its report. The majority of the Committee believes that a separate bill should be filed to thoroughly examine a plan for potential COLA increases, including how and when they would be handled, and that such plan should be appropriately budgeted by all governments which have members participating in the NHRS. The majority also believes that it would be inappropriate to cut any needed service such as addiction treatment, mental health services, services to elderly, waste water grant to towns, etc., in order to pay the \$10-plus million cost of this bill. Finally, the majority recommends that the Decennial Retirement Commission proposal to provide a one-time payment to retirees with lengthy service and low pensions should be part of the next budget. **Vote 14-10.**

Rep. Peter Leishman for the **Minority** of Finance. The minority of the Finance Committee strongly supports the passage of HB 1756-FN-A. This bill provides a one time payment of \$500.00 for those retirees making less than \$30,000 and a continuing Cost of Living Adjustment (COLA) of 1.5 % to state retirees effective on July 1, 2020. Since 2010, our state retirees have received no state COLAs. NH Retirement Systems pensions are the sole source of income for many. The average age of the 35,694 state retirees is 70.2 years with an average pension of \$19,788. Simply put, this COLA would provide a small increase in the retirees' pension. The minority is increasingly concerned that retirees' health care contributions, which are deducted from their pension, continue to increase without a corresponding increase to their state retirement pension. On the other hand, those individuals receiving the Social Security retirement benefit have received 10.8% in COLAs since 2010. For the reasons above, the minority of the committee believes a cost of living adjustment for our state retirees is long over due.

**HB 1814-FN-LOCAL**, relative to additional education grants to municipalities for the purpose of restoring reductions in stabilization grants **INEXPEDIENT TO LEGISLATE.**

Rep. Karen Umberger for Finance. This bill deals with the stabilization grant as part of education adequacy. The purpose of the stabilization grant, as passed, was to maintain the 2011 adequacy payments while school districts got used to the new education funding formula passed in 2011. Stabilization grants were not provided to all school districts, but were designed as a bridge to assist some districts with readjusting their school budgets. By 2017, it became apparent, even with declining enrollment, that school budgets were not being adjusted to account for declining enrollment and the majority of school districts were decreasing class size rather than reducing budgets. The decision was made in the 2017-2018 budget to decrease the stabilization grant by 4% every year until it disappeared in 25 years. We are now in the second year of the reduction. This bill attempts to restore the 4% cut in the stabilization grant. The structure of this bill would be to forward to the Senate a bill with indefinite funding and ask the Senate to fund it from any funds that are surplus at the end of this fiscal year. The money is to go to financially distressed school districts. Financially distressed school districts are not defined. It is not the custom of budget management to try to spend surplus from the first year of the biennium before the final audit. It is also not the custom of the Finance Committee to send a bill to the Senate with an indefinite appropriation. It was suggested to the sponsor that there may be other ways to pursue his aim without the passage of this bill. **Vote 24-0.**

## HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**HB 1506-FN**, relative to regulation of assistant physicians. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. William Marsh for the **Majority** of Health, Human Services and Elderly Affairs. The majority notes that we indeed have a significant shortage of physicians in NH; a shortage likely to grow due to increased demands from expanded access and an aging physician workforce likely to cut back hours or retire. Medical schools have expanded their number of graduates 28% since 2002, but Congress has restrained the growth of graduate medical education positions since 1997. Consequently, in 2016 there were 42,370 applicants for 30,750 positions. Those unmatched have burdensome student loans and are unable to advance their career. These unmatched MDs have approximately twice the education and experience of physician assistants. We feel that allowing them to practice under supervision, as this bill proposes, exactly as physician assistants do today, while taking measures to advance their education

remotely similar to the way eStart allows students to take college courses, would help solve the physician shortage in a cost-effective manner. This alternate model of Graduate Medical Education in fact parallels the Junior Physician model used in the United Kingdom and other countries. We believe that expecting Congress to solve this problem is unreasonable considering that it has failed to do so for two decades; the current program at \$10.1 billion annually, or an average of \$112,642 per resident per year, is likely unsustainable even at current funding levels. We also feel the suggestion by various professional organizations that NH could fund residency positions in a similar way using state funds is disingenuous given the multiple demands on our state budget. Amendment 0251h clarifies the bill by renaming “Assistant Physicians” to “Graduate Physicians” and requiring DHHS to apply for a state plan amendment such that these individuals are paid by Medicare and Medicaid. **Vote 12-7.**

Rep. Polly Campion for the **Minority** of Health, Human Services and Elderly Affairs. The minority believes that there is a need to increase the availability of primary care providers in NH, particularly in more rural areas. However, this legislation appears to use a flawed solution to solve this very real problem. This bill will enable medical school graduates that do not meet the qualifications to be licensed as medical doctors (MDs or DOs), to practice medicine in collaboration with a licensed MD or DO. It attempts to substitute practice with a single practitioner for a highly structured and regulated residency program for individuals that were unsuccessful in being matched with an accredited residency program, and raises concerns about patient safety. The role of the Graduate Physician is not currently recognized by insurance carriers, limiting the ability to be reimbursed for the practice of these individuals. Malpractice insurance carriers have also been unwilling to provide malpractice insurance to these individuals in Missouri, the one state to have implemented the role. The work required to create the rules, standards and processes to implement this flawed role will distract from the efforts and resources required to address the need for highly qualified primary care physicians in NH's rural communities.

**HB 1532**, prohibiting gender reassignment surgery for minors. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for the **Majority** of Health, Human Services and Elderly Affairs. Knowing the relative immaturity of young and developing teenage minds and hearts, the state prohibits people under 18 from voting and using tanning booths, and people under 21 from drinking alcohol. One has met adults who have had such surgery and now regret it and find no real way to reverse it. While there are those youngsters whose emotions may, even for a period of time, lead them to want such surgery, many experience a later change in their gender self-perception and then it will be too late. The majority believes such surgery should be left to the adult choice of those having reached their maturity. **Vote 12-8.**

Rep. Lucy Weber for the **Minority** of Health, Human Services and Elderly Affairs. Although many minors experience gender confusion which resolves by puberty, so that their gender identity matches their physical gender, for transgender youth, this is not the case. A transgender youth is one whose assertion that their gender identity does not match the body they were born into, is insistent, consistent and persistent over time. Research overwhelmingly shows that transgender youth do best when they are affirmed in their identity by those around them. Current medical support for transgender youth include long courses of hormonal treatments and appropriate counseling. The minority believes that the question of surgery, which comes only after a significant course of other interventions, is best left to the parents of the minor in consultation with the minor's medical and mental health professionals to determine the best course of action for each individual.

**HB 1560**, prohibiting Medicaid from paying for sex reassignment drug or hormone therapy or surgery. **INEXPEDIENT TO LEGISLATE.**

Rep. Jerry Knirk for Health, Human Services and Elderly Affairs. This bill would prohibit Medicaid payment for an accepted medical treatment. It would prohibit payment for both hormone therapy and sex reassignment surgery in competent adults who should be allowed to make their own decisions. Both treatments are medically accepted treatments for gender dysphoria which are effective and lifesaving. Sex reassignment surgery is not cosmetic surgery. It is particularly important to cover hormonal therapy if gender reassignment surgery is prohibited or delayed until after age 18. One should not be denied medically necessary treatment because of an inability to pay. **Vote 13-7.**

## JUDICIARY

**HB 1319**, prohibiting discrimination based on gender identity. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jason Janvrin for the **Majority** of Judiciary. This bill would add gender identity to NH's existing Human Rights Act, RSA Chapter 354-A, which already includes race, gender, religion, marital status and sexual orientation. It would prohibit discrimination in employment, housing and public spaces (also known as public accommodations), such as restaurants, business, and hospitals, based upon gender identity. The

committee heard of many cases of actual discrimination from transgender individuals. The bill is supported by employment lawyers, the Human Rights Commission, and the Business and Industry Association (BIA). The committee heard support from the Chiefs of Police Association who explained that this bill explicitly says a gender identity cannot be asserted for an improper purpose, such as using a bathroom/locker-room to commit a crime. Finally, the committee heard testimony regarding the high rate of preventable suicide in the transgender community; “a staggering 41% of (transgender) respondents reported attempting suicide compared to 1.6% of the general population.” A bipartisan majority of the committee believe this bill will save lives and will lead to tolerance, acceptance, and the right to live free to all of New Hampshire’s inhabitants, regardless of their gender identity. **Vote 10-8.**

Rep. Michael Sylvia for the **Minority** of Judiciary. The minority believes that all discrimination is wrong. It further finds this bill to be divisive and harmful to those yet to be enumerated as specifically protected under the Human Rights Commission. RSA 354-A fails to adhere to our constitution, Part 1. Article 1, “All men are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the general good.” By dividing our people and adding special protections for some, we fail to meet that ‘general good.’ The directive to the Human Rights Commission needs to be inclusive of all Granite Staters as was stated in an amendment offered by the minority.

**HB 1323**, relative to employment of chief executive officers under the right-to-know law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill seeks to make all actions, hiring, discipline, firing, etc., regarding those who head departments (police and fire chiefs, school superintendents, public works directors, etc.) at all levels of our government, subject to the openness required by the Right-to-Know law. The majority generally agreed that there should be more openness, but also recognized that such employees’ careers could be destroyed by unfounded but openly publicized allegations and amended the bill to provide some protections against that scenario. Recognizing this bill might reduce the applicants for some positions, we believe the increased transparency it provides is more valuable. **Vote 10-8.**

Rep. Debra Altschiller for the **Minority** of Judiciary. This bill seeks to classify any public employee who is directly supervised by a public body (such as a municipal select board or a state government commission) as a “chief executive officer” and subsequently have all of their personnel information be subject to RSA 91-A. The committee heard testimony from the N.H. School Boards Association that in the many searches for school superintendents conducted in N.H., candidates wish to remain anonymous unless and until they are a finalist for the job. This is also a common practice for chiefs of police and most recently for the newly formed Office of the Child Advocate. The effect of making the entire process from the beginning of the application process through to the final hire open to the public would result in a serious shrinking of the talent pool of applicants as people would be reluctant to apply for these positions that would immediately inform their current employer that they were considering leaving. The minority believes our elected officials should be trusted to the jobs they were elected to do, which includes conducting professional searches, assembling the best possible pool of candidates and hiring the most qualified person from that pool on behalf of the citizens who elected them. This bill is a solution in search of a problem that the committee heard no specific testimony to explain its necessity. We recommend trusting local voters and their officials continue hiring with privacy afforded to potential candidates until they make the final round of hiring as is current practice.

**HB 1344**, relative to collective bargaining under the right-to-know law. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill seeks to make public bodies’ negotiating meetings truly public by removing their exemption from the Right-to-Know law. The majority agreed that the taxpayers, those who pay all the participants, who will bear the costs of the final agreement, should be able to judge for themselves the values presented by both sides during the actual negotiations. We think this will give citizens better understanding of the issues and a real opportunity to evaluate the performance of their representatives, whatever side they are on. We also expect the tenor of negotiations may improve when everything said is a matter of public record. Note: public bodies retain the ability to develop strategies in non-public meetings. **Vote 9-7.**

Rep. Linda Kenison for the **Minority** of Judiciary. Collective bargaining negotiations have always been exempt from the Right-to-Know Law. The ability to negotiate in private fosters compromise. This is essential to resolving and avoiding impasses. Public negotiating sessions would likely lead to grandstanding and hardening of positions on both sides, making it more difficult and delaying an agreement. Trying to draw a distinction between “strategy” which is exempt under the Right-to-Know law, and requiring “negotiation” to take place privately. Under this bill these sessions would seesaw constantly between a public meeting and a non-meeting and would make compliance difficult and record keeping almost impossible. This bill would have no impact on municipalities who appoint a non-member to negotiate with the union. However, this bill would be especially deleterious for those towns where select boards negotiate directly with the unions, which would require public negotiation.

**HB 1443**, relative to a jury's determination as to the applicability of a law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary Hopper for the **Majority** of Judiciary. This bill is "Jury Right to Know." The current jury instruction is, "If you have a reasonable doubt as to whether the state has proved any one or more of the elements of a crime required you must find the defendant not guilty. However, if you find that the state has proved all the elements of the offense charged beyond a reasonable doubt, you should find the defendant guilty." To a lawyer or a legislator the word "should" would clearly mean "may or can" however to the layman the word "should" has been lost amongst all the other jury instructions. This bill clarifies the word "should" by adding, "However if you find that the state has proved all the elements of the offense charged beyond a reasonable doubt, you should find the defendant guilty, unless your right of conscience dictates that the facts of the case reveal that a guilty verdict will yield an unjust sentence; accordingly, you shall find the defendant not guilty." **Vote 9-8.**

Rep. Paul Berch for the **Minority** of Judiciary. The minority of the committee agrees with overwhelming testimony during the past 20 years that a jury nullification bill would create huge problems in the administration of our criminal justice system, conflict with basic rules of evidence and ethical obligations of attorneys, create roadblocks in the prosecution of sexual and domestic offenders, and undermine a bedrock principle of American justice - that we are a society under the rule of law and not of men. It would force prosecutors in jury trial after jury trial, every time that a defendant claims jury nullification, to prove that a law is just and reasonable. It could make victims of crime who are unpopular less likely to obtain justice in New Hampshire courts. The philosophy behind this bill has been uniformly rejected in the United States and has failed to pass at least 12 times in the past 23 years in New Hampshire.

**HB 1579-FN**, requiring records to be kept for certain exempt convenings under the right-to-know law. **WITHOUT RECOMMENDATION.**

**Statement in support of Ought to Pass:** This bill asks public bodies to keep 'records' of certain times they gather, currently called "non-meetings" because they are specifically exempted from the "meeting" category under RSA 91-A. These records would be minimal, far less than 'minutes' as we know them. The records of such "convenings" would contain only which of the two types of non-meetings covered; the names of members and other persons appearing,; and the beginning and ending dates and times; and, . If the convening is for collective bargaining negotiations, the name of the bargaining unit or, if for consultation with legal counsel, the name of the counsel and how that party participated. We believe this minimal information would give the citizens some idea of what is now totally invisible. These records would be the only record of collective bargaining sessions, but only invoked when a majority of the body was present, and legal consultation may already be done in "non-public" meetings, where more detailed minutes are required. We believe having these records will improve the citizen's ability to monitor public bodies' performance without compromising the bodies' ability to function ability to function or violating the well-established attorney-client privilege.

Rep. Kurt Wuelper

**Statement in support of Inexpedient to Legislate:** This bill, if passed, would force public bodies to reveal certain information related to so-called convenings (nicknamed "non-meetings" which currently can legitimately be kept confidential. In particular, the names of all persons at the convening would have to be published, even if the person is a minor, or even if there is some other valid reason why his or her name should be kept confidential. This bill would further compromise the confidentiality of the non public meetings. Public bodies would have to disclose the names of all legal counsel they meet with. They would also have to disclose the names of any bargaining with whose labor agreements are discussed in non public session. There are several well-established reasons, as specified in RSA91-A:3 why certain matters should be resolved confidentially in non-public session.

Rep. Timothy Horrigan

**HB 1584**, relative to a landlord's ability to sell personal property of a commercial tenant. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charlotte DiLorenzo for the **Majority** of Judiciary. This bill as allows a landlord of a commercial rental to sell the personal property of a tenant 30 days after termination of the tenancy and giving notice to lien holders of the property. This bill would give the landlord priority and would not protect lien holders in the sorting out of competing interests in the personal property. The NH Bankers Association does not support this bill because member banks and affiliates may hold outstanding loans on the abandoned personal property in question. This bill conflicts with the Uniform Commercial Code which has bearing on commercial leasing. While the committee generally agrees the landlord is in a difficult situation which may delay re-renting a commercial property, this bill needs more work. It is in the purview of the House Commerce and Consumer Affairs Committee to come up with an equitable solution to these matters. **Vote 8-5.**

Rep. Dan Hynes for the **Minority** of Judiciary. This bill allows a landlord of a commercial rental to sell or dispose of the personal property of a tenant 30 days after termination of the tenancy and giving notice to lien holders of the property. Under present law a landlord of commercial property has no options available

to get rid of property after it is left behind by the tenant. This allows tenants to continue to receive free storage. Our landlord tenant laws related to residential property allow a landlord to dispose of all property after 7 days without notice to the tenant. This bill would give additional protections beyond what residential landlords must give as the bill requires the landlord to wait 30 days and to attempt to determine if anyone has liens on the property via verified mail. Further safeguards include requiring a notice of sale being sent to the tenant and lienholders.

**HB 1672-FN**, prohibiting release of certain information relative to users of therapeutic cannabis to federal agencies. **OUGHT TO PASS.**

Rep. Dan Hynes for Judiciary. This bill recognizes a privacy interest of people who use therapeutic marijuana and are in a state-held registry. Under this bill federal authorities would not have access to the list without a search warrant. Under federal law people who use therapeutic marijuana cannot purchase a firearm. There is concern the federal government would seek this list to deprive people of their second amendment rights. Further, this bill sends a message to the federal government of our support for therapeutic marijuana and New Hampshire's rights under the tenth amendment. **Vote 13-5.**

**HB 1748-FN**, relative to status for part-time retired judges. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire Rouillard for Judiciary. This bill exempts retired part-time circuit court judges or judicial referees from current state law which other retired state employees must abide. It allows retired judges and judicial referees to work and not comply with our statutory limit of 32 hours per week or 1300 hours per year, while continuing to collect their judicial retirement. Also under this bill, retired part-time circuit court judges are not subject to the "restored to service" statutory provision which requires that state retirement benefits cease once a retirement beneficiary returns to work. Lastly, although this bill was intended for one northern NH county, it is not limited to that county, which would mean this could apply statewide. The majority of the committee did not feel this bill, which has potential unintended consequences, was prudent. **Vote 11-7.**

**HB 1787-FN**, relative to the rights of conscience for medical professionals. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul Berch for the **Majority** of Judiciary. This bill would seek to elevate the moral, ethical or religious objections of health care professionals over the right of individuals to obtain certain medical procedures (sterilizations and abortion) as well as commonly used items such as birth control pills and condoms. Applying to almost everyone connected even remotely to the practice or delivery of medicine – from doctors to the clerk selling condoms at a local drugstore, it would establish civil penalties and a basis for lawsuits for violation of its extraordinarily wide provisions. The committee heard testimony that the failure to include any emergency override, where withholding care could result in the death of the woman, may well fail to provide women essential healthcare. A refusing medical professional would be exempt from having to inform a woman in an emergency situation where she might get emergency care. Additionally, the committee was concerned about the broad reach of this proposed law, the vagueness of terms, the effect on businesses who may not wish to hire a clerk who would be selling a range of products including condoms but who states that she/he will refuse to do so; the effort to make unlawful certain actions by national certifying medical boards, and an odd provision stating that, if the House chooses to intervene in a court test challenging the constitutionality of this bill, the Speaker could only choose a sponsor of this bill to represent the House. Finally, given the rights to an abortion and to obtain contraceptives are constitutionally protected, the elevation of someone's personal "moral" objections may present an unlawful undue burden on these constitutional rights. Based on these and other concerns, the Judiciary Committee recommends ITL with a bipartisan majority. **Vote 14-1.**

Rep. Kurt Wuelper for the **Minority** of Judiciary. This bill seeks to protect medical professionals' right to not participate in procedures that take innocent human life. The NH Constitution, Part I, Article 4, says the right of conscience has no equivalent and the minority believes it should be honored especially when the objectionable activity terminates human life. We received many testimonies from medical people in NH asking for it. The minority agreed and supports the bill.

**HB 1788-FN-LOCAL**, relative to costs charged under the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Sylvia for Judiciary. This bill addresses wildly varying costs charged by various public bodies for copies provided under RSA 91-A. This bill as amended sets a maximum rate of 10 cents per page for copies. It should be noted that RSA 91-A:4, IV provides that "nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged." Objections from registrars of deeds are protected from this change under RSA 478:17-g, III, which provides "for copying any documents or providing any other service, the charge shall be established and posted by the register of deeds." **Vote 11-7.**

**HB 1789-FN-LOCAL**, relative to costs of requests which are in electronic format under the right-to-know law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Timothy Horrigan for the **Majority** of Judiciary. The majority agreed that this bill went too far. Providing electronic records often incurs substantial costs and there should be some way to cover those costs. Also, there was concern that this bill might interfere with the operations of agencies which currently routinely charge user fees while making certain records available. **Vote 9-8.**

Rep. Jason Janvrin for the **Minority** of Judiciary. This bill would prohibit a public body from charging for delivery of electronic governmental records under RSA 91-A. The bill would carry out the intent of the statute by promoting open government by prohibiting charging a fee for transmittal of the record via email, onto a thumb drive, or making the record available on the internet. The minority of the committee believes that this bill would make access to governmental records much easier to obtain in the spirit of the right to know.

## **LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**

**HB 1201**, relative to an employee's earned but unused vacation time. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Philip Bean for the **Majority** of Labor, Industrial and Rehabilitative Services. The subject legislation encumbers the workplace to include labor and management, with administrative burden that is inconsistent with marketplace need and reality. The majority agreed that this legislation was not necessary. **Vote 12-9.**

Rep. Michael Cahill for the **Minority** of Labor, Industrial and Rehabilitative Services. The bill as introduced would do away with "use it or lose it" regarding vacation hours. An amendment was brought forward to protect employees from losing earned wages due to the inability to use vacation hours due to the needs of the business. A ninety day extension would be granted after which if the hours remain unused, wages would be paid.

**HB 1222**, relative to inquiries concerning salary history by prospective employers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill would prevent an employer from asking a potential employee any questions regarding previous wage or salary history prior to an applicant being offered employment. There are several problems with this bill as it places additional, unnecessary restrictions on our already over-regulated businesses. The extensive "legislative findings" stipulated in the preamble are subjective at best and many do not even speak to the bill's intent. An employer could easily negate the entire, intended purpose of this bill by simply stating to an applicant at the first interview "I cannot ask you about your salary or wage history but you may voluntarily disclose your wage history to me now." Limiting the free discussion of salary history could create unintended consequences for the employee's rate of pay or job prospects. Employers might also become more selective in who they even choose to interview by limiting the pool of potential candidates. Finally, rather than eliminating regulations, this bill adds more. As legislators, we should not be creating greater impediments in the employer-employee business relationship. The majority recommends that this bill be voted Inexpedient to Legislate. **Vote 12-9.**

Rep. Janice Schmidt for the **Minority** of Labor, Industrial and Rehabilitative Services. Formerly a gendered problem, this is now an issue confronting all new and potential employees in New Hampshire. One reason for slow wage growth since the Great Recession is the referencing in job applications of salaries dating to or prior to the Great Recession. Employers may still ask for salary histories in job interviews, but this proposal would at least aid qualified applicants in passing the initial threshold in the overall application process.

**HB 1246**, relative to the minimum hourly rate for tipped employees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill would raise the minimum wage component for employees who regularly receive tips. The Labor Committee has heard variants of this minimum wage bill several times over the past few years and each time it has been appropriately killed. As before, no employee who would be affected by this bill testified for it. In fact, a prime sponsor of the bill conceded that she knew of no personal instances of tipped employees asking for the change. Testimony by industry affirmed previous years' testimony that tipped employees make on average between \$15 and \$25 an hour, even more in higher-end businesses. Lastly, a similar bill in our neighboring State of Maine, passed just two years ago, was reversed this past summer when a large number of tipped employees formed an association to lobby for the old law. The employees soon discovered that the new law raising their minimum wage actually caused their overall compensation to be less than under the previous law. The majority of the committee recommends Inexpedient to Legislate. **Vote 12-9.**

Rep. Douglas Ley for the **Minority** of Labor, Industrial and Rehabilitative Services. Payment of sub-minimum wages to tipped employees perpetuates an historical practice rooted in slavery (unpaid labor) where occasional tips could be offered. Today, some servers earn substantial tips (skewing the overall average) but the majority barely make a subsistence wage. Consequently, taxpayers bear the burden of the social services (food stamps, housing assistance) these tipped employers must utilize. In addition, payment of

the sub-minimum wage disproportionately affects women, and dependence upon tips fosters an inordinate vulnerability to sexual harassment by customers. Therefore, the minority believe it is time to correct this historic inequity, whereby one class of businesses whose employees are made vulnerable to sexual harassment are subsidized by taxpayers.

**HB 1405**, relative to the eligibility of school district employees for family and medical leave. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill would reduce the hourly threshold for eligibility under Family and Medical Leave for any “school district employee” from the federally mandated minimum of 1250 hours worked, down to only 900 hours worked. Although testimony focused specifically on Education Support Personnel (ESPs), other school employees could also become eligible under the reduced hourly minimum thresholds. The majority of the committee believes that implementing special carve-outs is not the appropriate way to create fair and equitable legislation. Additionally, we believe the current federal minimums are at an acceptable hourly threshold, and any changes to that minimum hourly threshold should be taken care of at the federal, rather than state level. The majority therefore recommends that this bill be voted Inexpedient to Legislate. **Vote 12-9.**

Rep. Brian Sullivan for the **Minority** of Labor, Industrial and Rehabilitative Services. This bill will allow school year employees such as paraprofessionals to qualify for unpaid leave under the FMLA. The minority believes that these essential employees should have access to this leave, especially as it would not cost the school district any additional money.

**HB 1462-FN**, relative to health and dental benefits under the workers’ compensation law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Brian Seaworth for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill proposes to add a benefit which would be unique to New Hampshire. In the case of a workplace injury covered by Workers’ Compensation which renders an employee unable to work, it proposes an mandated extension of health insurance coverage by the employer to a period of up to one year. The sponsor wanted to address the cost of COBRA to an employee who continues coverage during their absence. The research did not consider all the options available today, such as expanded medicaid and the health insurance exchange. Note also that health insurance is a benefit provided at the discretion of the employer. The majority of the committee is concerned, not only that this bill would be an expensive new mandate on New Hampshire employers, but that it might have unintended consequences. Employers may be less inclined to provide health insurance as an employee benefit, in some cases, if we increase the cost of doing so. **Vote 12-9.**

Rep. Mark MacKenzie for the **Minority** of Labor, Industrial and Rehabilitative Services. The current workers compensation system is designed to make people whole following an industrial accident to the extent possible. It provides for indemnity benefits to replace wages and covers the cost of medical care for the insured worker specific to the injury. It also includes rehabilitation benefits to help return the injured worker to gainful employment when possible. Unfortunately, as the sponsors of the bill explain employers are not required to maintain health care and dental coverage for the employee consistent with practices in place at the time of the injury. This could potentially leave the injured worker and their families without employer-sponsored health care. The current workers compensation provision should be required to make a person whole, and this includes the continuation of health care and dental benefits for the duration of the injury. The bill would only require health and dental coverage to continue for a two-year period. Failure to continue medical and dental insurance for the injured worker and his/her family could also be used as a wedge issue in a settlement by creating additional pressure on the injured worker to return to work before wholly recovered. The minority of the committee believe it is unfair not to continue employer sponsored health care and dental benefits when an employee suffers a work related injury and failure to do so creates an undue burden on the worker and their families.

**HB 1500-FN**, relative to workplace violence, workplace injuries and death in the workplace. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. While the majority of the committee believes there may be value in exploring the overall concept of the bill, we find that there are just too many unanswered questions regarding the intent, interpretation and definition of individual provisions. In fact, during testimony, an identical question asked of two different witnesses resulted in two different interpretations. An amendment proposed during the executive session contained changes and definitions the sponsor could not adequately explain. Not wanting to approve legislation “on the fly,” the majority finds an appropriate resolution to be Interim Study. **Vote 11-10.**

Rep. Mark MacKenzie for the **Minority** of Labor, Industrial and Rehabilitative Services. Public employees in New Hampshire lack coverage under the Occupational Safety and Health Administration (OSHA) laws which are provided to private employees, and state laws to protect the health and safety of public employees are much less comprehensive than the federal provisions that protect their private sector counterparts. In addition, the state infrastructure necessary to investigate accidents, determine the cause and initiate measures to prevent

further accidental deaths and injuries in public sector workplaces in is significantly limited and leaves family members and others looking for answers. This legislation gives the Department of Labor the authority to play a role in the investigation of serious injuries and death by including them in the process and requiring they be notified. It also establishes a time limit for serious injuries and deaths to be reported, which matches reporting requirements for deaths and serious injuries in the private sector workforce. The bill adds two new definitions to laws covering public sector employees for “serious injury” and “workplace violence.” During the testimony, the committee heard from public sector workers who have experienced workplace violence in one form or another, some resulting in serious injuries. This legislation is a response to their concerns by giving workers an option to report workplace violence and potentially dangerous situations which could jeopardize their safety, and guarantees no reprisal. It also enables the Department of Labor to inspect the workplaces when they are notified, if the reported conditions are evaluated as posing a credible safety risk. The sponsors of this bill worked with the members of the committee to craft language which is consistent with that used to protect private sector workers. Both the Occupational Safety and Health Administration and the National Institute of Occupational Safety and Health use equivalent definitions of workplace violence as the definition contained in the bill, and the minority of the committee believes the language has been sufficiently vetted and nationally recognized. Public sector workers should be afforded the same protections as the private sector workforce, including recognition of the harmful impact of workplace violence on public employees’ safety and health.

## MUNICIPAL AND COUNTY GOVERNMENT

**CACR 19**, relating to right to govern. Providing that the people of the state may enact local laws that protect health, safety and welfare. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Franklin Sterling for the **Majority** of Municipal and County Government. This amendment is an attempt to change the NH Constitution and permit “Home Rule” giving veto power to any community in area wide projects. Passage of this amendment would allow one community to forbid a highway construction or expansion in their community although the surrounding communities desired it. When Planning Boards consider projects with “regional impact” they consult neighboring communities that will be affected. This amendment would render that purpose impractical since a community would no longer need to consider how a project would affect their neighbors. The philosophy behind this Constitutional Amendment could be extended to neighborhoods within a community pitting one neighborhood against another. The result would be discord and dissatisfaction with no overall state control or influence. The effect might be different rules from community to community relating to leash laws, taxi cabs, highway uses with different weight limits, municipal sales taxes, firearm controls and a myriad of other quality of life provisions guaranteed to us by the state. **Vote 11-8.**

Rep. Steven Rand for the **Minority** of Municipal and County Government. This constitutional amendment adds a new article (40) to the Bill of Rights of the NH State Constitution. The article makes plain that communities may enact local ordinances that protect the “health, safety and welfare” (a well understood phrase used in 151 NH statutes) of their local citizens and of nature. At the same time, it does NOT allow the establishment of ordinances that would remove or weaken any existing protections or rights of natural persons currently secured by local, state or federal law (such as second amendment rights). We heard testimony from many NH communities who wished to limit or deny a corporate wind, water, or contaminant project only to find that they did not have the constitutional standing to prevail against the constitutional “personhood” civil rights of a corporation in a court of law. The corporation’s financial resources and constitutional civil rights made for an unfair fight in the courts. This amendment levels the playing field. Because this amendment’s purpose is to recognize limited constitutional power to communities, it will, within its purview, make a substantive change to the parent-child relationship of the State to cities and towns. Within narrow limits, it gives towns the flexibility to address matters of local concern without needing state enabling legislation. The minority believes that this substantive matter must be decided by the people themselves as the ultimate stakeholders in our system of government, through the popular vote of the amendment process. As we proceed toward a vote on the amendment, citizens should and will take the time to educate themselves and decide their best interests on this balance of power/rights-based question. It is our obligation as their representatives, to pass the amendment so they can learn, decide and vote.

## PUBLIC WORKS AND HIGHWAYS

**HB 2018**, relative to the state 10-year transportation improvement program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark McConkey for Public Works and Highways. This bill is the Ten-Year Transportation Improvement Plan (TYP) for New Hampshire, covering the period from 2019-2028. The plan is financially constrained at a total of \$3.74 billion and contains projects in the following categories and estimated amounts: \$2.52 billion in highway funded projects from all sources; and non-highway funded projects including: turnpike improvements- \$630.3 million; airports- \$256 million; rail- \$12 million; and federal transit- \$324 million. The TYP

was vetted with input from the municipalities via the regional planning commissions and with the public through a series of 26 Governor's Advisory Commission on Intermodal Transportation (GACIT) public hearings. GACIT consists of the Governor's Executive Council and the Commissioner of the Department of Transportation (DOT). GACIT submitted their proposal to the Governor, and subsequently the Governor submitted his proposal to the Public Works and Highways Committee, which held several hearings and work sessions on the TYP. The TYP continues to focus on pavement preservation, red listed bridges and bridge preservation; pledges work on rural roads and bridges; includes the completion of I-93 from Salem to Manchester; and provides funding for Exit 4A in Derry-Londonderry. The plan includes a heightened financial constraint for an increased level of accountability and predictability in program delivery. The plan includes an assumed inflation factor of 2.55% and relies on the utilization of turnpike toll credits for the state's matching share for federally funded projects in lieu of cash contributions. The following seven amendments were made to the TYP. 1) A corridor study for Route 114 between the towns of Bedford and Goffstown was added to the TYP. 2) A project to develop a financial plan for bus service expansion from Concord to Nashua or to other eligible Boston Urbanized Area (UZA) bus services, including parking facilities at existing and new bus terminals, replaced a project development study for a rail corridor. This choice was made with the understanding that the DOT's current operational cost estimate to support the proposed rail service from Manchester to Nashua equals or exceeds \$11 million a year. The 2004 New Hampshire Capitol Corridor Rail and Transit Alternative Analysis final report identified capitol cost alternatives to support the state's annual state appropriation to include raising \$15.7 million through a statewide property tax, taking 5% of lottery revenue proceeds, and increasing vehicle registration fees for all cars and trucks statewide to make up the anticipated rail's operational shortfalls. Bus service between the proposed rail head locations presently serves our residents well, is cost effective and offers our residents greater commuting frequency than a rail alternative. This plan expands bus service for commuters from Lebanon and Portsmouth to southern New Hampshire employment centers and to the Boston UZA. 3) Authority was granted to the DOT to study and design all electronic tolling at turnpike system locations. If the DOT deems all electronic tolling financially feasible, the DOT is authorized to construct and implement all electronic tolling at locations pursuant to the TYP. All electronic tolling is authorized in close proximity in the existing Dover and Rochester toll plazas and, provided the DOT makes a determination of financial feasibility, the DOT is authorized to construct and implement all electronic tolling in close proximity to the existing Bedford mainline toll plaza. 4) The DOT was granted authority to make available an anonymous transponder option in conjunction with the installation and implementation of all electronic tolling. 5) Turnpike funds were provided for the use of the public private partnership infrastructure oversight commission. 6) The Newington-Dover project was amended to remove the superstructure of the General Sullivan Bridge and to provide the most cost-effective bicycle/pedestrian connection. The committee would like the DOT to acknowledge the historical significance of the General Sullivan Bridge through the placement of a kiosk or some other suitable display near the site of the original bridge abutments, but the committee does not support constructing a costly historical reproduction in part or whole for that structure. 7) The scope of the Walpole-Charlestown project was amended which moves funding for construction for projects named Nashua-Merrimack-Bedford Manchester forward one year; moves a project in Manchester and Bedford-Merrimack back one year; adds a Conway project for construction, previously removed from the TYP, back into the plan; removes funding for a Conway project 40018; and removes a project named Hooksett and a project named Tilton from the TYP. **Vote 21-2.**

## SCIENCE, TECHNOLOGY AND ENERGY

**HB 1358**, relative to decisions by the site evaluation committee. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Vose for the **Majority** of Science, Technology and Energy. This bill provides immediacy to the statutory requirement that the Site Evaluation Committee (SEC) complete project application deliberations within 365 days. The amendment repeals current law that allows indefinite deadline extensions and replaces it with a provision to allow an extension of up to 120 days. Such extension would be allowed providing that no parties to the proceeding objected. This provision will prevent any special interest party from dominating the process. The majority felt that an indeterminate and indefinite deadline was not really a deadline, making SEC project deliberations more expensive and prone to unnecessary delay. **Vote 12-9.**

Rep. Robert Backus for the **Minority** of Science, Technology and Energy. This bill would deem any application to come before the Site Evaluation Committee (SEC) approved if not decided within one year from acceptance of the application, unless a 120 day extension was agreed to by all parties to the proceeding. The minority believes this bill is unnecessary and unwise. Unnecessary because the SEC in fact determines the vast majority of cases within a year, and unwise because in certain major and controversial cases the SEC cannot always accommodate within a year the numerous parties who want to participate as parties or the individuals who want to appear before it in the required field hearings. Therefore, the SEC must have some flexibility to manage its case load and schedule without being put into a straitjacket by an arbitrary decision

deadline. Just four years ago, the legislature approved major changes to the SEC' governing statute to insure more robust opportunities for public participation, including adding public members to the SEC. The decision to provide fuller opportunities for citizen participation necessarily requires more time for the SEC to provide opportunities for public input in major cases. This bill would undercut the very reform to increase opportunities for public involvement recently enacted. The limited opportunity for a 120 day extension is unlikely to be practical, since it seems unlikely that there would be many times, if any, when one party, especially the applicant, would agree to the extension.

**HB 1555**, relative to participation by the public utilities commission in regional activities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Herbert Vadney for the **Majority** of Science, Technology and Energy. Supported by the Public Utilities Commission (PUC) and the Consumer Advocate, this bill, as amended, gives both these entities concrete direction that the interests of New Hampshire ratepayers are paramount in the state's participation in regional energy policy deliberations. Specifically, the PUC and the Consumer Advocate will work to make sure NH ratepayers are not responsible for the public policy of other states. This bill could strengthen the state's position on regional energy negotiations. It will serve to help avoid or minimize unjust or unreasonable impacts on NH ratepayers. **Vote 11-8.**

Rep. Jacqueline Cali-Pitts for the **Minority** of Science, Technology and Energy. This bill is unnecessary. It requires that the Public Utilities Commission (PUC) and the Consumer Advocate shall act in accordance with NH policies and not advocate any policy or rule proposed by the federal government or other states at regional meetings. The minority believes that the PUC and the Consumer Advocate currently act in the public interest by nature of their positions and uphold the policies and rules of NH in the best interest of the state.

**HB 1563-LOCAL**, relative to taxation of solar energy systems. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Herbert Vadney for the **Majority** of Science, Technology and Energy. Municipalities currently have the authority to vote to allow tax exemptions on the valuation of solar energy systems. This bill would apply to municipalities that have not authorized such a tax exemption. It would require them to bypass a vote of the people and offer system owners an option of making a payment in lieu of taxes, not to exceed \$5 per kilowatt of rated capacity of such solar systems. It seems we should accept that municipalities that have not voted to approve these exemptions under current law have intentionally not done so, and we should and must accept their lack of such action as their intention. Therefore, we must deny this proposed legislation. Also, the seemingly arbitrary rate of \$5 per kilowatt hour, with no explanation of determination, and the lack of allowances for variations based on market situations or monetary inflation factors, could put this legislature in the position of needing to make frequent modifications to such rules and rates. **Vote 13-8.**

Rep. Lee Oxenham for the **Minority** of Science, Technology and Energy. Solar energy in New Hampshire is encountering an increased number of obstacles to its development, ranging from tariffs on imported solar panels to unpredictable and highly variable tax rates from one town to another. The resulting decline in new projects is leaving schools, houses of worship, and municipalities with fewer options as they seek to reduce and manage their energy costs. Placing a cap on payments in lieu of taxes can reduce uncertainty, provide a more level playing field between developers and municipalities, and enhance the transition to a clean energy economy.

**HB 1569**, relative to liability of energy facility companies for damage caused by restoration projects. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. This bill requires that a certificate issued by the Site Evaluation Committee include a provision that the applicant guarantees funding for restoration efforts in the event of environmental damage caused by the facility, as determined by the Department of Environmental Services. Testimony revealed that concerns centered around specific areas of the state currently undergoing projects by public electric utilities. The committee learned that electric utilities have provisions in their contracts to abate any environmental damage caused by the facility and, to date, any damage previously caused has been rectified. The majority of the committee felt this bill was meant to act as insurance against damage over and above what facilities might normally cover and that past history did not warrant such action. The majority felt this bill was redundant and unnecessary. **Vote 11-8.**

Rep. Peter Somssich for the **Minority** of Science, Technology and Energy. The minority is of the opinion that in the case of some energy facility projects, damage could be done resulting in harm that down shifts mitigation costs to local towns and cities. While utility representatives acknowledged their responsibilities for mitigation and restoration of damage caused by their projects, the issue of harm to local businesses (e.g. oyster farmers in the Great Bay estuary) does not appear to be clearly covered by current rules. This bill adds an additional level of protection for local businesses and communities in case of unexpected damage by requiring that a certificate for a project include a financial guarantee to fund restoration efforts that are needed, as determined by the Department of Environmental Services.

## STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

**HCR 11**, urging a pardon of Gerald “Jerry” DeLemus. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alfred Baldasaro for the **Majority** of State-Federal Relations and Veterans Affairs. The majority feels that the federal government overstepped their power with the Nevada rancher Cliven Bundy on the court case over an armed standoff in the Nevada grazing dispute. On January 8<sup>th</sup>, a judge dismissed the cases against Nevada rancher Cliven Bundy and three other men, over cattle grazing rights. U.S. District Judge Navarro dismissed the case “with prejudice” meaning that Bundy, his sons and a militia member will not face another trial. Jerry DeLemus, a NH resident, still sits in jail. He did a plea bargain; he wanted to stop his plea and the judge denied him and he was sentenced. Therefore, Jerry DeLemus should be pardoned. **Vote 9-8.**

Rep. Amanda Bouldin for the **Minority** of State-Federal Relations and Veterans Affairs. This bill urges the pardon of New Hampshire resident Mr. Jerry DeLemus based on the claim that all others who were charged as a result of the incident have been cleared and released. However, there is evidence to show that the prosecution of all the accused may still be ongoing. Therefore, the “facts” in this bill are misleading. An amendment was proposed and accepted by the majority that failed to address the concerns of the minority. There may be reasons to support a pardon of Mr. DeLemus; however, the reasons provided in the bill and subsequent amendment do not appear to align with the facts available to the committee. The minority recognizes that Mr. DeLemus claims to have falsely confessed. Thus, either Mr. DeLemus committed the crimes he’s accused of, or he committed the crime of giving false testimony. There are established consequences for both. Further, the minority was concerned about setting a precedent regarding the duties of this committee. The minority felt that this could open the door for a flood of judicial grievances.

**HCR 12**, applying to Congress to propose a congressional term limits constitutional amendment. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Matthew Spencer for the **Majority** of State-Federal Relations and Veterans Affairs. The majority of the committee believed there was no need to ask for a constitutional amendment to set term limits for members in the two branches of Congress. The ballot box in New Hampshire has done an adequate job in setting terms limits for elected officials. **Vote 11-7.**

Rep. Linda Massimilla for the **Minority** of State-Federal Relations and Veterans Affairs. This HCR asks to apply to Congress for a constitutional amendment proposing congressional term limits. The minority supports the process calling for a convention to propose the amendment. We felt the HCR was only a step in bringing real reform to the U.S. Congress by reducing its political monopoly and restores power to the states.

## TRANSPORTATION

**HB 1259**, relative to passenger restraints. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Steven Smith for the **Majority** of Transportation. This bill would make seat belt use mandatory and a primary violation. If the goal is to increase seat belt use, the committee felt that education programs and advertising would be a better first step. The National Highway Traffic Safety Administration (NHTSA) also reports that close to 1 percent of crash fatalities are caused by seat belts. These cases involve submergence, fires, and exposure. Before potentially sacrificing some in order to save others, the committee would like to see more efforts to gain voluntary compliance before forcing this on people. **Vote 10-9.**

Rep. George Sykes for the **Minority** of Transportation. Seat belt usage in NH has declined steadily in recent years: now 67%, the lowest percentage of use in the country. Sadly, 73% of fatal accident victims in NH from 2016 were not wearing a seat belt, compared to 41% nationally. Today’s vehicles are designed to be used in conjunction with seat belts. Persons not wearing a seat belt often become a projectile within the passenger compartment, seriously injuring even belted passengers. Finally, medical costs for unbelted passengers who survive but are injured are three times higher than belted passengers; costs sometimes borne by the rest of us.

**HB 1262-LOCAL**, relative to online driver education. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter Torosian for the **Majority** of Transportation. This bill allows NH to join 24 other states that already offer online driver education courses. This gives a choice to students to either attend formal classroom training or enroll and complete an online course of study to satisfy RSA 21-P:14. If, however, the student elects to satisfy this requirement with online course completion, the student will then be required to complete 12 hours of behind-the-wheel driver training in lieu of the 10 hours required when attending formal classroom training. All courses must be approved by the Department of Safety. **Vote 10-9.**

Rep. Karel Crawford for the **Minority** of Transportation. If the intent of this bill was to save money by doing driver education online, in fact, it did the opposite. By adding two hours of additional driving to the law, the cost of driver education will increase. The cost is not in the classroom, but in the actual driving portion of the

course. The bill also states that it would be a choice to take the course online or in classroom but there are studies by AAA and Washington state that say classroom instruction is more effective than online courses in driver education.

**HB 1442**, relative to driver education. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Smith for Transportation. This bill would allow the Department of Safety to waive the driver education requirement for those under 18 years of age who provide a document from their parents stating that they trained their child. The bill sets no standards for the training and does not require the department to accept the document. This missing procedure makes the bill have no implementable effect. **Vote 16-3.**

## WAYS AND MEANS

**HB 1686-FN**, relative to applications for and the use of education tax credits. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Lang for the **Majority** of Ways and Means. This bill gives individual NH citizens the opportunity to participate in the education scholarship donation program. Until now, this program has been the exclusive domain of NH businesses, with a credit against the business profits tax and business enterprise tax. With passage of this bill, NH citizens could donate and receive a credit on the interest and dividends tax under the same provisions as businesses. There is no tax credit cap increase, just broadening the pool of participants and treating all NH Taxpayers who pay taxes to the Department of Revenue Administration similarly. The amendment replaces the words “scholarship organization” with “department of revenue administration.” **Vote 13-10.**

Rep. Susan Almy for the **Minority** of Ways and Means. The education tax credit, passed in 2012, provides businesses a reduction of 85% of what they donate to a non-profit scholarship organization created for the purpose of accepting these donations, taking up to 10% as administrative costs, and handing them to non-public schools and homeschooling parents as supplemental individual scholarships. The credit is not as popular among businesses as the many other breaks we offer them, and even after the constitutional lawsuit was sidelined, they only used \$747,000 of the available \$5.1 million per year allowed by the law. This bill extends the credit to the interest and dividends (I&D) tax, thus allowing wealthy I&D taxpayers to donate. With additional deductions on their federal returns, these taxpayers will be able to make a profit, receiving more back (between the state credit and the federal deduction) than they gave. This is the first-ever tax credit available to I&D taxpayers, so it should be very popular, especially because of its profit-making potential. It will result in the well-off segment of taxpayers paying at a much lower rate than those without the means to donate. Only 2.4% of the I&D taxpayers pay over \$10,000 a year, but they paid 45% of our 5% tax in the most recent fully-audited year. In this year, that would be \$40 million. If this bill passes, it is highly likely that most such individuals will seek to use it in FY19, guided by their accountants, but there is a \$5.1 million cap. The first applicants will get the benefit. The damage to the budget – which assumed that only the \$97,000 used in TY15 would be used – will be limited to \$5 million. But the following year, because usage reached 80% of the cap, the cap would be raised by 25% (RSA 77-G:4(II)) – and every year thereafter until all the taxpayers that were willing to avoid their taxes had taken advantage. In ten years, the cap could exceed the 45% of the tax now paid by the wealthier taxpayers, and the only ones paying the tax would be the middle- and low-income. The minority does not believe that we should destroy the constitutional fairness of this tax, nor can we afford to lose the \$40 million that is a substantial part of what is needed to keep open job training and education, mental health and substance abuse treatment, and elder services; as well as our prisons, courts, public safety programs, general administration, and this legislature.

## REGULAR CALENDAR- PART THREE SPECIAL ORDER

### ENVIRONMENT AND AGRICULTURE

**HB 1474**, designating the New Hampshire Red as the official state poultry. **OUGHT TO PASS.**

Rep. Paula Francese for Environment and Agriculture. The students in the fourth grade at Canaan Elementary School did a commendable job of researching the history of the New Hampshire Red. This poultry breed has been prominently raised in New Hampshire since 1935. Naming the New Hampshire Red as the state poultry will boost the reputation of our state. **Vote 13-0.**

### COMMERCE AND CONSUMER AFFAIRS

**HB 1682-FN**, relative to procedures for foreclosure. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Valerie Fraser for the **Majority** of Commerce and Consumer Affairs. As introduced, this bill requires mortgage foreclosures to be commenced by civil actions brought in superior court, a process known as judicial

foreclosure. The committee amendment replaces the original bill with a study committee. Further work by a study committee would provide the necessary time to understand the legal ramifications and thoughtfully make the necessary changes needed to protect the homeowners and put the burden of proof on the banks. The bad acting banks have a fiduciary responsibility and a higher bar to reach if they are going to claim they own the promissory note and that the homeowner owes a debt and maybe should be required to file as a plaintiff. **Vote 11-8.**

Rep. Kermit Williams for the **Minority** of Commerce and Consumer Affairs. This bill would require most foreclosures to be done through a judicial process, where a judge would examine the records and ensure that both sides were fairly treated. While the study committee that is proposed by the committee amendment is a small step forward, the minority believes that another amendment, which combines the study with small changes to the current foreclosure law, would have been a better choice. We believe that providing adequate notice to a mortgagor before their property is sold is critical. Service by the Sheriff would be an improvement to insure that in unusual circumstances, some of which we heard in testimony, notice always happens.

**HB 1725-FN**, establishing regulations for nano wineries. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill was created to allow small wineries to sell glasses of wine at their facility to customers who don't want to get samples. The amendment, allows the sale of one glass of their own wine per consumer, or two if food is made available. The amendment also extends the same one or two glass sales with food privilege to beverage manufacturers **Vote 15-2.**

## EDUCATION

**HB 1432**, requiring certain schools to establish nondiscrimination and employee background check policies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Victoria Sullivan for the **Majority** of Education. This bill would redefine certain funds such as tax credits used for the education tax credit scholarships, as public funds. However, it is established law that these are not public funds. The bill also ties nonpublic schools to public school definitions currently in law. Furthermore, research done of private schools' employment practices suggested it is the policy to do background checks. Currently, they would, otherwise, leave themselves open to liability. Also, RSA 485-A:24, II mandates background checks for all profit and non-profit entities that teach youth skills programs that last more than eight hours or more per year for the purpose of teaching skills to minors. The need for this additional legislation was not proven. **Vote 11-9.**

Rep. Linda Tanner for the **Minority** of Education. The minority feels the issue of child safety is of utmost importance in the educational setting. This bill requires background checks for employees and volunteers in non-public schools or educational services receiving students and public monies directly, or indirectly, as a result of current legislation. This bill also requires that any non-public or educational service comply with state and federal non-discrimination laws.

**HB 1694**, requiring a civics examination as a high school graduation requirement. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Wolf for the **Majority** of Education. This well-intentioned bill could have significant consequences. In 2016, the legislature passed HB 157 which required all high school students to pass a local competency assessment in government and civics. The bill allowed high schools to use the US Citizenship and Immigration Services test to satisfy the requirement. In 2017, this very legislature passed SB 45, mandating a course in civics as a requirement for high school graduation. This was a huge step and demonstrates the importance the legislature put on civics education. The course requires nine elements, including the US constitution, the NH constitution, the three branches of government, and the responsibility to engage in civic activity. This bill proposes to change the statute for a third year in a row, requiring a passing grade on the US Citizenship and Immigration Services test to be able to graduate high school. NH does not require any single test for graduation. While it may sound appealing, the majority is concerned that it could lead to teaching to the test and elements of the course could be lost, such as NH history and the importance of NH in the primary process. School districts have barely had time to implement the comprehensive changes that we made last year. The majority prefers to let school districts adapt to the new policy. **Vote 11-8.**

Rep. Victoria Sullivan for the **Minority** of Education. This bill would require a civics exam as a high school graduation requirement. A grade of 60% or better on the U. S. naturalization exam would be required. The test is easily accessible online and has no cost associated with its use. Many of our citizens do not have a basic understanding that we are in fact a constitutional republic and often refer to our nation as a democracy as one example of the lack of knowledge regarding our form of government. This has become an increasing concern for our country.

## ELECTION LAW

**HB 1772-FN**, permitting online voting registration. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Norman Silber for the **Majority** of Election Law. This bill requires the Secretary of State to create and maintain an online voter registration system and directs the Department of Safety and Division of Motor Vehicles (DMV) to provide information to the statewide voter registration database to support this system. The majority of the committee believes that this bill would have a large negative impact on the Secretary of State by requiring significant expenditures with no certain funding source. The bill also fails to deal with the impact on the Department of Safety. It requires the DMV signature database to be used for signature verification without providing legal authorization for DMV to provide it. In addition, the bill imposes new duties on the supervisors of the checklist in certain circumstances. It does not deal with the potential for the hacking of any online registration system. This is an identified problem in light of reported hacks of large databases maintained by many government and business enterprises (e.g. see reported hacks of the National Security Agency, the IRS, the database of federal employees, Hannaford's credit card payment system, Target, banks, etc.) and the reported enormous activities of foreign states to attempt to interfere in the US electoral process (e.g. Russia, China, North Korea, etc.). While other states have implemented forms of online registration, their registration process is not the same as New Hampshire's and in-person registration is not eliminated. Given the risks and expense, the majority believes this process is not appropriate at this time. The proposed amendment to establish a study commission on this issue, was defeated by a vote of 9-11. **Vote 11-9.**

Rep. Wayne Moynihan for the **Minority** of Election Law. This bill directs the Secretary of State to create and maintain an online voter registration (OVR) system. 37 other states, including our New England neighbors Vermont and Massachusetts, have OVR systems in operation and have found the means and methods to operate the systems securely and efficiently to the satisfaction of their citizens. Also, the State of Oklahoma is transitioning to OVR, and the District of Columbia has adopted OVR. OVR systems vary in their scope and details. In this era people seek out and expect carefully developed online systems for their finances and other aspects of their lives. The OVR system proposed by this bill may or may not have been able to be implemented in a cost effective manner. Testimony from the Secretary of State's office urged more study. While the majority believes the bill is not ready, the minority believes that NH must begin an evaluation to determine whether or not our elections would be improved were we to adopt an OVR system. The bill, if amended as proposed, by the minority would create a study commission on OVR, and provide an opportunity to examine whether the efficiencies experienced from OVR systems in other states would yield such benefits for NH.

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**HB 1757-FN**, relative to the reduction in the calculation of state retirement system annuities at age 65. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for the **Majority** of Executive Departments and Administration. Group I retirees (state and municipal employees, teachers) in the NH Retirement System (NHRS) see a 10% decrease in their benefit at age 65. The historical reason for the decrease is that the age 65 coincided with the age for which the retiree would be entitled to full Social Security benefits. It was felt that the Social Security payment would more than compensate for the decrease in state benefit. Even though the legislature dropped the reference to Social Security benefits in 1988, the understanding that the decrease in NHRS pension benefit was connected to full Social Security age remained. This connection is the impetus for this bill. This bill raises the age at which the NHRS benefit decreases 10% from 65 to 67, which is the retirement age for full Social Security for people working now. The cost of this benefit (approximately \$43 million) would be paid by an increase in the employer contribution to the NHRS. This was a recommendation of the 2017 Decennial Retirement Commission. The committee amendment does not change the retiree's overall economic benefit but rather changes the manner of payment. The retiree would see the decreased monthly benefit immediately (which he/she would eventually be seeing anyway). To make the retiree whole, he/she would get two lump sum payments – one at retirement and one a year later to minimize tax consequences. These two payments would be calculated to give the retiree the same dollar amount as contemplated in the original bill. This method of payments will avoid the unpleasantness of a decrease in benefit and decouple the NHRS completely from the federal Social Security system. There is no inherent reason why the NHRS should interact with the federal system. After all, that is the situation for Group II employees (police, fire) who do not participate in Social Security and have always seen one benefit amount. **Vote 15-4.**

Rep. Carol Roberts for the **Minority** of Executive Departments and Administration. The minority felt that while it is admirable to make the state retirees whole by revising the provision that reduces benefits by 10% at age 65, the fact remains that this expense will be passed down to the towns who will need to increase property taxes to meet this mandated obligation. Many of our retirees in NH have no source of income other than Social Security and this expense will be on their backs through no fault of their own. Needless to say, those voting in the minority felt this to be an unintended consequence which will have repercussions for years to come.

**HB 1818-FN**, relative to penalties for certain occupational licensing violations. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey Goley for the **Majority** of Executive Departments and Administration. This bill would reduce the penalties for violations of a number of state licensure laws from misdemeanors to violations. Members on

the committee agree that there may be some occupations in which the penalty might need to be reduced, but the majority of the committee believes that those included in this bill, including septic system evaluators and septic system designers, should not have their penalties reduced. A septic system that is designed incorrectly or is not inspected properly by an unlicensed individual could cost a homeowner thousands of dollars for repairs. Therefore majority of the committee believes the current penalties should remain in place. **Vote 14-2.** Rep. J.R. Hoell for the **Minority** of Executive Departments and Administration. The initial Ought to Pass motion on this bill failed on an 8-8 tie. The bill reduces the criminal level penalties to violation level offenses for violating license laws for several different occupations. The committee heard testimony that within our current occupational licensing statutes we use severe criminal penalties in a number of areas. In fact, a search of the statutes shows that the word "Felony" shows up in the occupational and licensing section of statutes 130 times and the word "Misdemeanor" shows up 135 times. While some of these uses are appropriate, the minority of the committee felt that the continued use of criminal penalties as the boiler plate language was unnecessary for licensing violations and that adopting financial penalties was more appropriate. The following phrase or variation thereof, has been found in a number of locations "It shall be a class A misdemeanor for any natural person, and a felony for any other person, to engage in any practice regulated by this chapter without the appropriate license." The minority of the committee did not feel that helping someone install shrubs or letting the drama teacher apply makeup prior to the play rose to the level of a misdemeanor level crime. The minority also heard that by using criminal level penalties, it makes it harder for someone who has been charged with a crime to obtain other gainful employment.

## HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**HB 1707-FN**, relative to information regarding abortion. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Marsh for the **Majority** of Health, Human Services and Elderly Affairs. The majority recognizes the advantage of women having sufficient knowledge before undergoing an abortion, especially as they might live to regret that decision. The majority recognizes that this bill might create access issues for women seeking abortion, especially those from rural areas. The bill has a significant defect. Page 4 lines 19-21 would prohibit a physician from billing for an unrelated service, for instance, if the patient had a heart attack 12 hours after inquiring about abortion. For these reasons we recommend Interim Study. **Vote 11-9.**

Rep. Lucy Weber for the **Minority** of Health, Human Services and Elderly Affairs. As introduced, this bill contains specific requirements for what information must be given to a pregnant woman as "required informed consent." It provides that certain information must be provided to the woman in person by a physician at least 24 hours before an abortion is to be performed. The bill provides that any departure from this schedule, except for limited medical emergencies, will be cause for a civil malpractice action, allowing for not only actual damages but also for punitive damages. Finally, in a new departure, the bill gives the General Court the right to appoint one or more of the cosponsors of the bill as intervenors as of right in any action challenging the constitutionality of the bill. The minority knows that informed consent is required of every patient undergoing medical procedures, and believes that the form of informed consent for every medical procedure is best left to the judgment of medical professionals and the standards of accepted medical practice. These standards evolve as medical knowledge grows, and the legislative process does not adapt itself well to changing knowledge. The minority is also concerned that this bill, by its terms, creates a 24 hour waiting period which is unnecessary for many women seeking a safe and legal medical procedure. As to interim study, this particular issue has been hotly debated for at least the past 50 years. The minority believes it is overly optimistic to think that sending this bill to interim study is going to achieve a resolution.

**HB 1816-FN**, relative to Medicaid managed care. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Martin Bove for the **Majority** of Health, Human Services and Elderly Affairs. This bill, as amended, takes three important steps to improve the performance and integrity of the state's Medicaid program. First, it requires the state Department of Health and Human Services (DHHS) to include enhanced eligibility screening in the re-procurement of the Medicaid managed care contracts to ensure that those who are signed up for that program are truly meeting eligibility criteria, are not hiding assets or income that should disqualify them from Medicaid, have not moved out of state, become deceased. This should immediately stop taxpayers from paying monthly payments for ineligible individuals. Second, the program would require that DHHS monitor the managed care contracts to ensure that insurers are meeting standards for medical loss ratios that insurers who operate in the state health care marketplace must now meet. This will ensure that managed care companies do not substantially profit on the backs of state taxpayers and that the funds that taxpayers are paying managed care companies are actually going to patient care. Finally, the bill exempts from Medicaid managed care five important services: nursing facilities services, Choices for Independence (formerly known as home and community-based care) services, developmental disability services, in-home support services,

and acquired brain disorder services. These services will continue under their current fee-for-service payment programs, as the committee was concerned that including them under the managed care model would reduce their reimbursement rates and put the organizations which provide those services, including county nursing homes, in financial jeopardy. **Vote 13-9.**

Rep. Lucy Weber for the **Minority** of Health, Human Services and Elderly Affairs. The minority of the committee agree with the majority that the nursing facility services and choices for independence waivers required under current law to be implemented by July 1, 2019, should remain unimplemented. The minority amendment contains the same language as the majority amendment with regard to this issue. The minority amendment eliminates the two other provisions of the majority amendment. The minority believes that the section on enhanced eligibility screening is unnecessary and might drive uncompensated care costs up. The minority believes that the language requiring managed care organizations to meet the federal medical loss ratio is drafted in a confusing manner, and there was testimony from the managed care organizations that they already exceed the ratio. As drafted this provision has the potential to require the managed care organizations to put fewer dollars into actual medical care rather than more.

## JUDICIARY

**HB 1279**, allowing additional charges under a lease to be included in a demand for rent. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill seeks to allow landlords to include late fees and utility bills in a demand for rent. The majority thinks this would create a conflict with the current eviction periods for non-payment of rent (7 days) and non-payment of utilities (30 days). Testimony of landlords' representatives supported that position. The addition of late fees would change the way our law treats them differently from rent. For these reasons the majority recommends the bill be found Inexpedient to Legislate. **Vote 12-6.**

Rep. Michael Sylvia for the **Minority** of Judiciary. This bill would allow charges for late fees, utility costs, and other such costs in a demand for rent. Currently the demand for rents in arrears is limited to just the past due rent. A demand for rent cannot include the cost of utilities which may have been cut off by the tenant and restored under the owner's account, in violation of the lease. The demand cannot include late fees or charges for damages caused by the tenant. A landlord who fails to understand the complex landlord tenant statutes and proceeds to court with a demand that includes anything more than rents in arrears will find himself back at square one as the demand will be ruled defective. Excessive regulation of landlords such as this lead to fewer actors entering the market. This constrains the number of rental units available which drives rents higher than is affordable to many. Because the statutes in this area are complex, please note that a notice of demand for rent is not a notice of eviction, though the first may lead to the latter..

**HB 1295**, relative to persons held in civil contempt. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kurt Wuelper for Judiciary. This bill seeks to require a "finding of fact" that a person has liquid assets to satisfy a civil contempt order before sending that person to jail. It also seeks to protect a "sole motor vehicle" and "principal residence." The committee couldn't accept protecting "financial assets" but agreed the person should be allowed to protect a principal residence or sole auto, within the confines of current law establishing a "homestead exemption" and an auto with value up to \$4,000 so such person can keep a place to live and a means to get to work. **Vote 14-3.**

**HB 1347**, relative to information to be included in the minutes under the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jason Janvrin for Judiciary. This bill would require all public meetings of public bodies to include in their minutes any pertinent information relating to decisions that are made by the body. It does not require a manuscript of every word spoken but instead a brief summary of comments made in deliberations of the body that led to a vote and vote of the body. A majority of the committee believes that this change further brings the public's right to know and transparency to the action of any public body into alignment with the preamble of RSA 91-A. **Vote 8-7.**

**HB 1373**, relative to an individual's property right in his or her DNA. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dan Hynes for the **Majority** of Judiciary. This bill, as amended, recognizes that people have a privacy right in their DNA and genetic information. This would prevent people or companies from obtaining it without consent of the individual. This bill allows police to retain and analyze genetic information through consent, abandoned property, probable cause of a crime being committed or through a search warrant. It is not the intent of the committee to create an additional warrant exception under the state and federal constitution. **Vote 9-6.**

Rep. Suzanne Smith for the **Minority** of Judiciary. The minority agrees that an individual's genetic information and DNA are the property of the individual. However, this bill as amended may create more problems than the sponsors of this legislation anticipated. As amended, a person retains no right to their abandoned

property. Abandoned property could be the trash outside of his or her home or even a glass left on the bar at their local watering hole. The committee spent considerable time discussing and debating the concept of “abandoned property,” especially in terms of DNA on otherwise discarded property, without reaching a consensus on what the term means in this bill. The bill as amended also requires that to obtain the DNA of a juvenile under the age of 18, both parents and the juvenile must consent to the taking of any genetic information or DNA. This could be especially problematic if a teenager is not living with his parents or they do not know his whereabouts. As amended, this bill may well interfere with legitimate and necessary law enforcement (LEO) efforts. Often when a LEO observes and seizes potential evidence at a crime scene, such evidence is seized on reasonable suspicion, a standard lower than what this bill would require in terms of a search warrant or probable cause. For an officer to delay in securing evidence at a crime scene because there is no current search warrant nor fully developed probable cause will potentially harm public safety. For these and other unintended consequences, the minority believes this bill should be voted ITL.

**HB 1485**, relative to security deposits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charlotte DiLorenzo for the **Majority** of Judiciary. This bill is not necessary. A security deposit equal to one-month rent is sufficient to cover the landlord’s rent loss and damages in the event of an eviction. Opponents of this bill include renter, homeless prevention agencies, municipal welfare offices and even some landlords. They cite New Hampshire Housing 2017 Rental Market Survey which shows low vacancy rates and rising rents through the state. The lack of available work force and affordable housing units has resulted in a crisis in which many New Hampshire residents are locked out of the rental housing market. If this bill were to pass, it will exacerbate the affordable housing crisis because only renters who have the means to pay more in cost equivalent to three month’s rent would secure housing. If this bill is passed, Section 8 rental voucher holders would be locked out of the market because HUD (Department of Housing and Urban Development) prohibit Section 8 landlords from collecting a security deposit more than one month rent. This bill is bad for New Hampshire. **Vote 10-8.**

Rep. Dan Hynes for the **Minority** of Judiciary. The minority of the committee supports the passage of this bill. This bill would allow but not require landlords to charge up to two (2) month’s rent as a security deposit. Under present law landlords can only charge one (1) month deposit. Additionally, landlords are prohibited from charging last month’s rent or even a separate security deposit for pets. Because one month’s rent does not always protect the landlord, the landlord is forced to increase the monthly rent in order to protect the property interest. Further, this bill would encourage landlords to rent to people with less than ideal credit as the landlord can use a higher security deposit to offset the risk. Finally, the committee heard testimony that New Hampshire has the most restrictive form of security deposit among our neighboring states.

**HB 1627-FN**, prohibiting the transmission of images or sounds of another person who is on private property or to conduct surveillance activity. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dan Hynes for the **Majority** of Judiciary. This bill criminalizes violating someone’s privacy by filming them where they have an expectation of privacy. The bill provides exceptions so that someone observable on at the ground level on a space observed by the public can be filmed. This is consistent with present law which allows someone to record someone in a public place where there is no expectation of privacy. The bill would further prohibit certain surveillance for financial gain. **Vote 9-8.**

Rep. Charlotte DiLorenzo for the **Minority** of Judiciary. This bill establishes penalties for transmitting images or sounds of an individual on private property without consent, or to engage in surveillance of another without consent. The bill also amends one of the criteria used to establish “course of conduct” under the stalking statute. While the intent of this bill is to protect the privacy of individuals, consideration must be given to legitimate law enforcement concerns of balancing individual privacy rights vs. the legitimate law enforcement crime investigation protocol.

**HB 1680-FN**, relative to abortions after viability. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill prohibits abortions on babies who can live outside of the mother’s womb, except when the alternative poses significant risk to the life or health of the mother. HB 1680 implements the compelling state interest in protecting viable babies without imposing on the physician or the mother. This is about the values that define us. We see potential in every life –including the pre-born, and we recognize that the pre-born has been endowed by her Creator with the inalienable right to life. We believe that viable babies should be allowed to live even if they have Down’s syndrome or are otherwise less than perfect. We know there are long waiting lists to adopt any baby whose mother is incapable of supporting her. We know every ObGyn with a pregnant patient has two patients, mother and child, and uses all their skills to protect both. We believe they law should do the same. The majority believes that NH should never be a haven for those like Kermit Gosnel, the Pennsylvania abortionist who heartlessly snipped

the spinal cords of “accidentally” born babies. We are proud to support legislation that reflects our values and protects the sanctity of life. The majority stands in the gap, defending the most defenseless, and giving voice to the voiceless. Twenty other states have post viability bans, and New Hampshire should join them by adopting HB 1680. **Vote 10-8.**

Rep. Charlotte DiLorenzo for the **Minority** of Judiciary. This bill, by seeking to prohibit abortion after viability, would open the door to challenge the decisions of doctors who treat women later in pregnancy. Viability differs based on the pregnancy, the gender of the fetus, and even the capacity of the medical facility. A blanket ban would replace the analysis and decisions of doctors with the inflexible opinion of government, and risk a chilling effect. This is made worse by the bill’s lack of an exception for the health of the pregnant woman. Decisions about a woman’s pregnancy should be made between the woman and her doctor in the privacy of the doctor’s office without undue interference from lawmakers. Moreover, this bill is not needed, as abortions after viability are not routinely performed in New Hampshire. Instead, this bill would serve only to create a hostile environment for physicians and compromise their ability to provide individualized care for their patients

**HB 1701**, making the Coakley Landfill Group subject to the provisions of RSA 91-A. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for the **Majority** of Judiciary. RSA 91-A is in place to allow citizens access to governmental records and meetings. RSA 91-A does not apply to private companies, businesses or other private entities. This bill would require Coakley Landfill Group, a private group (which includes the City of Portsmouth, Towns of North Hampton and Newington and 26 private companies) to produce records pursuant to RSA 91-A. Requesting a private entity to produce records under RSA 91-A, is not the intent or purpose of RSA 91-A and would have unintended consequences and additional burdens for N.H. private businesses and entities. As drafted this bill would require the commissioner of DES demand that Coakley Landfill Group, a closed landfill located in Greenland and North Hampton that was operated from 1972 to the early 1980’s, produce all records pertaining to site remediation. According to testimony the Coakley Landfill Group records are already public and available for review at document repositories located at the North Hampton and Greenland public libraries. Additionally, individuals who were seeking records never made a request to the City of Portsmouth or to the EPA, both of which are subject to the Right-to-Know law. After this bill was heard in committee, it appears that requests for records to the appropriate public entities have been made. The bill as written is unwise and unnecessary. **Vote 9-6.**

Rep. Timothy Horrigan for the **Minority** of Judiciary. The Coakley Landfill Group is a rather mysterious entity which has been carrying out remediation activities for many years. Even though its membership includes three municipalities, the available public record is incomplete. Recently, the effected area has experienced a cluster of cancer cases. This bill would require the group to turn over its relevant records to the Department of Environmental Services, subject to the provisions of RSA 91-A the state Right-to-Know law. This is, in the opinion of the minority, a more effective means of answering the many unanswered questions related to the Coakley Landfill Group than merely convening an Interim Study Committee.

**HB 1721-FN**, relative to coercive abortions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charlotte DiLorenzo for the **Majority** of Judiciary. This bill is purportedly intended to protect women from so-called coercive abortions, but it does so by targeting medical providers rather than individuals doing the “coercing.” Moreover, nowhere in the bill’s five pages does it define “coercion.” This bill claims to protect women from coercive abortion by dictating a specific screening process, ignoring the fact that health care providers are already legally and ethically required to obtain a patient’s independent informed consent. It is standard medical practice to provide patient education and informed consent for any medical procedure, yet this bill singles out abortion providers. In practice, this bill would impose an undue burden on a woman’s constitutional right by making it all but impossible for abortion providers to treat her. For instance, under the law, a woman who generally has a “negative view toward abortion” but nevertheless seeks to terminate her pregnancy is branded a “vulnerable person” for whom informed consent is inherently suspect. In such circumstances, this law compels state mandated speech in violation of the First Amendment by forcing health care providers to deliver the state’s message that a woman is a “vulnerable person” even if the provider does not agree with the statement. Due to these serious flaws in this bill, a bipartisan majority of this committee rejected this bill. **Vote 15-3.**

Rep. Kurt Wuelper for the **Minority** of Judiciary. The minority believes that far too many women are forced to “choose” abortion against their own desire or will. The extent of forced abortion has been well documented as part of the sex trafficking business. Testimony in writing and in person supported the need for this legislation. While opponents decry the bill’s focus on the abortion provider, the minority see that provider as the final point at which the coercion can be stopped. We see this bill as an important protection for vulnerable women from those who exploit legal abortion to enslave them.

## LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

**HB 1393**, relative to compensation for vacation time and personal time earned. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alfred Baldasaro for the **Majority** of Labor, Industrial and Rehabilitative Services. The bill is a duplication of what is happening in New Hampshire when an employer terminates an employee and the employer is required to pay employee vacation and any personal time owed. Each case is different, depending on time on job and what has been earned. **Vote 12-9.**

Rep. Linda DiSilvestro for the **Minority** of Labor, Industrial and Rehabilitative Services. This legislation was an effort to end wage theft that can occur when earned time is lost due to employer policies or lack thereof. New Hampshire Department of Labor receives many claims each year but is unable to help workers recover wages, due to statutory silence on this matter.

**HB 1397**, relative to the rights of temporary workers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Troy Merner for the **Majority** of Labor, Industrial and Rehabilitative Services. The committee heard from five temporary staffing services and also from the Department of Labor and found no problems. The majority found no compelling reasons to recommend passage. **Vote 12-9.**

Rep. Douglas Ley for the **Minority** of Labor, Industrial and Rehabilitative Services. While the original bill had its share of flaws, a number of temporary employment agencies, labor organizations and state agencies were eager to have the opportunity to rework the bill. This would have required a motion of "Interim Study," which the majority was unwilling to support.

**HB 1417-FN**, relative to failure to make workers' compensation payments. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Philip Bean for the **Majority** of Labor, Industrial and Rehabilitative Services. No empirical data exists to inform that the proposed legislation responds to the marketplace and labor phenomena. Current practices as evidenced by the New Hampshire Department of Labor methodology, indicate current remedies and platforms are sufficient to address workers compensation considerations as they relative to HB 1417. **Vote 13-8.**

Rep. Douglas Ley for the **Minority** of Labor, Industrial and Rehabilitative Services. A very small number of insurance companies are often late with worker's compensation payments. The minority hoped to provide an incentive to resolve this recurrent problem by increasing the penalty.

**HB 1711-FN**, relative to rehabilitation under the workers' compensation law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Troy Merner for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill is a well intended effort to help address part of the opioid problem, but it was found in testimony that its provisions are already covered under existing law. **Vote 12-9.**

Rep. Douglas Ley for the **Minority** of Labor, Industrial and Rehabilitative Services. The opioid crisis continues to rage in New Hampshire and this bill attempted to help resolve those problems that arise in worker's compensation. Those who become addicted to opioids due to worker's comp-funded treatment would have their addiction resolved under this bill. The minority would have preferred more time to work on some problems with the bill.

**HB 1716-FN**, establishing apprenticeship programs for unemployed workers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Brian Seaworth for the **Majority** of Labor, Industrial and Rehabilitative Services. The skilled trades are an excellent opportunity for many NH workers. NH has long supported apprenticeship programs for training new workers and NH's unions have a very successful set of programs which use public and private resources to advance this training. This bill would direct the Department of Employment Security and the NH Apprenticeship Council to explicitly funnel unemployed workers to union apprenticeship programs and to pay them their first three months wages using money from the Job Training Program for Economic Growth fund. This new language stands out as an earmark to private entities from an otherwise generally-applicable fund. The majority is concerned about the diversion of money from one type of training to another, and testimony did not detail what other programs might need to be cut back to pay for union-affiliated training. The majority would prefer to see this issue looked as part of NH's overall workforce and job training strategy. This committee unanimously recommended HB 1100 to establish a commission which will evaluate all government funded workforce and job training programs. Recommendations for reprioritization of training funds should be considered by this commission. **Vote 11-10.**

Rep. Douglas Ley for the **Minority** of Labor, Industrial and Rehabilitative Services. This bill proposes to include union craft-apprenticeship programs among the many programs supported by the state of New Hampshire. The minority believes that supporting craft-training will help to meet the present and future needs of New Hampshire.

**HB 1762-FN**, relative to documentation requirements for the department of labor. **REFER FOR INTERIM STUDY.**

Rep. Stephen Schmidt for Labor, Industrial and Rehabilitative Services. This bill is a complex piece of legislation. The majority felt that some component parts were worthy of further study and hopefully the submission of targeted legislation in the next term. Accordingly, Interim Study was recommended. **Vote 17-4.**

## **MUNICIPAL AND COUNTY GOVERNMENT**

**HB 1463**, relative to requirements for noise ordinances in towns. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Bordenet for the **Majority** of Municipal and County Government. This bill will limit the authority of towns to enact bylaws that regulate noise by requiring that those bylaws meet four criteria. (1) decibel levels must be specified, (2) decibel levels may vary by time of day, (3) noise must be measured by someone qualified to use a decibel meter, and (4) any law enforcement action shall be taken only as the result of a complaint. Noise, in NH, is regulated by category with the exception of residential noise. This bill seeks to clarify that category and close a gap. The fear that this will affect gun ranges is unfounded as they are exempt under RSA 159-B:1. **Vote 11-7.**

Rep. Mark McLean for the **Minority** of Municipal and County Government. This bill seeks to amend RSA 31:39 I(n) by requiring that any noise ordinance adopted by a town require the exceeding of a specified decibel level and the lodging of a complaint before law enforcement action can be taken. While measurable standards are a positive thing, the minority of the committee expressed concern that this proposed legislation would force the re-drafting many municipal noise ordinances that currently do not have measurable standards. Testimony also asserted that the need for a complaint is unusual and not found elsewhere in statute. Because the statute applies to all areas in a town (not just the residential areas) there was also a fear that excessive noise regulation might limit gun range and hunting activity. While RSA 159-B expressly protects existing ranges, passage of this bill could inhibit the opening and operation of new ranges in those towns that choose to adopt aggressive noise standards.

**HB 1652**, relative to default budgets. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Franklin Sterling for the **Majority** of Municipal and County Government. As amended this bill gives the governing body, or the budget committee if the political subdivision has adopted RSA 40:14-b, the ability to adopt by-laws or requirements for the determination of default budgets. Try as the committee might over multiple legislative sessions, it has been unable to recommend language to the House that would meet the questions and objections as to what should be in the default budget, or how the default budget should be presented at either the budget hearing or at the deliberative session. The majority of the committee is of the opinion that passage of this bill will allow each political subdivision to determine what those requirements should be. **Vote 10-8.**

Rep. Julie Gilman for the **Minority** of Municipal and County Government. The minority found this bill as amended will lead to confusion when combined with other legislation (such as HB 1307 as amended). Each community will be able to define its own default criteria.

## **PUBLIC WORKS AND HIGHWAYS**

**HB 1541-FN**, relative to registration and road toll fees for hybrid and electric vehicles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Milz for the **Majority** of Public Works and Highways. This bill is simply an attempt to create a means to capture the road toll for electric and plug-in hybrid vehicles, similar to the vehicles powered by gasoline and propane. The committee took testimony from auto dealers, manufacturers, the Department of Environmental Services, the Department of Transportation, and vehicle owners; and researched fees that are currently in place in other states. It was felt that the bill should not penalize first-time owners of new electric and hybrid vehicles. Accordingly, the fees only apply to registration renewals. Currently, all vehicles using the NH state highways, except those powered by electricity, share in the highway maintenance costs through the gas tax or other methods. This amended bill reduces the original fee for plug-in hybrid vehicles from \$100 to \$75 and for electric vehicles from \$200 to \$125. The bill provides an escalator to increase the plug-in hybrid fee by \$2.50 and the electric vehicle fee by \$5.00 for each \$0.01 increase to the road toll made after the bill takes effect. This bill is simply a way to ensure that all vehicles using our roads and bridges pay their fair share. **Vote 19-2.**

Rep. Patricia Higgins for the **Minority** of Public Works and Highways. Need for funding to maintain our roads and bridges continues to grow as proceeds from the road toll, which is based on purchase of gas and diesel, continue to decline due to improving fuel economy of all vehicle types and changing demographics in the state. All users of the roads and bridges should contribute to their maintenance. How we assess these

contributions should be equitable and take into account the tradeoff between collecting fees for that purpose and acknowledging the benefits of reducing use of petroleum products, which include reduced emissions of smog-forming pollutants and greenhouse gases and stemming the flow of dollars used to buy petroleum products out of the NH economy. This bill addresses the need for contributions from all users and is foreseeing the almost inevitable move to electric vehicles (EVs). But the mechanism employed will address the first at the cost of delaying the second. This is not the time to create a disincentive to buy EVs and hydrogen-powered cars. Most know about the money derived from the Volkswagen (VW) settlement, of which NH received \$29 million, to mitigate the air quality harm due to the VW "indiscretion." Fewer know that in addition, states have the opportunity to compete for funds from another bucket administered by a wholly-owned subsidiary of VW: Electrify America. The purpose of these pay outs from VW is to accelerate the adoption of EVs. They will look at several factors when deciding which states to give the money to, and one of those is whether the state has policies congruent with their purpose to accelerate adoption of EVs. The minority thinks that this bill may become a disincentive to the purchase and running of EVs and may result in NH being ineligible for those funds. By the way, Electrify America will be giving back to states \$2 billion. Seventy percent of visitors to NH come from neighboring states. As those states continue to provide support to EVs and thereby speed the adoption of EVs, increasing numbers of our visitors will see NH as a less attractive destination to spend their tourist dollars. This bill takes a step toward our future, one with increased funding for our roads and bridges. Let's see if we can do so without a disincentive for choices that contribute to reduced consumption of gas.

## RESOURCES, RECREATION AND DEVELOPMENT

**HB 1313**, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John Mullen for the **Majority** of Resources, Recreation and Development. This bill updates statutes based on last year's passage of constitutional carry. Currently, you can carry a firearm in your motor vehicle without a permit or license. However, current statute does not allow you to carry a loaded firearm on an OHRV or snowmobile. This is inconsistent with the new law. Therefore, the bill repeals the OHRV and snowmobile firearm prohibitions to be consistent with recently passed firearms legislation. **Vote 11-7.**

Rep. Suzanne Smith for the **Minority** of Resources, Recreation and Development. The sponsors of the bill testified that this bill would bring state statute into compliance with last year's passage of state concealed carry laws. The minority agrees that changes need to be made to the snowmobile and OHRV firearm statutes to bring them into compliance with our concealed carry law and offers an amendment to do so. It would repeal all references in those statutes to permitting or licensure of concealed weapons. Unfortunately, passage of the bill without the amendment will create a direct conflict with RSA 207:7 which prohibits the carrying of loaded rifles, shotguns, and crossbows on or in vehicles, including OHRVs and snowmobiles.

**HB 1436**, relative to lakes with shared borders with 2 or more towns. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Rick Christie for the **Majority** of Resources, Recreation and Development. This bill was really two bills in one. The first part would require notification to regional planning commissions and planning boards of other towns on the same lake whenever a large development was being considered. This was seen as cumbersome for large lakes and it was noted that there is already a notification requirement when development with regional impact is in the works. The second part of the bill dealt with shorefront septic systems. In some areas, shorefront septic systems can hardly be called a system and some predate formal septic design regulations. However, imposing mandatory periodic inspections on all systems on shorefront properties was not seen as a reasonable approach. **Vote 11-7.**

Rep. Judith Spang for the **Minority** of Resources, Recreation and Development. This bill addresses an issue that is critical for maintaining good water quality in NH's lakes, ponds, and rivers. Inadequate shoreland septic systems can cause pollution to flow into the groundwater and thence into a nearby water body. Current regulations do not address septic pollution via groundwater, just the less problematic but more visible discharge onto the ground's surface. The state, lakes, and river associations and municipal conservation commissions have tried with mixed success to devise ways to convince shoreland owners to have their septic systems inspected, and if necessary, upgraded. Clearly, private property rights must be balanced with the public right to clean water. This bill suggests one approach, mandatory inspections, but interim study is necessary to consider alternatives for respecting this balance while achieving the goal of clean water bodies so important to the state.

## SCIENCE, TECHNOLOGY AND ENERGY

**HB 1544**, establishing a committee to identify the requirements needed to commit New Hampshire to a goal of 100 percent renewable energy for electricity by 2040. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Herbert Vadney for the **Majority** of Science, Technology and Energy. Having neighboring states that have established unreachable goals does not translate to a need for New Hampshire to do the same. We already have a significant number of renewable energy projects underway and relatively large efforts to develop and deploy more renewable energy assets as fast as the market can do so. Setting some arbitrary goal for twenty-two years in the future would be, at best, a political statement with little or no technical advantage. **Vote 12-9.**

Rep. Peter Somssich for the **Minority** of Science, Technology and Energy. While the majority appears to resist even considering a planning tool to achieve New Hampshire's energy future represented by this bill and claims that it is not possible to achieve a 100% renewable energy target for electricity by 2040, the minority disagrees. The minority, along with much of the testimony by heads of state agencies, emphasized that planning for a renewable energy future for NH would be beneficial for everyone. NH is fortunate not to be burdened by legacy fossil fuel generating units, but instead has the opportunity to chart a new course and take control of its own energy future before actions by other New England states limit our options. Utilities, businesses, municipalities, and many groups involved in new or emerging technologies could provide much new and useful information if given a process they could be part of. While energy efficiency measures are still the most cost-effective way to reduce energy demand, the cost of new generation, especially from solar and wind, has been dropping dramatically. New technologies, such as battery storage and micro grids, are opening up possibilities both for energy reliability and for stand-alone energy communities. Many of our municipalities still offer great opportunities for both energy efficiency and new power generation projects. In light of the lack of detail in the State's 10 Year Energy Strategy, using this bill as a planning tool, not as a realistic final goal, would help to provide a viable road map to more energy independence and a greener and a more sustainable energy future. Even though the majority expresses the opinion that 23 years is too far away to plan for, the minority believes that not to consider such planning is in fact to walk away from our responsibilities to our residents and this state's future.

**HB 1550**, requiring electric bills to include the cost of compliance with renewable energy standards. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Bill Kuch for the **Majority** of Science, Technology and Energy. This bill, as amended, would require electric utilities to provide the cost of compliance with the Renewable Portfolio Standard (RPS) in each ratepayer's December bill. As is normal with other utilities, it was felt that consumers should know what they are paying for and allow them to evaluate whether these are worthwhile fees. In addition, the amended bill directs the electric utilities to provide an Internet link to the details of the programs supported by the RPS. The majority of the committee believes that transparency in rates makes for better consumers. **Vote 11-8.**

Rep. Robert Backus for the **Minority** of Science, Technology and Energy. This bill will require the Public Utilities Commission (PUC) to annually put the costs of compliance with the Renewable Portfolio Standard on a customer's bill. Each December, each bill, based on the assumed typical usage, would display the calculated cost of the program for that customer. Although the minority agrees with the goal of providing transparency as to costs of service and programs, we believe that providing only the costs without an equally prominent display of the benefits of RPS is unbalanced and unwise. Benefits are real and substantial and include meaningful cost savings from investment in renewable energy. But these benefits are not susceptible to reduction to a simple single number. Therefore, the bill reflects a bias against NH's long and often restated goal of moving to a clean, renewable energy future. The bill, as amended, provides that the PUC will provide a link to the PUC's website concerning the RPS program and the benefits it provides. However, the minority does not consider this either equal to or as easily accessible as the dollar number of cost that would be displayed on the bill. Further, there are many costs recovered from customers that are not displayed on bills. This includes, for example, the utility assessment that funds the PUC. If we want full transparency, why not require all such costs to be displayed, rather than singling out the costs of RPS? Finally, bills do provide the cost of the Systems Benefit Charge, or SBC, which includes several important and worthy programs, including a portion of funding for energy efficiency and for low income assistance. Given the inability or unwillingness of the majority to include equally available information on RPS benefits, the minority believes existing information should be sufficient. Any customer wanting more information about RPS can obtain it from the PUC's web site.

**HB 1647**, relative to inclusion of energy storage in distributed energy resources for electricity transmission and distribution. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Glen Aldrich for the **Majority** of Science, Technology and Energy. This bill intended to define energy storage as an allowed energy source. Energy storage, whether batteries, pumped storage, or other storage devices, would be considered a distributed energy resource. The bill allowed utilities to own a limited amount of energy storage, and some testimony indicated that storage might be considered generation which would run afoul of state restructuring statutes. The bill also would allow utilities to charge ratepayers for their storage capital investments, an arrangement similar to gas pipelines which the public utilities commission also has judged to be inconsistent with restructuring. An amendment was offered to transform the bill into a study committee, but the amendment failed to garner majority support due to some wording ambiguities. **Vote 12-9.**

Rep. Lee Oxenham for the **Minority** of Science, Technology and Energy. Advanced energy storage technologies increase grid efficiency, support the transition to distributed, renewable energy sources, and improve the resiliency and reliability of the entire electrical system by transforming the way we generate, deliver, and utilize electricity. Recent breakthroughs in battery technology mean that it is now both possible and cost efficient to save and store electricity during low-cost, off-peak hours and release that electricity during high-cost peak hours. Adopting this technology could potentially save NH utilities and ratepayers tens of millions of dollars by reducing or avoiding the need for costly and controversial long-distance transmission projects and reducing NH's share of regional costs. Unfortunately, in deregulated states like NH, energy storage confronts legal, regulatory, and market barriers that prevent energy storage projects from reaching their full potential. Utilities are barred from accessing wholesale markets, while private businesses are unable to monetize the benefits their projects provide to transmission and distribution systems and to ratepayers at large. This bill provides a mechanism that would break down these artificial barriers and enable the owners of energy storage systems (both regulated utilities and private enterprises) to invest in and receive revenues from their participation in all aspects of the electrical system. Optimizing the adoption of energy storage solutions not only lowers costs to ratepayers but also keeps NH's energy dollars from leaving the state and supports new jobs and businesses in the NH economy. The amendment will replace the bill and establish a commission to study this leading-edge technology which has the potential to both lower costs for ratepayers and increase grid reliability.

## TRANSPORTATION

**HB 1507-FN**, relative to state inspection of new motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Karel Crawford for Transportation. This bill provides that new motor vehicles need not be inspected during the three years following the manufacturer's model year. The committee agreed that even new cars can have malfunctions and believes that the inspection laws should stay as they are. Further, data that results in a recall would not be collected until much later. **Vote 15-4.**

**HB 1549**, relative to the availability of vehicle accident reports. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Craig Moore for the **Majority** of Transportation. This bill helps streamline the process of collecting an accident report from the reporting police departments to the parties involved in the accident. **Vote 8-6.**

Rep. George Sykes for the **Minority** of Transportation. This bill requires local police departments to send motor vehicle accident reports to the parties involved in the accident. This bill as written was opposed by the NH Association of Chiefs of Police and the NH Department of Safety. While perhaps a minor financial impact, this is still an unfunded mandate. Finally, it may result in fewer requests for reports from insurance companies, reducing that portion of the fee being collected to support the fire academy.

**HB 1718-FN**, regulating the use of license plate scanning devices by private parties. **REFER FOR INTERIM STUDY.**

Rep. Steven Smith for Transportation. This bill would have prevented someone from using electronic devices to track a motor vehicle that they do not own. The committee was confused about how the Driver Privacy Act is enforced and its scope. It was determined that interim study would provide an opportunity for that education to occur. **Vote 14-1.**

## WAYS AND MEANS

**HB 1381**, relative to determining the taxable value of utility property for local property taxation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Timothy Lang for the **Majority** of Ways and Means. With wildly varying assessment values across the state on utility property, and the numerous court cases challenging those values, this bill seeks to standardize the valuation method, thus reducing future litigation. Under current law, with the litigation on the municipal side, the tax payer bears the burden of local property tax increase to defend the lawsuits; and on the utility side, the rate payers (citizens) pay increased rates due to bringing the law suits seeking equality across towns. The amendment fixing this problem was a compromise solution. The State Assessing Board brought a recommendation and the utility companies brought a recommendation and the negotiated result protecting both the taxpayer and the rate payer is what came out. This amended bill addresses neither generation plants nor federally regulated and tariffs properties (transmission). This bill does address the following: it sets valuation at 50% original cost and 50% net book value (i.e. original cost less depreciation). Included in that valuation determination is 1) contributing in aid of construction, 2) equalization, 3) distribution assets, and 4) land and land rights. This bill has a five-year phase in to allow towns and utilities time to adjust to the new valuations. The State Consumer Advocate spoke to the committee and implored us to resolve this issue for both the tax payer and the rate payer. **Vote 13-8.**

Rep. Richard Ames for the **Minority** of Ways and Means. The minority objects to the rush to judgment on the complex issues presented by this bill. The subject matter of this bill has been argued across several com-

mittees, boards, and court systems, the most recent two in favor of the current system. The minority agrees a more uniform system is important, and has been assured this can be put in law next year, after the remaining complications have been ironed out. Deadlines caused us to vote out a bill which had been drafted from basic principles the night before, which no one had been able to review in detail. The data we do have shows that the total property tax collectible by the municipalities would decrease under the 50-50% compromise, and there is no data for our largest utilities or cities. Interim study will allow the current process to go forward and provide a fully developed bill by September 2018 for 2019 enactment.

**HB 1422-FN-A**, relative to the applicability of certain business tax rate changes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Patrick Abrami for the **Majority** of Ways and Means. This bill adds a requirement that the business tax rate reductions adopted in 2017 shall not take effect if the combined revenue growth in general and education funds for the fiscal year ending June 30, 2018 does not exceed the change in the Consumer Price Index plus 1 percent from the fiscal year ending June 30, 2017. In this bill, the Legislative Budget Assistant (LBA) is charged with doing this calculation, as it currently does for the state to comply with several other statutory requirements. The committee inquired of the LBA concerning the impact of one-time settlement money and one-time increases in revenue. They said no adjustments are made for these circumstances. In the last several weeks two anomalies in revenue have occurred. The first is the \$31 million Volkswagen settlement. The second is the spiking in business revenues due to the federal tax law changes which are causing companies to repatriate their money back to the United States at a very favorable tax rate. New Hampshire, it appears, will be a beneficiary of this activity because state business taxes will be paid on this repatriated money. It was clear to the majority of the committee that these anomalies would render the proposed methodology inaccurate. However, the bigger issue for the majority is the wrong signal this would send to the business community. They are planning long-term for the New Hampshire tax cuts to continue over the next several years. The legislature would be sending mixed messages to the business community by adopting a trigger that stops the next round of business tax reductions already approved by the legislature and signed into law. Understanding that the business community does not like uncertainty, the majority of the committee voted against this bill. **Vote 12-9.**

Rep. Richard Ames for the **Minority** of Ways and Means. The minority believes that pending business tax rate cuts, on top of cuts already implemented, imperil the ability of the state to meet its obligations. This bill would condition future business tax rate cuts on revenue performance in FY 2018. If enacted, pending cuts in the rates will go into effect only if the combined revenue growth in general and education funds for FY 2018 exceeds the change in the Consumer Price Index for the period plus 1 percent. This places a prudential "trigger" on the pending rate cuts. If the FY 2018 revenue growth falls short and this trigger is tripped, business tax rates would be frozen at the rates currently in effect: 7.9 percent for the Business Profits Tax (BPT) and 0.675 percent for the Business Enterprise Tax (BET). Killed would be the pending cuts to the BPT and BET that would otherwise have reduced the rates to 7.7 percent and 0.65 percent, respectively, for tax periods starting after December 31, 2018 and then to 7.5 percent and 0.50 percent respectively, for the tax periods starting after December, 2020. Not affected by this bill are the two steps of rate reductions that have brought the BPT and BET down from 8.5 percent and 0.75 percent, respectively, for tax periods before calendar year 2016, to the current rates of 7.9 percent and 0.675 percent, respectively. Other new business tax cuts not affected by this bill are (1) the allowance, effective July 1, 2017, of an additional \$5 million per year for Research and Development (R&D) tax credits against the BPT, and (2) the increase in the allowance per year for up-front deductions of certain capital equipment expenditures from \$25,000 before January 1, 2017 to \$500,000 for expenditures after January 1, 2018. Some proponents of the business tax rate cuts that would be affected by this bill have asserted or hypothesized that they will stimulate economic growth to such an extent that the state will realize a net revenue gain. Others have argued the opposite case. This bill is a prudential response to this debate. If revenues exceed the trigger, the next round of business tax cuts will go into effect. If not, the trigger will be tripped and NH's capacity to continue to provide needed services, already severely constrained by insufficient revenue, will not be further eroded by more tax rate cuts.

**HB 1609**, establishing a local option for an additional surcharge on occupancy under the meals and rooms tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bill Ohm for the **Majority** of Ways and Means. This bill allows cities and towns to create a new local tax, namely a surcharge of up to \$2 per night on rooms. Sponsors of the bill claim that summer tourist traffic places additional expenses on a town and that they should be allowed to seek additional compensation. The majority of the committee feels that such tourists are not full-time residents, place no burden on the local school system and provides tax revenue on property that may remain vacant for much of the year. Other towns can claim similar burdens, such as border towns packed with shoppers during the winter holiday season, but have the additional burden of full time residents with school age children. Rather than providing exemptions to various towns for various reasons, the majority feels that the current room and meals tax provides an appropriate burden and benefit on all the towns. **Vote 14-7.**

Rep. Susan Almy for the **Minority** of Ways and Means. The urban hubs of our state, and tourism centers, provide jobs and services to the communities around them. Although they have usually more property valuation, they cater to non-property-tax-paying human services and low-property-tax-paying low-income housing for those who cannot travel long distances due to poverty or disability. Their law enforcement, fire, emergency and safety inspection, planning, wastewater, and water costs are based on their daytime populations, not the taxpayer population. Although all municipalities see problems with their property taxes, the urban hubs bear an extra burden. The objective of this bill as amended is to provide some mitigation for these extra costs, by a fee not to exceed \$2 per room on lodging places, including hotels, within the boundaries of the municipality that votes to apply it. The original version depended on the state to collect and return this fee; the minority amendment leaves this task to the municipality that takes up the option. All towns, no matter how rural, have a stake in ensuring that their nearest hubs do not decay. And this bill as amended requires no sacrifice to our citizens. The minor room fee is no larger, and usually much smaller, than those in local option or from higher-level political subdivisions in other states, including our neighbors.

**HB 1802-FN-LOCAL**, relative to the statewide education property tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Marc Abear for the **Majority** of Ways and Means. This bill requires municipalities to remit any excess statewide education property tax (SWEPT) to the state for deposit in the general fund. The excess required to be remitted to the state is the difference between the SWEPT collected by the municipality and the municipality's calculated cost of providing an opportunity for adequate education. Currently, if a municipality's SWEPT is greater than its adequacy cost, it is retained by the community. The precise impact of this bill on state and local revenue is unknown, but an approximation based on FY 2019 preliminary data shows the bill would result in a \$29,698,848 increase to state general fund revenue and a corresponding decrease to locally retained SWEPT revenue. There is no constituency, not education, not the towns, asking for this change. Passage of this measure reopens the whole donor town debate. The current system has been functioning without challenge or disruption for about two decades. **Vote 15-6.**

Rep. Paul Henle for the **Minority** of Ways and Means. This bill, with the proposed minority amendment, would require cities and towns to send any excess Statewide Education Property Tax (SWEPT) money they have collected to the state for deposit in the education trust fund. The state uses the SWEPT money collected by cities and towns to help pay for the education adequacy grant that the state owes them. In some cities and towns the amount of SWEPT money collected is more than their adequacy grant. Currently, they keep the excess, which means that these cities and towns are receiving additional school aid above and beyond their adequacy grant. The total amount is \$29.7 million, and it is increasing every year. Since 2012, the total has grown by 25%. This is \$29.7 million of state money that is being spent outside of the budget process. The Finance Committee has no say as to how this money is spent. The House position is clearly against this practice. Earlier this session we rejected a bill because it would have spent \$1.5 million outside of the regular budget process. This bill should be passed in order to end the practice of giving extra education aid to a seemingly random selection of cities and towns to spend the \$29.7 million of tax revenue through the regular budget process. A proposed amendment would phase in this change over four years in order to lessen the impact on the affected cities and towns.

## FRIDAY, MARCH 2

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

1:00 p.m. Regular meeting.

## MONDAY, MARCH 5

**COMMISSION TO STUDY THE LEGALIZATION, REGULATION, AND TAXATION OF MARIJUANA (RSA 318-B:46), Room 202, LOB**

10:00 a.m. Regular meeting.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

10:00 a.m. Subcommittee work session on **HB 1104-FN**, relative to dredge and fill permit time limits; relative to time limits under the administrative procedure act; and relative to online filing with the secretary of state's office.

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

1:00 p.m. Subcommittee meeting on foster care.

**NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H), New Hampshire Higher Education Assistance Foundation, 4 Barrell Court, Concord**

9:00 a.m. Investment committee meeting.

10:00 a.m. Regular meeting.

**NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4), Room 103, SH**

10:30 a.m. Subcommittee meeting.

**OVERSIGHT COMMISSION ON CHILDREN'S SERVICES (RSA 170-G:19), Rooms 305-307, LOB**

11:00 a.m. Regular meeting.

**TUESDAY, MARCH 6****STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2), New Hampshire National Guard Regional Training Institute, 722 Riverwood Drive, Pembroke**

5:00 p.m. Regular meeting.

**THURSDAY, MARCH 8****FINANCE - DIVISION II, Room 209, LOB**

4:00 p.m. Or immediately following close of House session. Division work session on **HB 579-FN**, relative to registration of semi-trailers; **HB 1698-FN-L**, relative to the cost of special education services for foster children; **HB 1763-FN-A**, establishing a road usage fee and making an appropriation therefor; **SB 193-FN**, establishing education freedom savings accounts for students.

**HOME EDUCATION ADVISORY COUNCIL (RSA 193-A:10), New Hampshire Department of Education, 101 Pleasant Street, Concord**

3:30 p.m. Regular meeting.

**WAYS AND MEANS, Room 202, LOB**

4:00 p.m. Or immediately following house session. Full committee work session on **HB 324**, relative to the valuation of utility property; **HB 656-FN-A-L**, relative to the legalization and regulation of marijuana; **HB 1819-FN**, relative to administration of the education tax credit. Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

**FRIDAY, MARCH 9****ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 303, LOB**

9:30 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

**COMMISSION ON RURAL AFFAIRS (RSA 9-A:5), New Hampshire Technical Institute, 136 MacRury Hall, 31 College Drive, Concord**

10:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

**FINANCE - DIVISION II, Room 209, LOB**

10:00 a.m. Division work session on **SB 193-FN**, establishing education freedom savings accounts for students.

1:00 p.m. **SB 193-FN**, establishing education freedom savings accounts for students.

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

1:30 p.m. Regular meeting.

**NEW HAMPSHIRE STATE HOUSE BICENTENNIAL COMMISSION (RSA 17-R:1), Room 308, LOB**  
***\*\*Please Note Time Change***

1:00 p.m. Regular meeting.

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

9:30 a.m. Regular meeting.

**MONDAY, MARCH 12****NH BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Brain Injury Association of New Hampshire, 52 Pleasant Street, Concord**

2:00 p.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 work session.

**NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4), Rooms 210-211, LOB**

8:30 a.m. Regular meeting.

**OVERSIGHT COMMISSION ON CHILDREN'S SERVICES (RSA 170-G:19), Rooms 301-303, LOB**

10:00 a.m. Regular meeting.

**SEACOAST COMMISSION ON LONG TERM GOALS AND REQUIREMENTS FOR DRINKING WATER (RSA 485-F:5), Room 305, LOB**

2:00 p.m. Regular meeting.

**WAYS AND MEANS, Room 202, LOB *\*\*Please Note Time Change***

1:00 p.m. Full committee work session on **HB 324**, relative to the valuation of utility property; **HB 656-FN-A-L**, relative to the legalization and regulation of marijuana; **HB 1819-FN**, relative to administration of the education tax credit.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

**WEDNESDAY, MARCH 14****COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB**10:15 a.m. **HB 1471-FN**, relative to telemedicine.

11:00 a.m. **HB 1822-FN**, making hormonal contraceptives available directly from pharmacists by means of a standing order.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

1:30 p.m. Subcommittee work session on **HB 1471-FN**, relative to telemedicine; **HB 1822-FN**, making hormonal contraceptives available directly from pharmacists by means of a standing order.

**FINANCE, Rooms 210-211, LOB**

10:00 a.m. Executive session on **SB 193-FN**, establishing education freedom savings accounts for students; **HB 407-FN**, requiring workers' compensation to cover prophylactic treatment for exposure; **HB 579-FN**, relative to registration of semi-trailers; **HB 609-FN-A**, establishing a student career and college investment program and making an appropriation therefor; **HB 628-FN**, relative to a family and medical leave insurance program; **HB 1316-FN**, relative to revenue collected from concealed carry licenses; **HB 1411-FN-A**, relative to funds transferred to the nongame species account; **HB 1415-FN-A**, establishing a death benefit for a school employee killed in the line of duty; **HB 1698-FN-L**, relative to the cost of special education services for foster children; **HB 1745-FN-A**, making appropriations for costs involved in controlling invasive aquatic species; **HB 1763-FN-A**, establishing a road usage fee and making an appropriation therefor; **HB 1817-FN**, establishing the position of state demographer and a commission on demographic trends; requiring state agencies to prepare a 10-year current services budget; and requiring demographic impact notes on legislation.

**THURSDAY, MARCH 15****COMMISSION ON POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D), Walker Building, Room 100, 21 South Fruit Street, Concord**

2:30 p.m. Regular meeting.

**FRIDAY, MARCH 16****ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB**

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

**NEW HAMPSHIRE CANADIAN TRADE COUNCIL (RSA 12-O:22), Room 100, SH**

1:00 p.m. Regular meeting.

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

10:00 a.m. Regular meeting.

**MONDAY, MARCH 19**

**ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION (RSA 188-E:10-b), Room 101, LOB**

9:00 a.m. Regular meeting.

**THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD (RSA 170-G:6-a), Room 307, LOB**

2:00 p.m. Regular meeting.

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

1:30 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

**THURSDAY, MARCH 22**

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

2:00 p.m. Regular meeting.

**FRIDAY, MARCH 23**

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

1:00 p.m. Regular meeting.

**SUNDAY, MARCH 25**

**LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K:1), New Hampshire Technical Institute, Sweeney Crocker Building, Room 225, Concord**

1:00 p.m. Regular meeting.

**MONDAY, MARCH 26**

**COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND EXOTIC AQUATIC SPECIES OF WILDLIFE IN THE STATE OF NEW HAMPSHIRE (RSA 487:30), Room 307, LOB**

11:00 a.m. Regular meeting.

**EMERGENCY MANAGEMENT SYSTEM JOINT LEGISLATIVE OVERSIGHT COMMITTEE (RSA 21-P:51), Room 304, LOB**

10:00 a.m. Regular meeting.

**TUESDAY, APRIL 3**

**STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2), New Hampshire National Guard Regional Training Institute, 722 Riverwood Drive, Pembroke**

5:00 p.m. Regular meeting.

**FRIDAY, APRIL 6**

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

9:00 a.m. Continued meeting.

**FRIDAY, APRIL 13**

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

10:00 a.m. Regular meeting.

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

9:30 a.m. Regular meeting.

## OFFICIAL NOTICES

### COUNTY DELEGATION NOTICE

The Executive Committee of the **Merrimack** County Delegation will meet on **Monday, March 5<sup>th</sup> at 10:00 a.m.** in the lower level conference room of the McDonnell Building, 4 Court Street, Concord. The purpose of the meeting is as follows: 2018 budget review/approval, and any other business.  
Rep. James MacKay, Chairman

The **Merrimack** County Delegation Facilities subcommittee will meet on **Monday, March 12<sup>th</sup> at 9:00 a.m.** in the lower level conference room located at the McDonnell Building, 4 Court Street, Concord.

Rep. David Luneau, Chairman, Merrimack County  
Courthouse Construction Oversight Committee

### REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB 225, HB 407, HB 476, HB 525, HB 559, HB 561, HB 579, HB 596, HB 613, HB 619, HB 628, HB 1101, HB 1231, HB 1328, HB 1415, HB 1471, HB 1473, HB 1520, HB1557, HB 1562, HB 1590, HB 1592, HB 1618, HB 1626, HB 1681, HB 1689, HB 1756, HB 1762, HB 1763, HB 1764, HB 1802, HB 1814, HB 1819, HB 1820, SB 63, SB 165, SB 172, SB 193, SB 240, SB 372, SB 390 SB 496, SB 504.

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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Our State House will be 200 years old in June, 2019. The New Hampshire State House Bicentennial Commission has designed and contracted for the production of challenge coins to commemorate this historic event. The coins are 2½ inches in diameter and have the Bicentennial Commission's logo on one side and the State Seal on the other. Each coin is sequentially numbered. The coins cost \$20 each (\$40 for special requested numbers) are available for sale at the State House Visitors' Center. Coins numbered 151-308 plus some specially requested numbers have already been sold.

Reps. Renny Cushing and David Welch

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The House Republican Alliance (HRA) will meet on **Monday, March 5<sup>th</sup> at 8:30 a.m.** in Room 201, LOB. All republican house members are invited to attend.

Reps. Glenn Cordelli, James Spillane and Chris True

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The Order of Women's Legislators has postponed the Silent Auction from February 22<sup>nd</sup> until the Session dates during the week of **March 5<sup>th</sup>**. Items will be on display our first session day that week, and bidding will close at the end of our last session day that week.

Rep. Caroletta Alicea

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On Monday, **March 5<sup>th</sup>** the public is invited to drop in **from 3:00 p.m. to 7:00 p.m.** at the Holiday Inn, Main Street, Concord, to participate in an open house style public information session concerning the federal proposal to allow offshore oil and gas exploration and drilling. This is an official public event hosted by the Department of Interior's Bureau of Ocean Energy Management (BOEM). The proposal would allow for oil and gas drilling along the east, west, Gulf Coast, and Alaskan coastlines with an accelerated permitting process.

Rep. Suzanne Smith

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The New Hampshire Liberty Alliance cordially invites all legislators to attend a buffet-style luncheon **Tuesday, March 6<sup>th</sup> from noon to 1:00 p.m.** at Tandy's Top Shelf, located at 1 Eagle Square, just across N. Main St. from the State House, in the back room. The NHLA compiles and distributes the Gold Standard (gold sheet) before each session day, as well as publishes annual ratings for each NH State Representative and Senator. Several members of the NHLA Board of Directors will be in attendance. You will have the opportunity to ask questions or make suggestions on how the NHLA can better fulfill its mission of promoting liberty within New Hampshire state government.

Rep. Keith Ammon

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The National Caucus of Environmental Legislators invites all legislators to a luncheon on **Tuesday, March 6<sup>th</sup> at 12:00 p.m.** in the State House cafeteria for a presentation on wildlife trafficking. The illegal wildlife trade impacts millions of communities around the world. New Hampshire has the opportunity to address this issue. Come learn what it's all about and enjoy a free lunch at the same time.

Rep. Robert L'Heureux

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The New Hampshire Public Health Association (NHPHA) is hosting a legislative breakfast on **Wednesday, March 7<sup>th</sup> from 7:00 a.m. to 10:00 a.m.** at the State House cafeteria. A hearty, warm breakfast will be served. Members of the NHPHA Public Policy Committee and Board of Directors will be on hand to discuss their legislative priorities and pending bills.

Rep. Becky McBeath

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The annual Water's Worth It! legislative breakfast is set for **Wednesday, March 7<sup>th</sup>** at the Holiday Inn on Main Street in Concord. Check in for the event begins **at 7:00 a.m.** with a breakfast buffet. Water quality professionals will present information on drinking water and wastewater treatment challenges in New Hampshire. The keynote speaker is Alex Ray, founder of the Common Man Family of Restaurants and Hotels. Assistant Commissioner Clark Freise for NH DES will also address the audience. All legislators and staff are invited to enjoy a hearty breakfast and learn more about New Hampshire's water infrastructure. This event is free. Please RSVP to [nhwpca.elizabeth@gmail.com](mailto:nhwpca.elizabeth@gmail.com) by February 28<sup>th</sup> to reserve your seat at this important breakfast.

Speaker Gene Chandler and Rep. Tom Bucu

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The American Red Cross cordially invites all legislative members and staff to the annual State House Complex Blood Drive. The blood drive will take place on **Tuesday, March 13<sup>th</sup> from 9:00 a.m. to 2:00 p.m.** The American Red Cross state of the art self-contained coach will be parked out in front of the State House for this event. Give blood and you could help save three lives. Appointments are strongly encouraged. To schedule an appointment, please call State House Health Services at 271-2757, or email [dianne.bergquist@leg.state.nh.us](mailto:dianne.bergquist@leg.state.nh.us). The Red Cross launched a new tool called RapidPass, which allows you to do the 40 appointment questions online at [redcrossblood.org/RapidPass](http://redcrossblood.org/RapidPass) and then print it and bring it with you to your appointment.

Reps. Richard W. Hinch and Stephen Shurtleff

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You are invited to attend the second annual NH Energy Week, with events planned around Concord from March 12<sup>th</sup> to March 15<sup>th</sup>. On **March 14<sup>th</sup>, from 12:00 p.m. to 1:30 p.m.**, there will be a luncheon for all legislators in the State House cafeteria to enjoy good food and energy conversation. On **March 15<sup>th</sup>**, there will be an energy breakfast at the Concord Grappone Center, beginning **at 8:00 a.m.** Registration is free and a full breakfast will be served, as well as an address from Governor Sununu. On the evening of **March 15<sup>th</sup>**, join fellow legislators, businesses and sponsors **from 5:00 p.m. to 7:00 p.m.** at O's Steak and Seafood in Concord to conclude Energy Week with free food, drinks and an awards ceremony. For more information, please visit [www.NHEnergyFuture.org](http://www.NHEnergyFuture.org), or send us an email to [NHEnergyWeek@gmail.com](mailto:NHEnergyWeek@gmail.com).

Reps. Herb Richardson and Robert Backus

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Breathe New Hampshire invites all legislators and staff to attend a breakfast reception on **Thursday, March 15<sup>th</sup> from 8:00 a.m. to 9:30 a.m.** in the State House cafeteria. Stop by for a light breakfast, take a free breathing test, enter a raffle and meet some of our volunteers who are helping New Hampshire residents breathe better and live longer! Please RSVP to [info@breathenh.org](mailto:info@breathenh.org) or by calling 603-669-2411.

Rep. Patrick Long

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The National MS Society's Greater New England Chapter will have a display table in the Statehouse Cafeteria on **Thursday, March 15<sup>th</sup> from 10:00 a.m. until 2:00 p.m.** This is an opportunity to learn about the problems and opportunities of your constituents, relatives or others who suffer daily with this disease. Stop by for some literature, some conversation or just because your care.

Rep. Reed Panasiti

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All legislators and staff are cordially invited to join the New Hampshire Automobile Dealers Association (NHADA) for a Legislative Crossover Reception on **Wednesday, March 21<sup>st</sup> at 3:30 p.m.** (or following the end of the session day) at the Holiday Inn, 172 North Main Street, Concord. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering.

Speaker Gene Chandler and Rep. Stephen Shurtleff

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The members of the NH Snowmobile Association cordially invite all House members and staff to a reception in the State House cafeteria on **Thursday, April 12<sup>th</sup> from 7:30 a.m. to 9:30 a.m.** where a breakfast will be served. We look forward to seeing you there.

Reps. Richard W. Hinch and Stephen Shurtleff

## 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

| <b>DATE</b> | <b>TIME</b>       | <b>GROUP</b>                                       | <b>#/GRADE</b> |
|-------------|-------------------|----------------------------------------------------|----------------|
| March 5     | 9:45/11:00 SH/HM  | Hooksett Elementary School                         | 80/4           |
| March 6     | 9:30/11:00 SH/HM  | Parker Varney School – Manchester                  | 88/4&5         |
| March 6     | 10:00             | New Franklin School – Portsmouth                   | 48/4           |
| March 6     | 2:00              | Bankers Day at the State House                     | 50/adults      |
| March 7     | 9:30/11:00 SH/HM  | Epping Elementary School                           | 72/4           |
| March 7     | 9:00              | The White Mountain School – Bethlehem              | 14             |
| March 8     | 10:15/11:30 SH/HM | Moharimet Elementary School – Lee, Madbury, Durham | 100/4          |
| March 9     | 10:30 *2 tours    | DAR Good Citizens group                            | 65/HS          |
| March 9     | 11:30             | Tuftsboro Central School                           | 20/4           |
| March 12    | 9:00/10:15        | Broken Ground School – Concord                     | 84/4           |
| March 12    | 12:45 * 2 tours   | Rundlett Middle School – Concord                   | 90/7           |
| March 13    | 9:00              | Deerfield Community School                         | 49/4           |
| March 13    | 10:15             | Souhegan High School – Amherst                     | 12/HS          |
| March 13    | 12:45 * 2 tours   | Rundlett Middle School – Concord                   | 90/7           |
| March 14    | 8:45              | Leadership Lakes Region                            | 40/adults      |
| March 14    | 10:15             | Broken Ground School – Concord                     | 42/4           |
| March 14    | 12:45 * 2 tours   | Rundlett Middle School – Concord                   | 90/4           |
| March 15    | 9:00              | St. Catherine of Siena School – Manchester         | 50/4-6         |
| March 15    | 9:30/11:00        | Henry Wilson School – Farmington                   | 80/4           |
| March 15    | 2:00              | UNH International Students                         | 15/Col         |

| <b>DATE</b> | <b>TIME</b>       | <b>GROUP</b>                              | <b>#/GRADE</b> |
|-------------|-------------------|-------------------------------------------|----------------|
| March 16    | 10:00/11:15       | Charlotte Ave. School – Nashua            | 96/4           |
| March 16    | 2:00 *4 tours     | AmeriCorps                                | 200            |
| March 19    | 9:15              | 2 <sup>nd</sup> Start ESL students        | 20/HS          |
| March 19    | 12:45             | Rundlett Middle School – Concord          | 42/7           |
| March 20    | 9:30              | Alton Central School                      | 40/4           |
| March 20    | 10:15             | Greenfield Elementary/ Hancock Elementary | 42/4           |
| March 20    | 11:00/12:00       | Abbott Downing School – Concord           | 78/4           |
| March 21    | 9:00              | Mount Saint Mary Academy – Manchester     | 11/4           |
| March 21    | 10:15/11:30 SH/HM | Interlakes Elementary School – Meredith   | 65/4           |
| March 22    | 9:45              | Mont Vernon School                        | 36/4           |
| March 22    | 9:15              | Pittsfield Elementary School              | 25/4           |
| March 23    | 9:00              | Newington Public School                   | 16/4           |
| March 23    | 9:00              | Nashua Christian Academy                  | 9/4            |
| March 23    | 11:30             | Concord Parks & Recreation                | 15/Srs         |
| March 23    | 1:00              | Leadership Southern NH – Salem            |                |
| March 26    | 10:00             | North Hampton School                      | 37/4           |
| March 26    | 11:30             | Micro Society Academy – Nashua            | 50/4&5         |
| March 27    | 9:00/10:15 SH/HM  | Pembroke Hill School                      | 100/4          |
| March 27    | 10:00/11:00       | Woodman Park School – Dover               | 110/4          |
| March 28    | 9:30/10:45 SH/HM  | Webster Elementary School – Manchester    | 85/4           |
| March 29    | 9:30              | Rye Elementary School                     | 40/4           |
| March 29    | 10:00             | Mount Lebanon School                      | 41/4           |
| March 29    | 11:00             | Chester Academy                           | 55/4           |
| March 30    | 10:00             | East Kingston Elementary                  | 50/4           |
| March 30    | 9:30/11:00        | Parker Varney School – Manchester         | 64/4&5         |
| April 2     | 10:15/11:30 SH/HM | South Range Elementary School – Derry     | 59/4           |
| April 3     | 9:00              | Green Valley School – Pembroke            | 12/4           |
| April 3     | 9:30 * 2 tours    | Barnstead Elementary School               | 58/4           |
| April 3     | 11:00             | Portsmouth Christian Academy – Dover      | 24/4           |
| April 4     | 10:15/11:30 SH/HM | Crescent Lake School – Wolfeboro          | 62/4           |
| April 5     | 9:30              | Boscawen Elementary School                | 49/4           |
| April 5     | 10:00/11:30       | Milford Elementary School                 | 90/4           |
| April 5     | 11:00             | Temple Elementary School                  | 20/3&4         |
| April 6     | 10:00/11:30       | Milford Elementary School                 | 75/4           |
| April 6     | 1:00              | Seacoast Home School families             | 27             |

## AMENDMENTS

### (LISTED IN NUMERICAL ORDER)

#### Amendment to HB 476

(2018-0727h)

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

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

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 or the state 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 10 percent of each probate entry fee paid to the probate division of the circuit court for allocation to the counties for the salary, benefits, and other compensation costs of the registers of probate as set forth in RSA 490:27. Of the remaining entry fees, 6 percent shall be set aside for deposit into a special escrow account established under RSA 490:26-c and 30 percent for deposit into the judicial branch information technology fund established under RSA 490:26-h. 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.

4 Escrow Fund for Court Facility Improvements. Amend RSA 490:26-c to read as follows:

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

I. ***Of the entry fees remaining after 10 percent is set aside for county registers of probate pursuant to RSA 490:24, I***, six percent of each entry fee collected in the supreme, superior, and circuit courts shall be deposited in escrow for judicial branch facility improvements. Moneys in the 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 Judicial Branch Information Technology Fund. Amend RSA 490:26-h, I(a) to read as follows:

(a) ***Of the entry fees remaining after 10 percent is set aside for county registers of probate pursuant to RSA 490:24, I***, thirty percent of each entry fee collected in the supreme, superior, and circuit courts 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.

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

490:27 Probate 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 and shall be deposited in the mediation and arbitration fund established under RSA 490-E:4. ***Probate entry fees shall be set to allow for the allocation to the counties of up to 10 percent of the fees collected for the salary, benefits, and other compensation costs of registers of probate in eligible counties having established such compensation pursuant to RSA 23:7 and RSA 23:8. Such costs shall only be reimbursed to counties that have established compensation pursuant to RSA 23:7 and RSA 23:8, and only to the extent covered by 10 percent of the probate entry fees collected. No later than 30 days after each calendar quarter, eligible counties shall report the salary, benefits, and other compensation costs for the register of probate to the administrative office of the courts. The office shall distribute up to 10 percent of the probate entry fees collected in the preceding quarter based on each county's share of total statewide probate cases filed.***

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]~~. Circuit court clerks, ***upon request of the register of probate, 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; all proceedings with regard to real estate; all accounts settled, and all orders, decisions, and appointments from which an appeal may be claimed]~~ ***provide system access to the electronic probate files to check on activities related to probate matters.***

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

547:27-c Probate Court Entry Fees.

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. Of the entry fees remaining after 10 percent is set aside for county registers of probate pursuant to RSA 490:24, I**, the clerk shall set aside 6 percent of each entry fee paid into the court for deposit into a special escrow account established under RSA 490:26-c and 30 percent ~~[of each entry fee paid into the court]~~ for deposit into the judicial branch information technology fund established under RSA 490:26-h. 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 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 .

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. If the office space is within a county building, the county shall provide a desk and telephone number for the register of probate. The telephone number shall be communicated to the judicial branch. the judicial branch shall supply the computer equipment and access to email via the court email system. If the office space is within a court building, 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 and be aware of the location of all paper probate records 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 provide access to the electronic probate files so information about scheduling is available to the registers of probate.

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

548:5 Records. The register of probate shall have access to the electronic probate files in order to view the recordings 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 judicial branch and the secretary of state, division of archives and records management shall make available on their websites links to all available electronically scanned New Hampshire probate records including those created or maintained by any nongovernmental entity until such time as the state has the capability to make all such records available through state resources. Beginning on July 1, 2020, all paper probate records older than 35 years shall be kept in the state archives.

14 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. The probate division of the circuit court shall provide the register of deeds the address of the estate administrator for billing.

15 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.

16 Probate Division of the Circuit Courts and Estates; Publication of Notice RSA 550:10 is repealed and reenacted to read as follows:

550:10 Publication and Notice in Newspaper. Because probate is an entirely electronic process with no paper records, notwithstanding any other provision of law, whenever notice is required to be published in a newspaper by any provision of this title, the probate division of the circuit court established in RSA 490-F shall instead cause such notice as required by the probate division of the circuit court to be made available to the public on the New Hampshire judicial branch website or by other electronic media for no fewer than 2 weeks beginning no later than 2 weeks before the date for which notice is given, unless otherwise ordered by the judge.

17 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.

18 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.

19 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.

20 Effective Date.

I. Sections 3-7, and 9 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.

#### **Amendment to HB 559-FN**

**(2018-0378h)**

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

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

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

III. All ~~[remaining]~~ proceeds received by the state from the sale of allowances, 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]~~ **2019**, ~~[up to \$2,000,000]~~ **no more than \$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.**

(c) The remainder to all-fuels, comprehensive energy efficiency programs administered by qualified parties which may include electric distribution companies as selected through a competitive bid process. The funding shall be distributed among residential, commercial, and industrial customers based upon each customer class's electricity usage to the greatest extent practicable as determined by the commission. Bids shall be evaluated based on, but not limited to, the following criteria:

- (1) A benefit/cost ratio analysis including all fuels.
- (2) Demonstrated ability to provide a comprehensive, fuel neutral program.
- (3) Demonstrated infrastructure to effectively deliver such program.
- (4) Experience of the bidder in administering energy efficiency programs.
- (5) Ability to reach out to customers.
- (6) The validity of the energy saving assumptions described in the bid.

2 Review and Report. The public utilities commission and the department of environmental services shall review the use of auction proceeds under RSA 125-O:23, III and shall submit a report, with recommendations to continue or revise the allocation of auction proceeds among the core programs based on program needs, to the house and senate finance committees, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, and director of legislative services on or before July 1, 2023.

3 Repeal. The following are repealed:

I. RSA 125-O:23, II, relative to rebates to retail electric ratepayers.

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

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

2018-0378h

#### AMENDED ANALYSIS

This bill:

I. Requires the public utilities commission to allocate certain funds to school districts for energy efficiency projects.

II. Repeals a rebate to retail electric ratepayers.

III. Requires the public utilities commission and the department of environmental services to submit a report with recommendations for allocations of auction proceeds.

#### Amendment to HB 1100

(2018-0650h)

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

Amend RSA 273:28, II(g) as inserted by section 1 of the bill by replacing it with the following:

(g) Two members of the public, appointed by the governor, one of whom shall be appointed from a list of 5 nominees from organized labor consisting of one from each of the following: New Hampshire AFL-CIO, New Hampshire Building Trades Council, AFT-New Hampshire, NEA-New Hampshire, and the State Employees' Association of New Hampshire.

#### Amendment to HB 1102-FN

(2018-0741h)

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

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

AN ACT enabling the department of health and human services to contract with certain certified physicians.  
Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Consultants to Review Medication Assisted Treatment. Amend RSA 126-A:5 by inserting after paragraph XXX the following new paragraph:

XXXI. The commissioner may enter into a contract or contracts with one or more physicians who are certified by an accredited addiction medicine or addiction psychiatry certifying body. The physician or physicians shall provide consultation and guidance to the department related to designing, updating, and monitoring practices and policies regarding medication assisted treatment and related treatments for substance use disorders in New Hampshire.

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

2018-0741h

#### AMENDED ANALYSIS

This bill authorizes the commissioner of the department of health and human services to contract with one or more physicians who are certified by an accredited addiction medicine or addiction psychiatry certifying body to review medication assisted treatment in New Hampshire.

#### Amendment to HB 1201

(2018-0274h)

**Proposed by the Minority of the Committee on Labor, Industrial and Rehabilitative Services - r**  
Amend the bill by replacing section 1 with the following:

1 New Section; Day's Work; Days of Rest; Vacation Time. Amend RSA 275 by inserting after section 35 the following new section:

275:35-a Vacation Time.

I. An employer not operating under a collective bargaining agreement that offers paid vacation time to its employees shall comply with the following:

(a) Inform employees of any policy regarding accrual or use of vacation time and any limits on accrual or use.

(b) Provide a means through which vacation time requests and approvals are processed.

(c) Provide employees with an accounting of vacation hours used and vacation hours remaining on the employee's pay statement.

II. If, upon reaching the employee's date of hire anniversary or the end of annual vacation time accrual period, an employee has vacation hours in excess of the accrual limit, the employer shall grant the employee an additional 90 days in which to use the excess vacation hours. The accrual of vacation hours shall continue during this period.

III. If the employee was unable to schedule time off due to the needs of the business, the employer shall pay the employee for any unused vacation hours up to the maximum accrued vacation hours limit established in company policy.

#### Amendment to HB 1210

(2018-0723h)

#### Proposed by the Committee on Municipal and County Government - c

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

AN ACT directing the assessing standards board to study current use and conservation restriction assessments.

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

1 Assessing Standards Board; Study of Current Use and Conservation Restrictions.

I. The assessing standards board, established in RSA 21-J:14-a, shall study the following issues:

(a) Whether property under conservation restrictions is constitutionally eligible for current use assessment.

(b) Existing valuation and assessment methods for properties under current use and properties under conservation restrictions.

(c) The financial impact of current use and conservation restriction assessments and tax rates on the overall property tax rates in small and rural communities.

II. On or before November 1, 2018, the board shall submit a report of its findings to the speaker of the house of representatives, the senate president, the governor, the house clerk, the senate clerk, and the state library.

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

2018-0723h

#### AMENDED ANALYSIS

This bill directs the assessing standards board to study current use and conservation restriction assessments.

**Amendment to HB 1215  
(2018-0738h)**

**Proposed by the Committee on Municipal and County Government - c**

Amend RSA 674:33, I(c) as inserted by section 1 of the bill by replacing it with the following:

***(c) The board shall state in its rules of procedure which voting method shall be used, and shall use that method consistently. If the board fails to include such a statement in its rules of procedure, it shall use one method consistently for all applications until it formally votes to change the method. Any change in the board's voting method shall not take effect until 60 days after the board has voted to adopt such change and shall apply only prospectively, and not to any application that has been filed and remains pending at the time of the change.***

**Amendment to HB 1216  
(2018-0008h)**

**Proposed by the Committee on Municipal and County Government - c**

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

AN ACT relative to liability for deferred property taxes and relative to applications for abatement of property taxes.

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

2 New Paragraph; Tax Deferral for Elderly and Disabled; Prior Payment. Amend RSA 72:38-a by inserting after paragraph VI the following new paragraph:

VII. Prior payment of the taxes by either the taxpayer or by a third party shall not be a ground for denial if the taxpayer is otherwise eligible for the deferral. If the assessing officials grant a deferral after the taxes have been paid, the assessing officials shall issue a check in the amount of the deferred taxes, plus interest, to the person or entity who paid the taxes.

3 Abatement; By Selectmen or Assessors; Prior Payment. Amend RSA 76:16, II to read as follows:

II. Upon receipt of an application under paragraph I(b), the selectmen or assessors shall review the application and shall grant, for good cause shown, or deny the application in writing by July 1 after notice of tax date under RSA 76:1-a. The failure to respond shall constitute denial. ***Prior payment of the tax by a third party shall not be a ground to deny the application if the taxpayer is otherwise eligible for abatement.*** All such written decisions shall be sent by first class mail to the taxpayer and shall include a notice of the appeal procedure under RSA 76:16-a and RSA 76:17 and of the deadline for such an appeal. The board of tax and land appeals shall prepare a form for this purpose. Municipalities may, at their option, require the taxpayer to furnish a self-addressed envelope with sufficient postage for the mailing of this written decision.

4 Effective Date.

I. Section 1 of this act shall take effect January 1, 2019.

II. The remainder of this act shall take effect April 1, 2018.

2018-0008h

**AMENDED ANALYSIS**

This bill provides that, if the owner of property subject to a tax deferral dies, the mortgage holder must pay all deferred taxes before selling the property in a foreclosure proceeding. The bill provides that prior payment of property taxes shall not be a ground for denial of a tax deferral for the elderly or disabled. The bill also provides that prior payment of property taxes by a third party shall not be a ground for the selectmen or assessors to deny an application for abatement.

**Amendment to HB 1230  
(2018-0455h)**

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

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

AN ACT establishing a commission to study the economic impact of national or regional carbon pricing on New Hampshire.

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

1 New Subdivision; Economic Impact of National or Regional Carbon Pricing Study Commission. Amend RSA 12-A by inserting after section 67 the following new subdivision:

Economic Impact of National or Regional Carbon Pricing Study Commission

12-A:68 Economic Impact of National or Regional Carbon Pricing Study Commission.

I. A commission is established to study the economic impact of national or regional carbon pricing on New Hampshire.

II. The commission shall consist of the following members:

(a) Two members of the house of representatives, one appointed by the speaker of the house of representatives and one appointed by the minority leader, both members of the science, technology and energy committee.

(b) Two members of the senate, one appointed by the president of the senate and one appointed by the minority leader, both members of the senate energy and natural resources committee.

(c) The director of the department of business and economic affairs, or his or her designee.

(d) The consumer advocate of the office of the consumer advocate, or his or her designee.

(e) Two representatives of the business and industry community, one appointed by the Business and Industry Association of New Hampshire, and one appointed by New Hampshire Businesses for Social Responsibility.

(f) The director of the department of environmental services, or his or her designee.

(g) The chairperson of the energy efficiency and sustainable energy board, or his or her designee.

(h) One representative from an electric distribution company, appointed by the governor.

(i) One representative from an environmental nonprofit group, appointed by the governor.

(j) One representative of the oil and gas industry, appointed by the governor.

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

IV. The commission shall study, receiving testimony, advice, and other input at its discretion from relevant state agencies, organizations, and individuals:

(a) The various carbon pricing programs being proposed at the national and regional levels.

(b) The effects of the pricing would have on state energy costs, both short and long term.

(c) The effects such pricing would have on state businesses and industries, including tourism.

(d) The effects such pricing would have on the state job market.

(e) The short term and long term effects such pricing would have on consumers.

(f) The short term and long term effects such pricing would otherwise have on state costs and the state's economy.

V. The commission shall solicit information as needed from outside individuals and groups.

VI. At the conclusion of its study, the commission shall make appropriate recommendations to prepare the state for the possibility of national or regional carbon pricing.

VII. The members of the commission shall elect a chairperson from among the members, and hold the first meeting of the commission within 45 days of the effective date of this section. The first named member of the house shall call the first meeting. Eight members of the commission shall constitute a quorum.

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

2 Repeal. RSA 12-A:68, relative to the economic impact of national and regional carbon pricing study commission, is repealed.

2018-0455h

#### AMENDED ANALYSIS

This bill establishes a commission to study the economic impact of a national or regional carbon pricing program on New Hampshire.

#### Amendment to HB 1233

(2018-0236h)

#### Proposed by the Majority of the Committee on Environment and Agriculture - r

Amend RSA 433:7-a as inserted by section 1 of the bill by replacing it with the following:

433:7-a Preemption of Local Regulation. Administration and enforcement of this subdivision shall be implemented in an equitable manner throughout the state. This subdivision is of statewide concern and occupies the whole field of regulation regarding the display, distribution, growing, cultivation, harvesting, production, labeling, marketing, mixing, notification of use, planting, possession, processing, registration, sale, storage, transportation, or other use; or the inspection, analysis, examination, certification, classification, testing, or licensing of agricultural, flower tree, shrub, or vegetable seeds, or products or sellers of such seeds to the exclusion of all local regulation. Except as otherwise specifically provided in this subdivision, no ordinance or regulation of local government, including but not limited to, an action by a local governmental agency or department, a county board of commissioners or a city council, or a local regulation adopted by the use of an initiative measure, may prohibit or in any way attempt to regulate any matter relating to the display, distribution, growing, cultivation, harvesting, production labeling, marketing, mixing, notification of use, planting, possession, processing, registration, sale, storage, transportation, or other use, or the inspection, analysis, examination, certification, classification, testing, licensing, of agricultural, flower tree, shrub, or vegetable seeds or products or sellers of such seeds and any of those ordinances, laws, or regulations are void and of no force or effect. Nothing in this subdivision shall limit the authority of any political subdivision to adopt and enforce planning, zoning and related regulations under RSA 674, including the authority to require native

plantings, and combat invasive species listed in accordance with RSA 430:53 as part of a planning board's site plan review or subdivision authority or as a condition of a zoning board of adjustment's granting of a variance or special exception.

Amend RSA 431:4-d as inserted by section 2 of the bill by replacing it with the following:

431:4-d Preemption of Local Regulation. Except as otherwise specifically provided in this subdivision, no ordinance or regulation of local government, including but not limited to, an action by a local governmental agency or department, a county board of commissioners or a city council, or a local regulation adopted by the use of an initiative measure, may prohibit or in any way attempt to regulate any matter relating to the registration, sale, formulation, or transportation of fertilizer. ***Additionally, no local regulation shall regulate the type of fertilizer when used for agricultural purposes as defined by RSA 21:34-a.***

2018-0236h

#### AMENDED ANALYSIS

This bill preempts the local regulation of seeds and fertilizer.

#### Amendment to HB 1238

(2018-0691h)

#### Proposed by the Committee on Environment and Agriculture - c

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

AN ACT relative to animal cruelty involving an equine colt.

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

1 Animal Cruelty; Colts Less than 90 Days Old. Amend RSA 644:8, III(e)-(f) to read as follows:

(e) Negligently abandons any animal previously in his possession or custody by causing such animal to be left without supervision or adequate provision for its care, sustenance or shelter; [or]

***(f) Has in his or her possession an equine colt that is less than 90 days old that is not being nursed by its dam, unless the colt was born in this state, and its dam has died within this state before the colt became 90 days old; or***

***(g) Sells an equine colt that is less than 90 days old that is not being nursed by its dam; or***

***(h) Otherwise negligently permits or causes any animal in his possession or custody to be subjected to cruelty, inhumane treatment or unnecessary suffering of any kind.***

2 Repeal. The following are repealed:

I. RSA 435:5, relative to colts less than 90 days old.

II. RSA 105:14-18, relative to cruelty to animals.

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

2018-0691h

#### AMENDED ANALYSIS

This bill includes possession or sale of equine colts under 90 days old as acts of animal cruelty.

This bill also repeals several provisions relative to animal cruelty.

#### Amendment to HB 1261

(2018-0729h)

#### Proposed by the Committee on Children and Family Law - c

Amend RSA 169-C:35-a, I as inserted by section 2 of the bill by replacing it with the following:

I. The department shall retain a screened-out report for 4 years from the date that the report was screened out. If during the 4-year retention period, the department receives a subsequent report of abuse or neglect concerning the same alleged perpetrator or the same child or any siblings or other children in the same household or in the care of the same adults, the department shall retain information from the prior and subsequent reports for an additional 4 years from the date a subsequent report is screened out, an additional 10 years from the date a subsequent report is deemed unfounded, and indefinitely if the subsequent report is deemed founded or unfounded but with reasonable concern. The department shall delete or destroy all electronic and paper records of the reports when the retention period for the most recent report expires.

Amend the bill by replacing section 3 with the following:

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

#### Amendment to HB 1271

(2018-0415h)

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

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

1 City of Concord; Renaming Industrial Drive. Pursuant to RSA 4:43, Industrial Drive from South Fruit Street to the intersection with Brown Road in the city of Concord is hereby renamed as Ratification Way. Appropriate signage or other markers may be placed along Ratification Way and at the state archives building.

2 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under section 1 of this act shall be a charge to the capital appropriation in HB 25-FN of the 2017 legislative session to the department of state, archives addition. The design, construction, and installation of any signage or other markers required under this act shall be approved by the department of transportation.

2018-0415h

AMENDED ANALYSIS

This bill renames Industrial Drive in the city of Concord as Ratification Way.

**Amendment to HB 1286**

**(2018-0576h)**

**Proposed by the Majority 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 relative to fishing and hunting licenses for permanently disabled veterans.

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

1 Hunting, Fishing, and Trapping; Permanently Disabled Veterans. Amend RSA 214:13 to read as follows:  
214:13 [Veterans, Totally and Permanently Disabled] ***Permanently Disabled Veterans.***

***I.*** If the applicant for a fishing and hunting license is a resident of the state, has received a discharge other than dishonorable from service in any war or police action in which the United States has been engaged and is totally and permanently disabled from such service-connected disability, the executive director shall issue a special veteran's license to said applicant. Said license shall be perpetual. The executive director shall retain the records for such licenses for a period not less than 7 years. Loss or destruction of the license after 7 years shall obligate the licensee to re-establish eligibility. A \$10 administrative fee shall be charged once, upon application to the executive director for such license.

***II.*** ***If the applicant for a fishing and hunting license is a resident of the state, has received a discharge other than dishonorable from service in any war or police action in which the United States has been engaged and is at least 80 percent but not 100 percent permanently disabled from such service-connected disability, the executive director shall issue a lifetime license to such applicant at 50 percent of the cost of a lifetime license under RSA 214:9-c calculated pursuant to RSA 214:9-c, II.***

2 New Subparagraph; Lifetime Licenses; Permanently Disabled Veterans. Amend RSA 214:9-c, I(b) by inserting after subparagraph (3) the following new subparagraph:

(4) The executive director, upon application, may issue a discounted lifetime license to a resident who is a permanently disabled veteran and complies with the provisions of RSA 214:13, II. The discounted amount of a permanently disabled veteran's lifetime license shall be 50 percent of the cost of a lifetime license calculated pursuant to paragraph II of this section.

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

2018-0576h

AMENDED ANALYSIS

This bill permits the executive director of fish and game to issue a lifetime license to a permanently disabled veteran for one-half the cost of a lifetime license.

**Amendment to HB 1294**

**(2018-0635h)**

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

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

1 Religious Societies; Membership. Amend RSA 306:1 to read as follows:

306:1 Membership. No person shall be liable as a member of an incorporated religious society without his ***or her*** express consent first having been obtained; and any person may separate from any such society ~~by leaving with the clerk thereof a written notice signed by him of his intention so to separate, and by paying all legal assessments and arrearages then due from him to the society~~.

2 Religious Societies; Conveyances. Amend RSA 306:7 to read as follows:

306:7 Conveyances. No conveyance of the lands of a church shall be effectual to pass the same ~~[if made by the trustees or deacons]~~ without the consent of the church, or a committee of the church appointed for that purpose~~[- or if made by the church wardens without the consent of the vestry]~~.

3 Religious Societies; By Minister. Amend RSA 306:8 to read as follows:

306:8 By Minister. No conveyance made by a minister of lands held by him ***or her*** in succession shall be valid any longer than he ***or she*** shall continue to be such minister unless the conveyance shall be made with the consent of the parish or religious society of which he ***or she*** is minister~~[- or unless he is a minister of an Episcopal church and shall make the conveyance with the consent of the vestry]~~.

4 Religious Societies; Accounts. Amend RSA 306:9 to read as follows:

306:9 Accounts. The several churches[~~other than those of the Episcopal denomination,~~] are authorized to choose committees for the purpose of settling the accounts of the trustees, deacons, and other church officers and, if necessary, to commence and prosecute a suit in the name of the church against the trustees, deacons, or other officers relating to the accounts.

5 Meetinghouses; Sale When Ownership is Uncertain. Amend RSA 307:7 to read as follows:

307:7 [Other Cases] ***Sale of Meetinghouse***. If [~~any such meetinghouse is so owned that the provisions of RSA 307:1-6 will not apply, or it is doubtful whether they will apply~~] ***ownership of a meetinghouse is uncertain***, the superior court, upon petition of any party interested therein, after due notice and a hearing of all parties in interest who desire to be heard, may order it to be sold and appoint a receiver for the purpose, and may make such further orders as may be necessary to complete the sale and divide the proceeds among the parties according to their respective interests in the property sold.

6 Repeal. The following are repealed:

- I. RSA 306:2, relative to taxes raised by religious societies.
- II. RSA 306:3, relative to donations to religious societies.
- III. RSA 306:3-a, relative to the merger of religious societies
- IV. RSA 306:5, relative to joint donees.
- V. RSA 306:6, relative to parsonage land.
- VI. RSA 306:10, relative to limitations on donations as church income.
- VII. RSA 306:11, relative to Quaker meetings and the authority to accept donations.
- VIII. RSA 307:1-6 and RSA 307:8-9, relative to the sale of meetinghouses.
- IX. RSA 307:10-20, relative to the repair, alteration, and removal of meetinghouses.

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

2018-0635h  
AMENDED ANALYSIS

This bill repeals certain obsolete statutes relative to the powers and authority of religious societies. The bill also repeals the majority of RSA 307, relative to pew ownership and the sale and repair of meetinghouses.

**Amendment to HB 1295**

(2018-0627h)

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

Amend the bill by replacing section 1 with the following:

1 New Section; Penalties; Civil Contempt. Amend RSA 458 by inserting after section 52 the following new section:

458:53 Penalties; Civil Contempt. Notwithstanding any other provision of law, no family division circuit court shall incarcerate a person for civil contempt without findings of fact to support such action. In addition, no person shall be required to sell his or her principal residence, the value of which does not exceed the amount of the homestead exemption in RSA 480:1, or to sell his or her sole motor vehicle, the value of which does not exceed the amount specified in RSA 511:2, XVI, to satisfy a finding of civil contempt.

**Amendment to HB 1307**

(2018-0684h)

**Proposed by the Committee on Municipal and County Government - r**

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

AN ACT relative to the presentation of a default budget.

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

1 Use of Official Ballot; Meeting. Amend the introductory paragraph of RSA 40:13, IV to read as follows:

IV. The first session of the meeting, governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and 40:6-40:10, shall consist of explanation, discussion, and debate of each warrant article, ***including warrant articles pertaining to the operating budget or the default budget***. A vote to restrict reconsideration shall be deemed to prohibit any further action on the restricted article until the second session, and RSA 40:10, II shall not apply. Warrant articles may be amended at the first session, subject to the following limitations:

2 New Subparagraph; Official Ballot; Definition; Contracts. Amend RSA 40:13, IX by inserting after subparagraph (b) the following new subparagraph:

(c) "Contracts" as used in this subdivision means contracts previously approved, in the amount so approved, by the legislative body in either the operating budget authorized for the previous year or in a separate warrant article for the previous year.

3 Official Ballot; Default Budget. Amend the introductory paragraph of RSA 40:13, XI(a) to read as follows:

XI.(a) The default budget shall be disclosed at the first budget hearing held pursuant to RSA 32:5 or RSA 197:6 ***and shall be presented for questions and discussion using the same individual line items***

*in the detailed operating budget or chart of accounts that is regularly used by the local political subdivision to present its operating budget.* The governing body, unless the provisions of RSA 40:14-b are adopted, shall complete a default budget form created by the department of revenue administration to demonstrate how the default budget amount was calculated. The form and associated calculations shall, at a minimum, include the following:

2018-0684h

AMENDED ANALYSIS

This bill requires the presentation of the default budget at the deliberative session to include individual line items.

**Amendment to HB 1308-FN**

(2018-0446h)

**Proposed by the Committee on Commerce and Consumer Affairs - c**

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

1 New Section; Insurance Companies and Agents. Amend RSA 402 by inserting after section 83 the following new section:

402:84 Discontinuance of Lines of Business; Notice Required. Any licensed insurance company authorized to transact fire or casualty business in this state shall provide 120 days' notice to its appointed agents of record in New Hampshire of the insurance company's decision to cease writing an entire line of business. Any non-renewal notices to affected policyholders shall be issued in accordance with applicable law, provided that the effective date of any such non-renewals shall be at least 120 days after notice to the agents of record under this section.

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

2018-0446h

AMENDED ANALYSIS

This bill requires licensed insurance companies to provide notice to its agents of record in New Hampshire of the insurance company's decision not to renew lines of business.

**Amendment to HB 1313**

(2018-0588h)

**Proposed by the Minority of the Committee on Resources, Recreation and Development - r**

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

1 Off Highway Recreational Vehicles and Trails; Loaded Firearms Forbidden. Amend RSA 215-A:20 to read as follows:

215-A:20 Loaded Firearms Forbidden. No person shall carry on an OHRV, or a trailer towed by same, any firearms unless said firearm is unloaded. This section shall not apply to law enforcement officers carrying firearms in the course of duty or to pistols *or revolvers* carried [~~under a permit issued~~] pursuant to [~~the authority of~~] RSA 159.

2 Snowmobiles; Loaded Firearms Forbidden. Amend RSA 215-C:35 to read as follows:

215-C:35 Loaded Firearms Forbidden. No person shall carry on a snowmobile, or a trailer towed by same, any firearms unless said firearm is unloaded. This section shall not apply to law enforcement officers carrying firearms in the course of duty or to pistols *or revolvers* carried [~~under a permit issued~~] pursuant to [~~the authority of~~] RSA 159.

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

2018-0588h

AMENDED ANALYSIS

This bill amends the statutes governing the carrying of a loaded firearm on an OHRV or snowmobile.

**Amendment to HB 1319**

(2018-0680h)

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

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

AN ACT establishing a committee to study the state commission for human rights and the law against discrimination.

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

1 Committee Established. There is established a committee to study the state commission for human rights and the law against discrimination.

2 Membership and Compensation.

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

(a) Six members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be members of the health, humans services, and elderly affairs committee, 2 of whom shall be members of the judiciary committee, and one of whom shall be a member of the children and family law committee.

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

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

3 Duties. The committee shall study RSA 354-A, relative to the state commission for human rights and the law against discrimination. The committee shall review the duties of the state human rights commission and the protected classes identified in RSA 354-A. The objective of the study shall be to resolve, unify, and clarify protections for all people under RSA 354-A. 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. Four members of the committee shall constitute a quorum.

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

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

2018-0680h

AMENDED ANALYSIS

This bill establishes a committee to study RSA 354-A, relative to the state commission for human rights and the law against discrimination.

**Amendment to HB 1323**

**(2018-0631h)**

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

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

1 New Paragraph; Right-to-Know; Definitions. Amend RSA 91-A:1-a by inserting after paragraph I the following new paragraph:

I-a. "Chief executive officer" means any public employee, including, but not limited to, any police or fire chief, who is directly supervised by a public body.

2 Right-to-Know; Nonpublic Sessions. Amend RSA 91-A:3, II(a) and (b) to read as follows:

(a) ***Except as provided in subparagraph (b), the hiring, dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.***

(b) ***[The hiring of any person as a public employee] If the public employee is a chief executive officer, only the disciplining of such employee or the investigation of any charges against him or her shall be held in nonpublic session, unless the chief executive officer (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.***

**Amendment to HB 1327**

**(2018-0853h)**

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

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

1 Electricians; Apprentice Electricians. Amend RSA 319-C:2, IV and V to read as follows:

IV. "Journeyman electrician" means a person doing work of installing electrical wires, conduits, apparatus, fixtures and other electrical equipment. A journeyman electrician shall be employed by a master electrician, except as provided in RSA 319-C:10. ~~[Each journeyman electrician may have one apprentice electrician working with him and under his personal supervision.]~~ Each journeyman electrician shall work under the direction and supervision of a master electrician.

V. "Master electrician" means a person either employed by another master electrician or who, as a business, hires or employs another to do electrical work, or, without hiring another, makes electrical installations as a principal or auxiliary business for his or her own account. ~~[Each master electrician may have no more than 2 apprentice electricians working with him or her under his or her personal supervision, provided this authorization shall not apply to more than 6 master electricians for each work location.]~~

2 New Section; Employment of Apprentice Electricians. Amend RSA 319-C by inserting after section 2 the following new section:

### 319-C:2-a Employment of Apprentice Electricians.

I. A journeyman electrician may have 2 apprentice electricians under his or her direct supervision beginning on the first anniversary of the journeyman electrician's initial date of licensure.

II. Each journeyman electrician on a work site may have 2 apprentice electricians working under his or her direct supervision, to a maximum of 3 journeyman electricians per work site. Each additional journeyman electrician may have one apprentice electrician under his or her direct supervision.

III. Each master electrician on a work site may have 2 apprentice electricians working under his or her direct supervision, to a maximum of 6 master electricians per work site. Each additional master electrician may have one apprentice electrician under his or her direct supervision.

IV. The maximum number of licensed electricians with 2 apprentice electricians working under their direct supervision on a work site shall not exceed 6.

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

2018-0853h

#### AMENDED ANALYSIS

This bill establishes the number of apprentice electricians that may work for a journeyman or master electrician.

#### Amendment to HB 1337

(2018-0181h)

#### Proposed by the Minority of the Committee on Judiciary - r

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

AN ACT relative to public agencies under the right-to-know law.

Amend the bill by replacing section 1 with the following:

1 Right-to-Know Law; Definitions. Amend RSA 91-A:1-a, V to read as follows:

V. "Public agency" means any agency, authority, department, or office of the state or of any county, town, municipal corporation, school district, school administrative unit, chartered public school, or other political subdivision. ***"Public agency" shall also include all New Hampshire courts.***

2018-0181h

#### AMENDED ANALYSIS

This bill adds courts to the definition of public agency under the right-to-know law.

#### Amendment to HB 1340

(2018-0584h)

#### Proposed by the Committee on Municipal and County Government - c

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

1 New Section; Absences Among Election Officers; School Board Member Pro Tem. Amend RSA 671 by inserting after section 28 the following new section:

671:28-a School Board Member Pro Tem. If a school board member is absent from or unable to perform his or her duties for all or any part of the day at any school district election, the school board member is authorized to appoint a school board member pro tem to perform his or her duties. If one or more school board members are absent or unable to perform their duties and have not appointed school board members pro tem, or if a school board member pro tem is absent or unable to perform his or her duties for all or any part of the day, the moderator is authorized to appoint school board members pro tem to perform their duties.

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

2018-0584h

#### AMENDED ANALYSIS

This bill authorizes the appointment of a school board member pro tem.

#### Amendment to HB 1347

(2018-0442h)

#### Proposed by the Committee on Judiciary - r

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

II. Subject to the provisions of RSA 91-A:3, all meetings, whether held in person, by means of telephone or electronic communication, or in any other manner, shall be open to the public. Except for town meetings, school district meetings, and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras, and video-tape equipment, at such meetings. Minutes of all such meetings, including nonpublic sessions, shall include the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions. ***The names of the members who made or seconded each motion***

**and a brief summary of comments made during deliberations shall be recorded in the minutes. All relevant details necessary to enact or implement a motion shall be recorded in the minutes.** Subject to the provisions of RSA 91-A:3, minutes shall be promptly recorded and open to public inspection not more than 5 business days after the meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any public body, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the public body, who shall post a notice of the time and place of such meeting as soon as practicable, and shall employ whatever further means are reasonably available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city or town or guidelines or rules of order of any public body require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter. For the purposes of this paragraph, a business day means the hours of 8 a.m. to 5 p.m. on Monday through Friday, excluding national and state holidays.

#### **Amendment to HB 1358**

**(2018-0476h)**

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

Amend RSA 162-H:7, VI-d as inserted by section 1 of the bill by replacing it with the following:

VI-d. Within 365 days of the acceptance of an application, the committee shall issue or deny a certificate for an energy facility. ***If the committee fails to act within the 365 days from the acceptance of the application, the application shall be deemed approved and the committee shall issue the certificate. The committee may extend the deadline for no more than an additional 120 days provided that no party objects.***

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

2 Repeal. RSA 162-H:14, relative to suspension of site evaluation committee time frames, is repealed.

2018-0476h

#### **AMENDED ANALYSIS**

This bill requires the site evaluation committee to issue a certificate for an energy facility if the committee fails to act within 365 days of acceptance of an application and provides for an extension of the time frame.

#### **Amendment to HB 1365**

**(2018-0830h)**

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

Amend the bill by replacing section 1 with the following:

1 OHRV Operation and License. Amend RSA 215-A:29, I-a(b) to read as follows:

(b) ***Notwithstanding RSA 263***, any person at least 12 years of age, who has successfully completed an approved ~~[snowmobile or]~~ OHRV training program ***and carries proof of parental consent and proof of permission from the OHRV owner to operate the OHRV, who is*** operating an OHRV along the traveled portion of a public highway, where permitted, ***and*** who is not licensed to drive as described in subparagraph I(b)(2), shall be accompanied at all times by a person who is licensed to drive as described in subparagraph I(b)(2), who is at least ~~[18]~~ ***25*** years of age ***or an immediate family member who is at least 18 years of age***, and who shall be legally responsible and be liable according to the law for personal injury or property damage to others which may result from such operation by an unlicensed person.

2018-0830h

#### **AMENDED ANALYSIS**

This bill amends the requirements for certain youths to operate an OHRV on a public way.

#### **Amendment to HB 1369**

**(2018-0708h)**

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

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

1 Statewide Education Improvement and Assessment Program; Areas of Assessment. Amend RSA 193-C:5 to read as follows:

193-C:5 Areas of Assessment. The statewide academic areas to be assessed shall include reading and language arts, mathematics, and science. History, geography, civics, and economics remain required criti-

cal areas of study. Therefore, assessment of these subjects remains within the purview of the local school board. The statewide assessment program shall only measure student understanding of key content-specific concepts, skills, and knowledge applied within or across academic content domains. ***No assessment shall assess student dispositions, empathy, values, attitudes, or sensitivities.***

2 School Performance and Accountability; Definitions;"Work-study Practices". Amend RSA 193-H:1, VII to read as follows:

VII. "Work-study practices" means those behaviors that enhance learning achievement and promote a positive work ethic such as, but not limited to, listening and following directions, accepting responsibility, staying on task, completing work accurately, managing time wisely, showing initiative, and being cooperative. ***Work-study practices shall not include student dispositions, empathy, values, attitudes, or sensitivities.***

#### **Amendment to HB 1372**

**(2018-0453h)**

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

Amend RSA 644:22, I-II as inserted by section 1 of the bill by replacing them with the following:

I. For purposes of this section:

(a) "Government" means the federal government, the state government and its political subdivisions, and state and municipal agencies and departments, including employees, agents, and contractors.

(b) "Identification device" means any item, application, or product that is passively or actively capable of transmitting personal information, including, but not limited to, devices using radio frequency technology.

(c) "Individual" means a living human being.

(d) "Person" means a partnership, limited liability company, corporation, and any other organization, including for-profit and not-for-profit entities, and government.

(e) "Personal information" means any data elements, alone or in conjunction with any other information, used to identify an individual, including without limitation name, address, telephone and/or cellular telephone number, email address, date of birth, unique personal identifier or account number, and fingerprint or other biometric identifier.

(f) "Require, coerce, or compel" includes physical violence, threat, intimidation, retaliation, the conditioning of any private or public benefit or care on consent to implantation, including employment, promotion, or other employment benefit, or by any means that causes a reasonable person of ordinary susceptibilities to acquiesce to implantation when he or she otherwise would not.

(g) "Subcutaneous" means existing or introduced under or on the skin.

II. Except as provided in paragraph V, a person shall not require, coerce, or compel an individual to undergo the subcutaneous implanting or other internal or external bodily possession of an identification device. This section shall not apply to inmates incarcerated in or under the control of a government-run prison or jail.

#### **Amendment to HB 1373**

**(2018-0740h)**

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

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

3 New Sections; Individual's Right to Genetic Information. Amend RSA 141-H by inserting after section 2 the following new sections:

141-H:2-a Individual Right to Genetic Information. An individual has a reasonable expectation of privacy in his or her genetic information and has a property interest in his or her physical DNA sample and, except as expressly otherwise provided in statute, neither the information nor sample shall be acquired, retained, or disclosed without the written consent of the individual or his or her legal representative or, after the individual's death, his or her executor or other legal representative. If the individual is a juvenile, the juvenile and his or her parents must consent. Consent shall not be given in return for the resolution of a criminal case. This section shall not apply to abandoned property or to the identification of individuals in criminal investigations if the government has a search warrant or probable cause or has obtained the information or sample pursuant to RSA 651-C.

141-H:2-b Consent to Retain Information and Physical DNA Sample.

I. Any genetic information or physical DNA sample obtained by consent as authorized under RSA 141-H:2-a or with a warrant signed by a judge or based on probable cause, or pursuant to a judicially-recognized exception to the warrant requirement shall be retained for a specific purpose only and shall be destroyed and permanently deleted from all records once the genetic information and/or physical DNA sample has been used for the specific purpose for which consent was given.

II. This section shall not apply to the identification of individuals in criminal investigations if the government has obtained the sample pursuant to RSA 651-C.

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

**Amendment to HB 1377  
(2018-0728h)**

**Proposed by the Committee on Children and Family Law - c**

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

AN ACT      relative to emancipation by marriage and establishing a committee to study the emancipation of minors.

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

1 New Section; Common Law Rule Abrogated; Emancipation by Marriage. Amend RSA 21-B by inserting after section 2 the following new section:

21-B:3 Emancipation by Marriage. Any person under 18 years of age who is validly married pursuant to RSA 457:4 shall be considered to be emancipated by marriage solely for the purposes of making health care decisions and entering into binding consumer contracts, as defined in RSA 382-A:1-201. In such cases, the certificate of marriage shall provide conclusive evidence of emancipation.

2 Committee Established.

I. There is established a committee to study emancipation of minors.

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

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

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

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

IV. The committee shall study the emancipation of minors, including state laws governing emancipation, the circumstances under which a minor may be emancipated, the procedure for obtaining emancipation, and the legal consequences of emancipation.

V. 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.

VI. 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.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 2019.

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

2018-0728h

**AMENDED ANALYSIS**

This bill provides that a minor validly married under state law shall be considered emancipated by marriage for the purposes of making health care decisions and entering into consumer contracts. The bill also establishes a committee to study emancipation of minors.

**Amendment to HB 1381  
(2018-0752h)**

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

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

AN ACT      relative to the valuation and taxation of multi-jurisdictional utility property.

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

1 New Section; Property Taxation; Cap on the Valuation of Multi-jurisdictional Utility Property. Amend RSA 72 by inserting after section 7-d the following new section:

72:7-e Valuation of Multi-jurisdictional Utility Property.

I. All owners of multi-jurisdictional utility property shall report the original cost, inclusive of contributions in aid of construction and net book value of all property of any kind that is subject to property tax, including but not limited to property subject to tax pursuant to RSA 72:8, as those values appear on the utility's records, in accordance with the accounting standards and practices used to prepare the utility's audited financial statements, to each municipality in which that property is located on or before May 15 of each year. Notwithstanding any other provision of law, the assessed value of any multi-jurisdictional utility property of any kind that is subject to property tax, including but not limited to property subject to tax pursuant to RSA 72:8, in the town in which the property or any part of it is situated, shall not exceed the weighted average resulting from the sum of 50 percent of the original cost of that property and 50 percent of the net book value of that property as reported by the utility to the municipality, equalized.

II.(a) Multi-jurisdictional utility properties are defined as those properties that:

(1) Are principally located in more than one municipality, but expressly including land and interests in land, inclusive of land in the public right of way, that are used in the provision of a public utility service regardless of whether the land or interest in land is located in more than one municipality;

(2) Provide distribution or transmission of a public utility service; and

(3) Are regulated by the public utility commission or are rural electric cooperatives with a certificate of deregulation on file with the public utilities commission as provided for RSA 301:57.

(b) Multi-jurisdictional property shall not include property regulated by the Federal Energy Regulatory Commission and tariffed property.

III. The tax on the value of multi-jurisdictional utility property as determined under paragraph I shall be phased-in as follows:

(a) The value for assessment of property taxes for the tax year effective April 1, 2019, shall be the weighted average resulting from the sum of 80 percent of the locally assessed value effective April 1, 2018 without regard to paragraph I, and 20 percent of the value determined under paragraph I effective April 1, 2019.

(b) The value for assessment of property taxes for the tax year effective April 1, 2020, shall be the weighted average resulting from the sum of 60 percent of the locally assessed value effective April 1, 2018 without regard to paragraph I, and 40 percent of the value determined under paragraph I effective April 1, 2020.

(c) The value for assessment of property for the tax year effective April 1, 2021 shall be the weighted average resulting from the sum of 40 percent of the locally assessed value effective April 1, 2018 without regard to paragraph I, and 60 percent of the value determined under paragraph I effective April 1, 2021.

(d) The value for assessment of property for the tax year effective April 1, 2022 shall be the weighted average resulting from the sum of 20 percent of the locally assessed value effective April 1, 2018 without regard to paragraph I, and 80 percent of the value determined under paragraph I effective April 1, 2022.

(e) Beginning with the tax year effective April 1, 2023, and every tax year thereafter, the locally assessed value shall not exceed the value determined under paragraph I as of April 1 of each tax year.

2 Multi-jurisdictional Utility Property; Reference Added. Amend RSA 72:10 to read as follows:

72:10 Limitation. Nothing in RSA **72:7-e**, 72:8, 72:8-a, or 72:9 shall in any way change or affect the laws relating to the taxation of public utilities and other property owned by municipal corporations.

3 Appraisal For Tax Purposes; Reference Added. Amend RSA 75:1 to read as follows:

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

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

2018-0752h

#### AMENDED ANALYSIS

This bill defines multi-jurisdictional utility property and establishes a cap on the valuation of such property for property tax purposes.

#### Amendment to HB 1418-FN

(2018-0782h)

#### Proposed by the Committee on Commerce and Consumer Affairs - r

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

AN ACT relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs.

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

1 New Subdivision; Commission to Study Greater Transparency in Pharmaceutical Costs and Drug Rebate Programs. Amend RSA 126-A by inserting after section 74 the following new subdivision:

Commission to Study Greater Transparency in Pharmaceutical Costs and Drug Rebate Programs

126-A:75 Commission to Study Greater Transparency in Pharmaceutical Costs and Drug Rebate Programs Established.

I. There is established a commission to study greater transparency in pharmaceutical costs and drug rebate programs.

(a) The members of the commission shall be as follows:

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

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

(3) The insurance commissioner, or designee.

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

(5) The commissioner of the department of administrative services, or designee.

(6) The attorney general, or designee.

(7) Two public members, appointed by the governor.

(8) A representative of the New Hampshire Hospital Association, appointed by the association.

(9) A physician licensed under RSA 329, appointed by the New Hampshire Medical Society.

(10) The executive director of New Futures, or designee.

(11) A representative of the New Hampshire Pharmacists Association, appointed by the association.

(12) A representative of the Business and Industry Association of New Hampshire, appointed by the association.

(13) A member representing pharmacy benefit managers, appointed by the Pharmaceutical Care Management Association.

(14) A representative of America's Health Insurance Plans (AHIP), appointed by that organization.

(15) A representative of New Hampshire Purchasers Group on Health, appointed by that organization.

(16) A representative of Pharmaceutical Research and Manufacturers of America, appointed by that organization.

(17) A representative of a community mental health center, appointed by the New Hampshire Community Behavioral Association.

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

II.(a) The commission shall study how to achieve greater transparency in pharmaceutical costs by identifying and analyzing certain critical prescription drugs and their role in overall health care spending in the New Hampshire and by analyzing the amounts rebated by drug manufacturers for certain high cost and high utilization prescription drugs. The commission's study shall include, but not be limited to:

(1) Studying strategies available to achieve greater transparency in pharmaceutical costs by identifying and analyzing certain critical prescription drugs and their role in overall health care spending and the impact of price increases on patients and their families.

(2) Reviewing legislative efforts in other states and taking advantage of any other analysis by outside organizations or foundations.

(3) Analyzing the impact of drug prices on insurance premium costs, consumer out-of-pocket costs for prescription drugs, and state and county purchasing of prescription drugs.

(4) Analyzing the potential impact of transparency in relation to the practices of pharmaceutical manufacturers and pharmacy benefits managers, including how research and development, marketing, and rebates affect drug prices.

(5) Proposing changes to New Hampshire law, as needed, to reduce the rising cost of pharmaceuticals.

(b) The commission may solicit input from any person or entity the commission deems relevant to its study.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

IV. The commission shall make a report with its findings and any recommendations for proposed legislation on or before November 1, 2018 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.

2 Repeal. RSA 126-A:75, relative to a commission to study greater transparency in pharmaceutical costs and drug rebate programs, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

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

2018-0782h

AMENDED ANALYSIS

This bill establishes a commission to study greater transparency in pharmaceutical costs and drug rebate programs.

**Amendment to HB 1421-FN  
(2018-0849h)**

**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 the regulation of event tents.

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

1 New Paragraph; State Building Code; Event Tents. Amend RSA 155-A:2 by inserting after paragraph V the following new paragraph:

V-a. Any event tent erected on public or private property shall comply with the applicable provisions of the state building code and state fire code. Notwithstanding paragraph V, counties, towns, cities, and village districts shall not adopt any rule, regulation, or ordinance regarding event tents erected on public or private property in addition to those established in the state building code and state fire code. A building permit shall not be required for a tent of any size erected as an accessory structure on property that is an owner-occupied, one or 2-family dwelling.

2 Places of Assembly; Flameproof Canvas and Tents. Amend RSA 155:20 to read as follows:

155:20 ~~[Flameproof]~~ **Flame Resistant** Canvas and Tents.

***I. Any tent or other place of assembly covered by canvas or other fabric, textile, or flame resistant material that is erected on public or private property shall comply with the applicable provisions of the state building code and state fire code.***

***II. No permit under RSA 155:19 shall be issued to an owner or operator of any circus, carnival or any other place of assembly covered by canvas, or any other fabric, textile, or flame resistant material, on public property, until such applicant shall furnish to the licensing agency a certificate of [flameproofing] flame resistance of such tent, [or] canvas, fabric, textile, or flame resistant material.***

***III. No permit shall be required under RSA 155:19 for a tent of any size erected as an accessory structure on property that is an owner-occupied, one or 2-family dwelling.*** 3 Effective Date. This act shall take effect January 1, 2019.

2018-0849h

**AMENDED ANALYSIS**

This bill provides that event tents erected on public or private property shall be subject to the requirements of the state building code and state fire code, but shall not be subject to further local regulation. The bill also provides that neither a building permit nor a place of assembly permit shall be required for a tent erected as an accessory structure on owner occupied property that is a one or 2-family dwelling.

**Amendment to HB 1427-FN  
(2018-0568h)**

**Proposed by the Committee on Executive Departments and Administration - r**

Amend RSA 100-A:22, II(b) as inserted by section 1 of the bill by replacing it with the following:

***(b) School districts may, on or before December 31, 2018, by action of their governing body, exempt their superintendent of schools, at the time of initial hiring or appointment, from compulsory membership provided herein. If such exemption is adopted, a superintendent of schools who was enrolled as a member in the retirement system within the 2-year period preceding the effective date of this subparagraph may make a request to the school district governing body to withdraw from membership. Upon approval of a withdrawal from membership and notice provided to the retirement system, a superintendent who ceases to be a member of the retirement system shall not be permitted to re-enroll as a member for as long as he or she holds the same position. If the school district exempts the superintendent of schools from compulsory membership in the retirement system, the school district shall pay to the retirement system, for deposit in the state annuity accumulation fund, an unfunded accrued liability payment calculated as an equivalent percentage determined under RSA 100-A:16, II(e) applied to the compensation paid for the superintendent of schools position.***

**Amendment to HB 1428-FN  
(2018-0432h)**

**Proposed by the Committee on Public Works and Highways - r**

Amend the bill by replacing section 1 with the following:

1 Removal of Obstructions. Amend RSA 236:29 to read as follows:

236:29 Removal of Obstructions.

***I. The department of transportation may remove all obstructions in class I, class II, class III, or class III-a highways, and the highway agent of any city or town may remove all obstructions on any other highway and on town maintained portions of class II highways.***

***II. No roadside memorials are permitted within the right of way of any primary or secondary highway. If not removed pursuant to RSA 236:29, I, the department of transportation shall remove and dispose of any roadside memorial after 90 days commencing from the date of the event being memorialized.***

**Amendment to HB 1432  
(2018-0294h)**

**Proposed by the Minority of the Committee on Education - r**

Amend RSA 77-G:9, IV as inserted by section 1 of the bill by replacing it with the following:

IV. A receiving nonpublic school or educational service that accepts students benefiting from public funds through scholarships, tax credits, freedom savings accounts, or vouchers shall be required to perform background checks pursuant to RSA 189:13-a, I(c) on all employees and volunteers and follow all federal and state nondiscrimination laws.

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

2 New Subparagraph; School Employee and Designated Volunteer Criminal History Records Check. Amend RSA 189:13-a, I by inserting after subparagraph (b) the following new subparagraph:

(c) Any nonpublic school or educational service that accepts students benefiting from public funds through scholarships, tax credits, freedom savings accounts, or vouchers shall complete a criminal history records check that complies with the procedures and requirements of this section on all employees and volunteers.

**Amendment to HB 1443  
(2018-0478h)**

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

Amend the bill by replacing section 2 with the following:

2 Jury Instruction. RSA 519:23-a is repealed and reenacted to read as follows:

519:23-a Jury Instruction. In all criminal proceedings the court shall inform the jury of its right to judge the facts and the application of the law in relation to the facts in controversy. At the request of the defendant or the defendant's attorney, the court shall instruct the jury as follows: If you have a reasonable doubt as to whether the state has proved any one or more of the elements of the crime charged, you must find the defendant not guilty. However if you find that the state has proved all the elements of the offense charged beyond a reasonable doubt, you should find the defendant guilty, unless your right of conscience dictates that the facts of the case reveal that a guilty verdict will yield an unjust result; accordingly you shall find the defendant not guilty.

**Amendment to HB 1453  
(2018-0428h)**

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

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

AN ACT relative to the traffic safety commission.

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

1 New Subparagraphs; Traffic Safety Commission; Members. Amend RSA 21-P:64, I(b) by inserting after subparagraph (9) the following new subparagraphs:

(10) One member of the house of representatives, appointed by the speaker of the house of representatives.

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

2 Traffic Safety Commission. Amend RSA 21-P:64, II to read as follows:

***II. The commission shall review and analyze topics related to roadway safety and identify initiatives, policy recommendations, and proposed legislative changes to further the public safety mission of the department.***

***III.*** The commission shall have a chairperson who shall be designated by the governor from the membership, and the commission shall elect a vice-chair. The term of the chair shall be for his or her term of office, not to exceed 3 years. The commission shall meet at least once per quarter and at such other times as may be convened by the call of the chairperson or the commissioner of the department of safety or upon petition of 5 or more members.

[HH:] ***IV.*** Members shall receive no compensation or expenses except that the public members shall be entitled to mileage when in the performance of duties of the commission.

***V. The commission shall report annually, beginning November 1, 2018, to the speaker of the house of representatives, the president of the senate, and the governor. The reports shall describe the activities and findings of the commission and any recommendations for proposed legislation.***

3 Repeal. 21-P:65, relative to the powers and duties of the traffic safety commission, is repealed.

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

2018-0428h

## AMENDED ANALYSIS

This bill modifies the membership and duties of the traffic safety commission.

**Amendment to HB 1473-FN****(2018-0312h)****Proposed by the Committee on Resources, Recreation and Development - c**

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

1 New Section; Forest Conservation and Taxation; Waiver of Yield Tax by Municipality in Certain Cases. Amend RSA 79 by inserting after section 3-a the following new section:

79:3-b Waiver of Yield Tax by Municipality in Certain Cases. When timber harvesting is conducted on land owned by, and located in, a municipality, the municipality may waive the yield tax, but shall report the location, species, and volume of wood and timber cut to the commissioner of revenue administration, who shall send one copy of the report to the division of forests and lands of the department of natural and cultural resources.

2 Forest Conservation and Taxation; Notice of Intent to Cut. Amend RSA 79:10, I(a) and (b) to read as follows:

I.(a) Every owner, as defined in RSA 79:1, II, shall, prior to commencing each cutting operation and at the beginning of each new tax year into which the cutting operation shall continue, file with the proper assessing officials in the city, town, or unincorporated place where such cutting is to take place a notice of intent to cut provided by the commissioner of revenue administration, stating the owner's name, residence, an estimate of the volume of each species to be cut, and such other information as may be required. A supplemental notice of intent ***shall not be required when the total volume of the cut exceeds the total volume reported in the intent to cut by less than 25 percent. When required, the supplemental notice*** shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year.

(b) Any intent received by a city, town, or unincorporated place shall, within [30] **15** days, be assigned a number in accordance with the guidelines provided by the commissioner of revenue administration, and be signed by the assessing officials ***if all conditions for approval have been met. Public notice shall be posted for any intent to cut received by a municipality before it is signed by assessing officials. The notice shall be posted in the 2 places where the municipality regularly posts notices of its governing body meetings. Notwithstanding RSA 91-A, the assessing officials may sign the intent to cut outside a public meeting.*** If the conditions for approval have not been met, the assessing officials shall send a letter to the owner or the person responsible for cutting, explaining the reason for the intent not being signed. The assessing officials shall immediately forward any signed intent to the commissioner of revenue administration and shall also supply a copy to the owner upon request. Failure of the assessing officials to forward signed intent to cut forms to the department of revenue administration shall constitute a violation.

3 Effective Date. This act shall take effect September 1, 2018.

2018-0312h

## AMENDED ANALYSIS

This bill:

I. Permits a municipality to waive the yield tax on land owned by the municipality.

II. Provides that a supplemental notice shall not be required when the total volume of the cut is not more than 25 percent of the volume reported in the notice of intent to cut.

III. Requires the municipality to provide public notice of an intent to cut before it is signed by assessing officials.

**Amendment to HB 1480****(2018-0643h)****Proposed by the Committee on Education - c**

Amend RSA 194-B:5, II as inserted by section 1 of the bill by replacing it with the following:

II. ~~[No greater than 25 percent of the membership of a school board, or one member, whichever number is greater, may simultaneously serve as members of the board of trustees of a charter or charter conversion school.]~~ No greater than 25 percent of the membership of the board of trustees of a charter or charter conversion school, or one member, whichever is greater, may simultaneously serve as members of any ***other*** school board, ***including a board of trustees***. A chartered public school board of trustees shall include no fewer than 25 percent or 2 parents of pupils attending the chartered public school, whichever is greater ***who shall be elected by the current parent community***. Teachers of a chartered public school may serve on its board of trustees. ***No employees may be voting members of the board. A parent board member shall be the parent of a student currently attending that charter school. In this section, "parent" means any parent, grandparent, or legal guardian of a student currently attending the charter school.***

***II-a. The chairman of the board of trustees shall provide notice of any vacancy to the school community. The chairman shall appoint a nominating committee. Such committee may remain a standing***

*committee. Any parent of a student currently attending the charter school may apply for any available board position. The nominating committee shall inform the parent community of the names of candidates as well as any accompanying information through the school communication system and the existing parent community. Voting shall take place within 60 days of the notice of vacancy.*

#### Amendment to HB 1484

(2018-0761h)

#### Proposed by the Majority of the Committee on Commerce and Consumer Affairs - r

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

AN ACT relative to late fees in manufactured housing parks.

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

1 New Paragraph; Manufactured Housing Parks; Late Fees. Amend RSA 205-A:6 by inserting after paragraph III the following new paragraph:

IV. No manufactured housing park owner or operator shall charge a late fee for any rental payment that is paid in full within 7 calendar days of the due date.

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

2018-0761h

#### AMENDED ANALYSIS

This bill prohibits manufactured housing parks from charging a late fee for payments made within 7 days of the due date.

#### Amendment to HB 1487

(2018-0725h)

#### Proposed by the Committee on Commerce and Consumer Affairs - c

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

2 Compensation; Assistants; Background and Criminal Records Check; Contractors. Amend RSA 383:7, V-VI to read as follows:

V. The department shall complete a background investigation and a criminal history records check on every selected applicant for employment in any position in the department prior to a final offer of employment. The department may extend a conditional offer of employment to a selected applicant after completing a background investigation, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a conditional offer of employment unless the department has initiated a criminal history records check. ***The department may also complete a background investigation and a criminal history records check on every contractor who provides services to the department, including but not limited to employees of other state agencies who are assigned to work at the department.*** The department shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant with a criminal history was in any way negligent or deficient if the department fulfilled the requirements of this section.

VI. The selected applicant for employment ***or contractor*** shall submit to the department a [notarized] criminal history records release form, as provided by the division of state police, which authorizes the release of the person's criminal records, if any. The applicant ***or contractor*** shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant ***or contractor*** has lived during the past 5 years.

3 Confidential Information. Amend RSA 383:10-b to read as follows:

383:10-b Confidential Information. All records of the department's investigations, examinations, visitations, and reports produced by those investigations, examinations, and visitations including any duly authenticated copy of those records in the possession of any entity under the supervision of the commissioner, shall be confidential, shall not be subject to subpoena and shall not be made public unless, in the judgment of the commissioner, the ends of justice and the public advantage will be served by the publication of those records. The commissioner may furnish to the federal supervisory authorities and to independent insuring funds which he or she deems qualified such information and reports relating to the entities under his or her supervision as he or she deems best. ***The commissioner may also furnish to any government sponsored bank created under the Federal Home Loan Bank Act, or any authorized agent thereof, copies of reports of examination concerning any bank or credit union that is a member of such government sponsored bank, as required for the evaluation of the financial condition of the member bank or credit union.*** On motion for discovery filed in any court of competent jurisdiction, in aid of any pending

action, the court, after hearing the parties, may order the production of those records for use in that action whenever it is found that justice so requires, subject to such reasonable safeguards imposed by the court as may be necessary to prevent use by unauthorized persons or publicity of irrelevant portions of those records.

2018-0725h

#### AMENDED ANALYSIS

This bill:

I. Authorizes the banking department to conduct background investigations of department contractors.

II. Authorizes the banking commissioner to release certain reports to a government sponsored bank created under the Federal Home Loan Bank Act.

III. Makes technical corrections.

This bill was requested by the banking department.

#### Amendment to HB 1493

(2018-0675h)

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

Amend the RSA 193-C:3, III(g) as inserted by section 1 of the bill by replacing it with the following:

***(g) The assessment portion of the program shall be designed to be a measure of student academic achievement and growth of knowledge and skills.***

Amend RSA 193-C:3, IV as inserted by section 1 of the bill by inserting after subparagraph (j) the following new subparagraph:

***(k) At the high school level, to serve as one indicator of a student's postsecondary education readiness.***

#### Amendment to HB 1495

(2018-0796h)

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

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

1 Delivery of an Adequate Education. RSA 193-E:3, I is repealed and reenacted to read as follows:

I. Annually, each school district shall report data to the department of education at the school and district levels on the indicators set forth in this paragraph. The report shall not contain personally identifiable information including but not limited to name, gender, or social security number. The department of education shall develop a reasonable schedule to collect the reporting of data required by state and federal law. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education. Indicators shall include the following areas:

(a) Attendance rates.

(b) Annual and cumulative drop-out rates of high school students and annual drop-out rates for students in grades 7 and 8.

(c) School environment indicators, such as safe-schools data.

(d) Number and percentage of graduating high school students.

(e) Number and percentage of high school students going on to postsecondary education, military service, and an advanced learning program leading to a value added skill or career certification.

(f) Number and percentage of students earning a career and technical education industry recognized credential.

(g) Number and percentage of students completing a career pathway program of study.

(h) Number and percentage of high school students who earned postsecondary credit of C or better for one or more concurrent or dual enrollment courses from a New Hampshire postsecondary college or university.

(i) Number of students that completed a New Hampshire scholars program of study.

(j) Number and percentage of students that completed and passed an advanced placement exam with a score of 3, 4 or 5; or International Baccalaureate exam with a score of 4, 5, 6, or 7.

(k) Number of students that scored at least a level III on components of the ASVAB, as defined in RSA 186:68, I, that comprise the Armed Forces Qualification Test (AFQT).

(l) The number and percentage of high school students that either met or exceeded the college and career ready benchmark established by the department for either the SAT or ACT.

(m) Expulsion and suspension rates, including in-school and out-of-school suspensions including data identifying the percentage of out-of-school suspensions of more than 10 days for each school year. This indicator shall be categorized by district, school, and grade level with each category disaggregated and broken down by gender, race, and eligibility for free and reduced-price meal programs.

(n) Number and percentage of classes taught by master teachers pursuant to RSA 186:11, XXXV and RSA 189:14-f.

(o) Teacher and administrative turnover rates at the school and district levels.

2 Delivery of an Adequate Education. RSA 193-E, III is repealed and reenacted to read as follows:

III.(a) Annually, the department of education shall issue a public report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall be entitled "New Hampshire School District Profiles" and shall be made available on the department's website and online at every school administrative unit for public review. It shall include:

(1) School district and school demographic and pupil performance data reported in paragraph I and other relevant statistics as determined by the department of education.

(2) Comparisons with state averages for all data reported.

(3) Comparisons of each district and school to itself based on its own statewide improvement and assessment performance for the prior school year and its most recent 3-year averages.

(4) Statewide rankings of each district and school using an index system to communicate achievement and growth results on a 1-4 performance scale, including a statewide ranking of each school and school district based on the percentage increase of improvement as compared with the same school and school district's performance in the previous year.

(b) The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district personnel, parents, and the community with the information to identify trends, strengths, and weaknesses. Each school's academic achievement and growth level score shall be visibly posted on the school, school district, and state websites. The academic achievement and growth level score shall describe how well specific school districts and schools have mastered the standards and the extent to which the district or school is preparing students to meet performance standards and be prepared for college and career. The rating scale shall include 4 reporting levels: level 4 means exceeds grade-level performance standards and advanced progress toward college and career readiness; level 3 means meets grade-level performance standard and progress toward college and career readiness; level 2 means nearly meets grade-level performance standards and may require further development to meet college and career readiness; and level 1 means does not meet grade-level performance standard and needs substantial improvement to meet college and career readiness.

(c) The department of education shall include data provided by early childhood programs, school districts, and postsecondary institutions.

3 Delivery of an Adequate Education RSA 193-E:3, VI is repealed and reenacted to read as follows:

VI.(a) Annually, each postsecondary institution as defined in RSA 193-E:4 shall submit a report, which shall not include any personally identifiable information such as, but not limited to, name, gender, or social security number, to the department of education containing information on indicators in the following areas:

(1) Remedial education courses and the number and percentage of students requiring remedial education in English/language arts, reading, and mathematics.

(2) Entry, withdrawal, and transfers.

(3) Degrees and certificates granted.

(4) Number of high school students who received dual enrollment course credit.

(b) The department of education shall integrate all data collected into the data warehouse. The department of education shall have access to data solely to conduct studies, track and report annual and longitudinal pupil outcomes, and improve postsecondary readiness, retention, and articulation between educational institutions.

(c) The state board of education, in consultation with the university system of New Hampshire board of trustees and the community college system of New Hampshire board of trustees shall adopt rules, pursuant to RSA 541-A, for developing a form to be used for the report and to establish requirements for data maintenance.

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

### **Amendment to HB 1496**

**(2018-0768h)**

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

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

1 Accountability for the Opportunity for an Adequate Education RSA 193-E:3-b is repealed and reenacted to read as follows:

193-E:3-b Accountability for the Opportunity for an Adequate Education. Using the input-based accountability system, a school shall demonstrate that it provides the opportunity for an adequate education under RSA 193-E:2-a by meeting the requirements of paragraphs I and II of this section.

I.(a) A school shall demonstrate that it provides the opportunity for an adequate education for the school approval standards set forth in rules adopted by the department of education in the following areas:

(1) English/language arts and reading.

(2) Mathematics.

(3) Science.

- (4) Social studies.
- (5) Arts education.
- (6) World languages.
- (7) Health education.
- (8) Physical education.
- (9) Engineering and technologies.
- (10) Computer science and digital literacy.
- (11) School year.
- (12) Minimum credits required for a high school diploma.

(b) A school shall submit a narrative explanation detailing how the school has complied with each of the standards in subparagraph (a).

(c) A school that has received full accreditation from the New England Association of Schools and Colleges (NEASC) shall be deemed to be in compliance with the provisions of subparagraphs (a) and (b). Using the input-based accountability system, NEASC accredited schools shall certify that they have on file copies of documentation necessary during the school's accreditation process including, but not limited to, the accreditation self-study report, peer review reports, reports of any follow-up activities taken by the school in response to NEASC's recommendations for accreditation, and the annual school update report as required by NEASC each fall. A school accredited by NEASC shall meet or exceed NEASC's standards and shall use those standards to measure improvement.

(d) The input-based school accountability system shall be completed by January 15th of every even numbered year. The school principal and school district superintendent shall certify in writing that the responses submitted are accurate. The commissioner, or designee, shall review the input-based school accountability system responses to each school's self-assessment required under this section and shall verify that the responses comply with the standards under subparagraph (a).

(e) The commissioner of the department of education shall require any school that is unable to demonstrate that it provides the opportunity for an adequate education through the input-based school accountability system to resubmit the narrative explanations annually until such demonstration has been made.

(f) The commissioner shall integrate the input-based school accountability system with the school approval process pursuant to RSA 21-N:6, V.

(g) The department shall conduct site visits at all schools at least once every 5 years to assess the validity of the responses in the input-based school accountability system. The commissioner may require more frequent site visits at schools which have been unable to demonstrate that they provide the opportunity for an adequate education.

II. A school shall annually demonstrate that it provides the opportunity for an adequate education through the performance-based school accountability system pursuant to RSA 193-E:3-c and RSA 193-E:3-d designed to measure educational outcomes.

2 Adequate Public Education; Performance-Based Accountability System. RSA 193-E:3-c is repealed and reenacted to read as follows:

**193-E:3-c Performance-Based Accountability System.**

I. At least every 4 years the commissioner shall review the performance-based accountability system and make recommendations to the legislative oversight committee established under RSA 193-C:7. The commissioner may establish a task force to assist with this review. The commissioner, or designee, shall be the chairman of the task force and shall appoint no fewer than 9 and no more than 13 members to the task force which shall consist of department personnel, one or more representatives of a school district including at least one school board member, educational experts, parents or guardians of current public school pupils, members of a public interest group concerned with education, members of the business community, and other individuals with information or expertise of benefit to the task force's duties. The task force shall include one member of the house of representatives, appointed by the speaker of the house of representatives, and one member of the senate, appointed by the president of the senate.

II. The task force shall have the following duties:

(a) Implement the performance-based accountability system to be used by schools that will ensure that the opportunity for an adequate education is maintained.

(b) Identify performance criteria and measurements.

(c) Establish performance goals and the relative weights assigned to those goals.

(d) Establish the basis, taking into account the totality of the performance measurements, for determining whether the opportunity for an adequate education exists, which may include the assignment of a value for performance on each measurement.

(e) Ensure the integrity, accuracy, and validity of the performance methodology as a means of establishing that a school provided the opportunity for an adequate education as defined in RSA 193-E:2-a.

III. The performance-based accountability system, as recommended by the task force, shall be based on data and indicators aligned to the New Hampshire consolidated state plan, as required by the Elementary and Secondary Education Act, 20 U.S.C. section 6301 et seq. as amended by the Every Student Succeeds Act. This plan shall be approved by the legislative oversight committee established in RSA 193-C:7.

IV. The task force shall submit a report of its findings with recommendations for future legislation for the performance-based accountability system to the legislative oversight committee established under RSA 193-C:7. After the report is approved by the legislative oversight committee the department shall submit the report to the chairpersons of the house and senate education committees, the speaker of the house of representatives, the senate president, the governor, the house clerk, and the senate clerk.

V. The department shall annually prepare a detailed report documenting the results of each school on the performance-based school accountability system to be developed pursuant to this section, and identifying all schools that can demonstrate the opportunity for an adequate education through the performance-based methodology. The report shall be submitted no later than January 15 annually to the same individuals receiving the final report under paragraph IV.

3 Adequate Education; Performance-Based School Accountability System; Verification Process. Amend RSA 193-E:3-d to read as follows:

193-E:3-d Performance-Based School Accountability System; Verification Process. Prior to the submission of the final report pursuant to this section, the department shall undertake a process to verify and test the integrity, accuracy, and validity of the performance-based accountability system utilizing the best available data from one school from each of the counties in the state. The commissioner shall ensure, to the greatest extent possible, that the verification process utilizes the best available data from a balance of elementary and secondary schools representing diverse socioeconomic conditions throughout the state. The commissioner shall work with school officials and faculty from the selected schools to implement the performance-based school accountability program and to develop a data collection system which will allow schools to easily report results to the department for analysis and reporting. ***The commissioner shall review and make recommendations regarding the performance-based accountability system to ensure that the system adequately measures the goals and indicators associated with student academic achievement, growth, school quality, and support for vulnerable students.***

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

#### Amendment to HB 1497

(2018-0750h)

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

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

1 School Performance and Accountability; Definitions. RSA 193-H:1 is repealed and reenacted to read as follows:

193-H:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of education.

II. "Competencies" means student learning targets that represent a level of mastery of key content-specific concepts, skills, and knowledge applied within or across content domains. Specific and required types of competencies include district competencies at grade level and course or program competencies required for graduation and graduation competencies.

III.(a) "Comprehensive support and improvement school" means:

(1) Any school that accepts federal funds from Title I, Part A of ESSA and is among the 5 percent lowest performing Title I schools in the state as defined by the New Hampshire consolidated state plan required for ESSA dated January 19, 2018.

(2) Any school that is among the lowest performing 5 percent of all schools in the state based on the same methodology used in subparagraph (a).

(3) Any high school with a graduation rate of less than 69 percent over 2 consecutive years.

(b) The department shall produce initial determinations of comprehensive support and improvement schools in the fall of 2018, using data from the 2017-2018 school year. Subsequent determinations shall be made every three years following the initial identification period.

(c) Those schools identified as comprehensive support and improvement schools, that also receive Title I, Part A funds through ESSA, may also receive federal Title I school improvement funds, if available, to assist in improvement activities.

IV. "Department" means the department of education.

V. "ESSA" means the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act.

VI. "Statewide assessment" means the New Hampshire education improvement and assessment program as established under RSA 193-C.

VII. "Targeted support and improvement schools" means:

(a)(1) Any school with at least one consistently low performing subgroup as defined by the state's methodology documented in the New Hampshire consolidated state plan required for ESSA dated January 19, 2018. Additional targeted support and improvement schools are those schools with subgroups of students that, on their own, would fall below the thresholds used to identify all schools for comprehensive support and improvement. The department shall produce initial determinations of targeted support and improvement schools using data from the 2017-2018 school year. Subsequent determinations shall be made annually following the initial identification period.

(2) Any school that demonstrates and meets criteria established as a targeted support and improvement school pursuant to subparagraph (a) shall be identified as a school in need of corrective and technical assistance and subject to RSA 193-E:3-e.

(b) Those schools identified for targeted support and improvement schools, that also receive Title I, Part A funds through ESSA, may also receive federal Title I school improvement funds, if available, to assist in improvement activities.

VIII. "Work-study practices" means those behaviors that enhance learning achievement and promote a positive work ethic such as, but not limited to, listening and following directions, accepting responsibility, staying on task, completing work accurately, managing time wisely, showing initiative, and being cooperative, and work-study skills that contribute to success in college, career, and life that include communication, creativity, collaboration, and self-direction.

2 School Performance and Accountability. RSA 193-H:2 and 3 are repealed and reenacted to read as follows:  
193-H:2 Statewide Performance Targets.

I. On or before the 2018-2019 school year, schools shall ensure that all pupils are performing at the proficient level or above on the statewide assessment as established in RSA 193-C.

II. In addition to the requirement of paragraph I, schools shall meet performance based indicators under this chapter, and statewide performance targets as approved by the legislative oversight committee established in RSA 193-C and thereafter, as established in rules adopted by the state board of education pursuant to RSA 541-A.

III. Notwithstanding RSA 541-A, the state board of education shall receive approval from the legislative oversight committee established in RSA 193-C prior to the submission of any rules to the joint legislative committee on administrative rules relative to statewide performance targets and performance based indicators required under this section.

193-H:3 Identification and Public Disclosure of Targeted Support and Improvement Schools and Comprehensive Support and Improvement Schools.

I. The commissioner shall annually compile and disseminate to the governor and council, the president of the senate, the speaker of the house of representatives, local school boards, superintendents of schools, and the public, and shall make available on the department website, a list of targeted support and improvement schools and comprehensive support and improvement schools.

II. A school or school district designated by the commissioner as a targeted support and improvement school or a comprehensive support and improvement school shall have 30 days from the date of the report to appeal such designation to the state board of education.

3 School Performance and Accountability; Local Education Improvement Plan. RSA 193-H:4, I is repealed and reenacted to read as follows:

I.(a) A school shall have one year from the date that a school has been designated as a targeted support and improvement school or a comprehensive support and improvement school pursuant to RSA 193-H:3 to take action to remedy identified problems at the local level. The school shall create an initial plan that identifies actions that it intends implement to correct the areas of concern. The plan shall be submitted to the state board within 90 days of the date that the school or school district was designated as a targeted support and improvement school or a comprehensive support and improvement school. If the plan does not sufficiently address the areas of concern, the state board shall disapprove the plan within 30 days. If the state board disapproves the plan, the state board's designee shall work with the school district where the school is located to amend the plan so that it meets state board approval. One year following the designation, if the school or school district is not making satisfactory progress in implementing its plan, the commissioner shall issue a notice to the school district and shall initiate a process for providing assistance pursuant to this section.

(b) If a school has been designated as a targeted support and improvement school or a comprehensive support and improvement school, the school district, on behalf of the school, may request assistance from the department. The department shall, if resources allow, provide technical assistance to those schools that request assistance under this section.

(c) No later than one year after designation as a targeted support and improvement school or a comprehensive support and improvement school, the commissioner shall designate a progress review team to evaluate the implementation of the improvement plans and the progress toward state performance targets. The progress review team shall deliver a report to the state board. The report shall include evidence of satisfactory implementation and progress towards state performance targets or lack thereof and recommendations regarding future actions.

4 Repeal. RSA 193-H:4, II, relative to a technical assistance report and corrective action plan provided by the department of education and the state board of education, is repealed.

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

#### **Amendment to HB 1499**

**(2018-0606h)**

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

Amend RSA 193-E:2-a as inserted by section 2 of the bill by replacing it with the following:

II-a. Instruction in support of kindergarten standards shall be engaging and shall foster children's development and learning in all domains including physical, social, cognitive, and language. Educators shall create a learning environment that facilitates high quality, child-directed experiences based upon early childhood best teaching practices and play-based learning that comprise movement, creative expression, exploration, socialization, and music. Educators shall develop literacy through guided reading and shall provide unstructured time for the discovery of each child's individual talents, abilities, and needs.

#### **Amendment to HB 1501-FN**

**(2018-0589h)**

#### **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 regulation of consultants for games of bingo and lucky 7.

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

3 New Paragraph; Game Consultants; License Fees. Amend RSA 287-E:4 by inserting after paragraph II-a the following new paragraph:

II-b. The license fee for a gaming consultant shall be \$100 per year. Such fee shall be submitted to the commission at the time the application is made and shall be refunded if the application is denied.

4 Operation of Bingo Games. Amend RSA 287-E:7, II(b) to read as follows:

(b) No compensation shall be paid to any person or entity for ~~[consulting, managing, assisting in the operation of the bingo games or the sale of lucky 7 tickets, record keeping, filing forms with the racing and charitable gaming commission, advertising, free offer of coffee and donuts to customers, or security protection for the charitable organization itself not including security for the hall or parking area, unless]~~ **services described in RSA 287-E:1, VI-b unless the individual or entity is licensed by the commission as a gaming consultant, and the services to be provided are** agreed to in advance in writing by the charitable organization and submitted to the commission. Participation in and charges for such activities shall be solely at the discretion of the charitable organization. Failure to participate in any of these activities shall not constitute grounds for expulsion from any hall where bingo games are held or lucky 7 tickets are sold.

5 New Paragraph; Game Consultants; Rulemaking. Amend RSA 287-E:18 by inserting after paragraph IV the following new paragraph:

IV-a. The licensing procedure for gaming consultants.

6 New Paragraph; Game Consultants; License Fee. Amend RSA 287-E:19 by inserting after paragraph III the following new paragraph:

IV. The license fee for a gaming consultant shall be \$100 per year. Such fee shall be submitted to the commission at the time the application is made and shall be refunded if the application is denied.

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

#### **Amendment to HB 1502**

**(2018-0648h)**

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

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

AN ACT adding the utility property tax exclusion for exempt water and air pollution control facilities to tax expenditure review.

Amend the bill by replacing section 1 with the following:

1 Tax Expenditures; Utility Property Tax; Exempt Water and Air Pollution Control Facilities Added. Amend RSA 71-C:2 to read as follows:

71-C:2 Tax Expenditures Specified. Tax expenditures include, but may not be limited to, the community development finance authority investment tax credit as computed in RSA 162-L:10; the economic revitalization zone tax credit as computed in RSA 162-N:6; the research and development tax credit under RSA 77-A:5, XIII; the Coos county job creation tax credit under RSA 77-E:3-c; the education tax credit as computed in RSA 77-G:4; ~~and~~ the weighted apportionment factors under RSA 77-A:3, II(a); **and exempt water and air pollution control facilities excluded from the utility property tax under RSA 83-F:1, V(a).**

2018-0648h

## AMENDED ANALYSIS

This bill adds exempt water and air pollution control facilities excluded from the utility property tax to the tax expenditures reviewed by the joint committee on tax expenditure review.

**Amendment to HB 1506-FN****(2018-0251h)**

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

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

AN ACT relative to regulation of graduate physicians.

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

1 New Chapter; Graduate Physicians. Amend RSA by inserting after chapter 328-J the following new chapter:

## CHAPTER 328-K

## GRADUATE PHYSICIANS

328-K:1 Definitions. In this chapter:

I. "Graduate physician" or "GP" means a person who fulfills the requirements for physician licensure established by RSA 329:12 except for RSA 329:12, I(d)(5) and RSA 329:12 I, (d)(6), and:

(a) Has successfully completed Step 1 and Step 2 of the United States Medical Licensing Examination or the equivalent of such steps of any other board-approved medical licensing examination; and

(b) Has proficiency in the English language.

II. "Graduate physician collaborative practice arrangement" means an agreement between a physician licensed under RSA 329 and a graduate physician that meets the requirements of RSA 328-K:16.

III. "Medical school graduate" means any person who has graduated from a medical college or osteopathic medical college described in RSA 329:12, I(d)(4).

IV. "Board" means the board of medicine established in RSA 329.

V. "Department" means the department of health and human services.

VI. "Medically underserved area" means an area designated by the department as a designated Health Professional Shortage Area (HPSA), a Medically Underserved Area (MUA), or a Governor-Designated and Secretary-Certified (GDSC) shortage area.

VII. "Primary care" means physician services in family practice, general practice, internal medicine, pediatrics, and obstetrics. It shall also include gynecology if paired with obstetrics.

328-K:2 License Required.

I. No person shall practice as or hold himself or herself out to be a graduate physician or use any letters designating himself or herself as a graduate physician unless the person is licensed in accordance with this chapter.

II. The board shall license each applicant who satisfies the requirements under RSA 328-K:3. Upon payment of a license fee, the board shall issue to such person a license, which shall be prima facie evidence of the right to practice as a graduate physician. A licensed graduate physician may use the letters "G.P." in connection with his or her name to denote licensure under this chapter.

III. Except as provided in RSA 328-K:15, persons licensed under this chapter shall be authorized to receive reimbursement from the Centers for Medicare and Medicaid Services (CMS) and other insurers as if they were licensed under RSA 329. If necessary to establish reimbursement for graduate physicians under Medicare or Medicaid, the commissioner of the department of health and human services shall apply for a Title XIX and/or a Title XXI state plan amendment to establish such coverage.

328-K:3 Conditions for Licensure.

I. To apply for licensure by the board as a graduate physician, an applicant shall file a written application on forms provided by the board and pay an application fee. The applicant to be licensed shall:

(a) Fulfill the requirements for physician licensure established by RSA 329:12 except for RSA 329:12, I(d)(5) and RSA 329:12, I(d)(6);

(b) Have successfully completed Step 1 and Step 2 of the United States Medical Licensing Examination or the equivalent of such steps of any other board-approved medical licensing examination;

(c) Have proficiency in the English language; and

(d) Submit a complete set of fingerprints and a notarized criminal history record release form pursuant to RSA 328-K:4.

II. Circumstances that exist which would be grounds for disciplinary action under RSA 328-K:7 may be grounds for denial of a license.

328-K:4 Criminal History Record Checks.

I. Every applicant for initial permanent licensure or reinstatement shall submit to the board a notarized criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the board.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The board shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board.

IV. The board shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

328-K:5 Renewal of Licenses. Every person licensed to practice under this chapter shall apply to the board for annual renewal of license on forms provided by the board and shall pay a renewal fee as established by the board. A license issued under this chapter shall not expire until the board has taken final action upon the application for renewal.

328-K:6 Failure to Renew; Lapse.

I. Any licensee who fails to apply for renewal under RSA 328-K:5 shall pay double the renewal fee, provided the licensee applies and pays the renewal fee no later than 90 days after the expiration date. Any licensee who fails to apply for renewal of his or her license within the 90-day period after expiration, shall have his or her license lapse. A lapsed license shall be reinstated only upon payment of a reinstatement fee as established by the board, and upon showing evidence of professional competence as the board may reasonably require.

II. If a license expires or lapses as a result of a licensee being ordered to active duty with the armed services, the licensee shall have 90 days from the date of discharge or release from the armed service to apply for renewal and all late fees shall be waived.

328-K:7 Grounds for Discipline. The board, after hearing under RSA 329:18-a, may take action against any person licensed under this chapter upon finding that the licensee:

I. Has knowingly provided false information on any application for professional licensure, whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application.

II. Is a habitual user of drugs or intoxicants or is afflicted with a physical disability, insanity, psychiatric disorder, or other disease deemed dangerous to the public health.

III. Has displayed a pattern of behavior which is incompatible with the basic knowledge and competence expected of persons in the practice of his or her profession.

IV. Has engaged in dishonest or unprofessional conduct or has been grossly or repeatedly negligent in practicing his or her profession or in performing activities ancillary to the practice of his or her profession or any particular aspect or specialty thereof, or has intentionally injured a patient while practicing his or her profession or performing such ancillary activities.

V. Has undertaken to practice independent of the referral or prescription, direction, or supervision of a physician licensed under RSA 329.

VI. Has failed to provide adequate safeguards with regard to aseptic techniques or radiation techniques.

VII. Has included in advertising any statement of a character tending to deceive or mislead the public or any statement claiming professional superiority.

VIII. Has advertised the use of any drug or medicine of an unknown formula or any system of anesthetic that is unnamed, misnamed, misrepresented, or not in reality used.

IX. Has willfully or repeatedly violated any provision of this chapter or any substantive rule of the board.

X. Has been convicted of a felony under the laws of the United States or any state.

XI. Has failed to maintain adequate medical record documentation on diagnostic and therapeutic treatment provided or has unreasonably delayed medical record transfer, or violated RSA 332-I.

328-K:8 Disciplinary Action. The board, upon making an affirmative finding under RSA 328-K:7, may take disciplinary action in any one or more of the following ways:

I. Administer a public or private reprimand.

II. Revoke, suspend, limit, or otherwise restrict a license.

III. Require the graduate physician to submit to the care, counseling, or treatment of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the board.

IV. Place the graduate physician on probation.

V. Require the graduate physician to participate in a program of continuing education in the area or areas in which he or she has been found deficient.

VI. Assess administrative fines in amounts established by the board which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater.

328-K:9 Appeals. Disciplinary action taken by the board under RSA 328-K:8 may be appealed to the supreme court under RSA 541.

328-K:10 Rulemaking.

I. Unless the board elects to follow paragraph III, the board shall adopt rules under RSA 541-A relative to:

- (a) The scope of practice for a licensed graduate physician.
- (b) Form and content of the application for licensure.
- (c) Application procedures.
- (d) Conduct of hearings under RSA 328-K:7.
- (e) Standards for graduate physician education and training.
- (f) Supervision of graduate physicians.
- (g) Notification of changes in employment.
- (h) Definition of supervision.
- (i) Manner of recordkeeping under RSA 328-K:11.

(j) Except as provided in paragraph II, any other matter which is consistent with the legislative intent of this chapter and which is necessary to the administration of this chapter.

II. Unless the board elects to follow paragraph III, the board, in consultation with the New Hampshire pharmacy board, shall adopt rules under RSA 541-A relative to the prescriptions to be issued by a graduate physician.

III. The board may elect to make all rules applicable to physician assistants under RSA 328-D:10 apply to graduate physicians under this chapter.

328-K:11 Recordkeeping. The board shall keep a record of its proceedings under this chapter and a register of all persons licensed under it. The register shall list the name, last known business address, and last known residence address of each living licensee, and the date and number of the license of each licensed graduate physician. The board shall maintain and publish a list of licensed graduate physicians once a year.

328-K:12 Physician Liability. This chapter shall not be construed to relieve the responsible physician of professional or legal responsibility for the care and treatment of his or her patients.

328-K:13 Penalty.

I. Any person who, not being licensed or otherwise authorized according to the law of this state, shall advertise oneself or hold oneself out as a graduate physician, or any person who does such act after receiving notice that such person's license has been revoked, shall be guilty of a misdemeanor.

II. Any person who shall practice or attempt to practice as a graduate physician in this state without a license shall be guilty of a class A misdemeanor if a natural person or guilty of a felony if any other person.

328-K:14 Limitation on Action. A person, licensed or authorized to practice as a graduate physician under this chapter or under the laws of any other state, who, in good faith, renders emergency care at the scene of an emergency, shall not be liable for any civil damages as a result of acts or omissions by such person in rendering such emergency care, or as a result of any act or failure to act to provide or arrange for further medical treatment or care, as long as such person receives no direct compensation for the care from or on behalf of the person cared for.

328-K:15 Rural Health Clinics. When working in a rural health clinic under the federal Rural Health Clinic Services Act of 1977, Public Law 95-210, as amended:

I. A graduate physician shall be considered a physician assistant for purposes of regulations of the Centers for Medicare and Medicaid Services (CMS); and

II. No supervision requirements in addition to the minimum federal law shall be required.

328-K:16 Graduate Physician Collaborative Practice Arrangements.

I. A physician may enter into collaborative practice arrangements with graduate physicians. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a graduate physician the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the graduate physician and is consistent with that graduate physician's skill, training, and competence and the skill and training of the collaborating physician. Collaborative practice arrangements shall provide for graduate physicians to practice in medically underserved areas pursuant to funding under RSA 126-A:18-c.

II. The written collaborative practice arrangement shall contain at least the following provisions:

- (a) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the graduate physician;
- (b) A list of all other offices or locations besides those listed in subparagraph (a) where the collaborating physician authorized the graduate physician to prescribe;

(c) A requirement that there shall be posted at every office where the graduate physician is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by a graduate physician and have the right to see the collaborating physician;

(d) All specialty or board certifications of the collaborating physician and all certifications of the graduate physician;

(e) The manner of collaboration between the collaborating physician and the graduate physician, including how the collaborating physician and the graduate physician shall:

(1) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(2) Maintain geographic proximity; except, the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of 28 days per calendar year for rural health clinics under RSA 328-K:15, as long as the collaborative practice arrangement includes alternative plans as required in subparagraph (3). Such exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. section 1395i-4, and provider-based rural health clinics if the main location of the hospital sponsor is greater than 50 miles from the clinic. The collaborating physician shall maintain documentation related to such requirement and present it to the board of medicine when requested; and

(3) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(f) A description of the graduate physician's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the graduate physician to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(g) A list of all other written practice agreements of the collaborating physician and the graduate physician;

(h) The duration of the written practice agreement between the collaborating physician and the graduate physician; and

(i) A description of the time and manner of the collaborating physician's review of the graduate physician's delivery of health care services. The description shall include provisions that the graduate physician shall submit a minimum of 10 percent of the charts documenting the graduate physician's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every 14 days.

III. The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every 14 days a minimum of 20 percent of the charts in which the graduate physician prescribes controlled substances. The charts reviewed under this paragraph may be counted in the number of charts required to be reviewed under subparagraph II(i).

IV. The board under RSA 541-A shall adopt rules regulating the use of collaborative practice arrangements for graduate physicians. Such rules shall specify:

(a) Geographic areas to be covered;

(b) The methods of treatment that may be covered by collaborative practice arrangements;

(c) In conjunction with the commissioner of the department of health and human services, or designee and deans of medical schools and primary care residency program directors in the state, or adjacent states, the development and implementation of educational methods and programs undertaken during the collaborative practice service which shall facilitate the advancement of the graduate physician's medical knowledge and capabilities, and which may lead to credit toward a future residency program for programs that deem such documented educational achievements acceptable; as well as a means to certify completion of such a program, to be used according to RSA 329:12, III;

(d) Within 5 years of the effective date of this chapter, in conjunction with the commissioner or designee, the adoption of an existing test equivalent to Part 3 of the United States Medical Licensing Examination, or the development and implementation of such a test, which shall be used as an alternative path for licensure under RSA 329:12, III; and

(e) The requirements for review of services provided under collaborative practice arrangements, including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices or controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. The board shall adopt rules applicable to graduate physicians that shall be consistent with guidelines for federally funded clinics.

V. The board shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to a graduate physician provided the provisions of this section and the rules adopted thereunder are satisfied.

VI. Within 30 days of any change and on each renewal, the board shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the

name of each graduate physician with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

VII. A collaborating physician shall not enter into a collaborative practice arrangement with more than 3 full-time equivalent graduate physicians. Such limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals or population-based public health services.

VIII. The collaborating physician shall determine and document the completion of at least a one-month period of time during which the graduate physician shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. Such limitation shall not apply to collaborative arrangements of providers of population-based public health services.

IX. An agreement made under this section may govern hospital medication orders under protocols and standing orders for the purpose of delivering inpatient or emergency care within a hospital if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

X. No contract or other agreement shall require a physician to act as a collaborating physician for a graduate physician against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular graduate physician. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any graduate physician, but such requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

XI. No contract or other agreement shall require any graduate physician to serve as a collaborating graduate physician for any collaborating physician against the graduate physician's will. A graduate physician shall have the right to refuse to collaborate, without penalty, with a particular physician.

XII. All collaborating physicians and graduate physicians in collaborative practice arrangements shall wear identification badges while acting within the scope of their collaborative practice arrangement. The identification badges shall prominently display the licensure status of such collaborating physicians and graduate physicians.

XIII. A graduate physician may prescribe any controlled substance listed in Drug Enforcement Administration (DEA) schedule III, IV, or V and may have restricted authority in schedule II, when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Prescriptions for schedule II medications prescribed by a graduate physician are restricted to only those medications containing hydrocodone. Such authority shall be filed with the board. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the graduate physician is permitted to prescribe. Any limitations shall be listed in the collaborative practice arrangement. Graduate physicians shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and schedule II hydrocodone prescriptions shall be limited use in an inpatient hospital setting or to a 5-day supply without refill. Graduate physicians who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

XIV. The collaborating physician shall be responsible to determine and document the completion of at least 124 hours in a 4-month period by the graduate physician during which the graduate physician shall practice with the collaborating physician onsite prior to prescribing controlled substances when the collaborating physician is not onsite. Such limitation shall not apply to graduate physicians of population-based public health services.

2 New Paragraph; Physicians; Alternative for Licensure. Amend RSA 329:12 by inserting after paragraph II the following new paragraph:

III. As an alternative to paragraph I, upon approval of the board applicants for licensure may:

(a) Fulfill all the requirements of RSA 329:12, I(a), (b), (c), and (1) through (4) of (d).

(b) Have been licensed in this state and practiced continuously under RSA 328-K for 5 or more consecutive years without any disciplinary action.

(c) Have successfully completed the educational component implemented pursuant to RSA 328-K:16, IV(c).

(d) Have passed Parts 1 and 2 of the United States Medical Licensing Examination or equivalent.

(e) Have passed the test adopted pursuant to RSA 328-K:16, IV(d).

3 New Paragraph; Physicians; Person Excepted. Amend RSA 329:21 by inserting after paragraph XVI the following new paragraph:

XVII. To such graduate physicians as have been licensed under RSA 328-K while acting under the terms of that chapter.

4 Professionals Health Program; Graduate Physicians Added. Amend RSA 329:13-b to read as follows:  
329:13-b Professionals' Health Program.

I. Any peer review committee may report relevant facts to the board relating to the acts of any physician [or], physician assistant, **or graduate physician** in this state if it has knowledge relating to the physician [or], physician assistant, **or graduate physician** which, in the opinion of the peer review committee, might provide grounds for disciplinary action as specified in RSA 329:17.

II. Any committee of a professional society comprised primarily of physicians, its staff, or any district or local intervenor participating in a program established to aid physicians impaired or potentially impaired by mental or physical illness including substance abuse or disruptive behavior may report in writing to the board the name of a physician whose ability to practice medicine safely is impaired or could reasonably be expected to become impaired if the condition is allowed to progress together with the pertinent information relating to the physician's impairment. The board may report to any committee of such professional society or the society's designated staff information which it may receive with regard to any physician who may be impaired by a mental or physical illness including substance abuse or disruptive behavior. In this chapter, "disruptive behavior" means any abusive conduct, including sexual or other forms of harassment, or other forms of verbal or nonverbal conduct that harms or intimidates others to the extent that quality of care of patient safety could be compromised.

III. Notwithstanding the provisions of RSA 91-A, the records and proceedings of the board, compiled in conjunction with a peer review committee, shall be confidential and are not to be considered open records unless the affected physician so requests; provided, however, the board may disclose this confidential information only:

- (a) In a disciplinary hearing before the board or in a subsequent trial or appeal of a board action or order;
- (b) To the physician licensing or disciplinary authorities of other jurisdictions; or
- (c) Pursuant to an order of a court of competent jurisdiction.

IV.(a) No employee or member of the board, peer review committee member, medical organization committee member, medical organization district or local intervenor furnishing in good faith information, data, reports, or records for the purpose of aiding the impaired physician [or], physician assistant, **or graduate physician** shall by reason of furnishing such information be liable for damages to any person.

(b) No employee or member of the board or such committee, staff, or intervenor program shall be liable for damages to any person for any action taken or recommendations made by such board, committee, or staff unless the person is found to have acted recklessly or wantonly.

V.(a) The board may contract with other organizations to operate the professionals' health program for physicians [and], physician assistants, **and graduate physicians** who are impaired or potentially impaired because of mental or physical illness including substance abuse or disruptive behavior. This program shall be available to all physicians [and], physician assistants, **and graduate physicians** licensed in this state, all physicians [and], physician assistants, **and graduate physicians** seeking licensure in this state, and all resident physicians in training, and shall include, but shall not be limited to, education, intervention, ongoing care or treatment, and post-treatment monitoring.

(b) [Repealed.]

VI. Upon a determination by the board that a report submitted by a peer review committee or professional society committee is without merit, the report shall be expunged from the physician's [or], physician assistant's, **or graduate physician's** individual record in the board's office. A physician, [or], physician assistant, **or graduate physician**, or authorized representative shall be entitled on request to examine the peer review or the organization committee report submitted to the board and to place into the record a statement of reasonable length of the physician's [or], physician assistant's, **or graduate physician's** view with respect to any information existing in the report.

5 Board of Medicine; Hearings Panel. Amend RSA 329:18-a, I to read as follows:

I. Allegations of misconduct or lack of professional qualifications which are not settled informally shall be heard by the board or a panel of the board, with a minimum of 3 members appointed by the president of the board. The panel for a hearing on a physician-licensee shall consist of a minimum of 2 physicians and one public member. The panel for a hearing on a physician assistant-licensee shall consist of a minimum of one physician, one physician assistant, and one public member. **The panel for a hearing on a graduate physician licensee shall consist of a minimum of one physician, one graduate physician, and one public member.** Such hearing shall be an open public hearing. Any member of the board, or other person qualified to act as a hearing officer and duly designated by the board, shall have the authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

6 New Section; Health and Human Services; Medically Underserved Areas. Amend RSA 126-A by inserting after section 18-b the following new section:

126-A:18-c Medically Underserved Areas.

I. The department shall establish and administer a program to increase the number of medical clinics in medically underserved areas as defined in RSA 328-K:1. A not-for-profit or nonprofit entity in this state that includes a medically underserved area may establish a medical clinic in the medically underserved area by

contributing start-up money for the medical clinic and having such contribution matched wholly or partly by grant moneys from the medical clinics in medically underserved areas fund established in paragraph IV. An existing clinic which the not-for-profit or nonprofit entity has not been able to recruit a physician or APRN to provide needed primary care services despite reasonable effort for a period of one or more years shall also be considered an eligible clinic under this section. The department shall seek all available moneys from any source whatsoever, including but not limited to healthcare foundations, insurance companies, pharmaceutical companies, and hospitals to assist in funding the program. The legislature may appropriate general fund moneys or moneys raised under RSA 84-A for this fund.

II. A participating not-for-profit or nonprofit entity that includes a medically underserved area may provide start-up money for a medical clinic over a 2-year period. The department shall not provide more than \$100,000 per clinic in a fiscal year unless the department makes a specific finding of need in the medically underserved area.

III. The department shall establish priorities so that the neediest medically underserved areas eligible for assistance under this section are prioritized.

IV. There is established a nonlapsing fund to be known as the medical clinics in medically underserved areas fund administered and expended by the commissioner of health and human services, or designee. The fund shall be expended for the purposes of paragraph I. The fund shall be continually appropriated to the department of health and human services for the purposes of this section. The fund shall consist of:

(a) Revenue from appropriations or other moneys authorized from the general fund or from tax receipts under RSA 84-A.

(b) Funds from public or private sources, including, but not limited to gifts, grants, donations, rebates, and settlements received by the state specifically designated to be credited to the fund.

(c) Funds repaid per paragraph VI.

V. To be eligible to receive a matching grant from the department, a not-for-profit or nonprofit entity that includes a medically underserved area shall:

(a) Apply for the matching grant; and

(b) Provide evidence satisfactory to the department that it has entered into an agreement or combination of agreements with a collaborating physician or physicians for the collaborating physician or physicians and physician assistant or graduate physicians in accordance with a collaborative practice arrangement under RSA 328-K:16 to provide primary care in the medically underserved area for at least 2 years.

VI. The department shall adopt rules under RSA 541-A necessary for the implementation of this section, including rules addressing:

(a) Eligibility criteria for a medically underserved area and for existing clinics in a medically underserved area which have not been able to recruit physicians or APRNs;

(b) A requirement that a medical clinic utilize a graduate physician in a collaborative practice arrangement under RSA 328-K:16;

(c) Minimum and maximum contributions to the start-up money for a medical clinic to be matched with grant moneys from the state;

(d) Conditions under which grant moneys shall be repaid for failure to comply with the requirements for receipt of such grant moneys;

(e) Procedures for disbursement of grant moneys by the department;

(f) The form and manner in which start-up money shall be contributed; and

(g) Requirements for the not-for-profit or nonprofit entity to retain interest in any property, equipment, or durable goods for 7 years including, but not limited to, the criteria for a not-for-profit or nonprofit entity to be excused from such retention requirement.

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

(340) The medical clinics in medically underserved areas fund established in RSA 126-A:18-c.

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

2018-0251h

#### AMENDED ANALYSIS

This bill:

I. Establishes the regulation and licensure of graduate physicians by the board of medicine.

II. Regulates their practice through graduate physician collaborative practice arrangements.

III. Establishes a grant program in the department of health and human services to provide matching funds for primary care clinics in medically underserved areas utilizing graduate physicians.

#### Amendment to HB 1515

(2018-0560h)

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

Amend RSA 125-C:10-c, II(d) as inserted by section 1 of the bill by replacing it with the following:

***(d) The combustion of bio-oil, bio-synthetic gas, or bio-diesel produced from the wood component of construction and demolition debris using non-combustion thermal or chemical processes including, but not limited to, pyrolysis or gasification. The non-combustion thermal or chemical processes proposed shall be subject to the review requirements of this chapter, RSA 125-I, and the administrative rules of the air resources division of the department of environmental services. The wood derived from construction and demolition debris shall be processed in a manner no less stringent than the requirements referenced in subparagraph (b).***

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

2 Solid Waste Management; Permit Required. Amend RSA 149-M:9, XIV to read as follows:

XIV. ~~[Notwithstanding any provision of law or rule to the contrary,]~~ the department shall not certify as a waste-derived product the wood component of construction and demolition debris, or any mixture of or derivation therefrom, to be combusted in any manner, except ~~[that]~~ methane gas collected from the decomposition of waste at a facility authorized pursuant to this chapter as a landfill for the disposal of solid waste may be certified as a waste-derived product for distribution and use as a fuel, provided that it meets market fuel standards ***as allowed under RSA 125-C:10-c, II(d).***

#### **Amendment to HB 1519**

**(2018-0722h)**

#### **Proposed by the Committee on Commerce and Consumer Affairs - c**

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

AN ACT relative to the conduct of condominium unit owners' associations votes without a meeting.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Condominiums; Voting by Ballot. Amend RSA 356-B:39-a by inserting after paragraph IV the following new paragraph:

V. All ballots cast in an association vote under this section shall be counted using a tally sheet for the vote. If more than one ballot item was voted on, the board may elect to keep a corresponding tally sheet for each ballot item. The ballots and tally sheets shall be made available for examination and recount, by request of any owner participating in the vote, immediately following announcement of the results of the vote taken. During any examination and recount one or more members of the board of directors and at least one additional owner shall be present. The ballots shall be examined and tallied to verify that the count and announced result was correct.

2018-0722h

#### **AMENDED ANALYSIS**

This bill provides for the examination and recount of a condominium unit owners' association vote taken without a meeting.

#### **Amendment to HB 1521**

**(2018-0467h)**

#### **Proposed by the Committee on Commerce and Consumer Affairs - c**

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

AN ACT relative to the definition of an emergency for a special assessment in a condominium.

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

1 New Paragraph; Condominium Act; Adoption of Budgets and Special Assessments; Emergency. Amend RSA 356-B:40-c by inserting after paragraph III the following new paragraph:

IV. For the purposes of this section, an "emergency" means a situation that requires immediate action by the board of directors where a danger to the structural integrity of the common areas is discovered or to the life and safety of property unit owners or as required by a court order or to respond to any legal or administrative proceeding brought against the association that could not have been reasonably foreseen by the board in preparing and distributing the annual operating budget.

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

2018-0467h

#### **AMENDED ANALYSIS**

This bill defines the term emergency for purposes of a vote for a special assessment in a condominium.

#### **Amendment to HB 1530**

**(2018-0807h)**

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

Amend RSA 328-F:18-a as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. Pending the results of a criminal history record check, an applicant for licensure may be employed in a profession of the allied health field on a conditional basis for up to 90 calendar days before the office of licensed allied health professionals receives the results of a criminal history record check required for licensure, if the conditional employee:

- (a) Is under the direct supervision of a licensee;
- (b) Has previously passed a criminal history record check in this state; and
- (c) Has provided a written attestation to the employer and the board that no disqualifying criminal history exists.

**Amendment to HB 1533  
(2018-0608h)**

**Proposed by the Committee on Municipal and County Government - c**

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

AN ACT relative to termination of variances and special exceptions.

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

1 Variance; Expiration. Amend RSA 674:33, I-a to read as follows:

I-a.(a) Variances authorized under paragraph I shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.

***(b) The zoning ordinance may be amended to provide for the termination of all variances that were authorized under paragraph I before August 19, 2013 and that have not been exercised. After adoption of such an amendment to the zoning ordinance, the planning board shall post notice of the termination in the city or town hall. The notice shall be posted for one year and shall prominently state the expiration date of the notice. The notice shall state that variances authorized before August 19, 2013 are scheduled to terminate, but shall be valid if exercised within 2 years of the expiration date of the notice or as further extended by the zoning board of adjustment for good cause.***

2 Special Exception; Expiration. Amend RSA 674:33, IV to read as follows:

IV.(a) A local zoning ordinance may provide that the zoning board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance.

***(b) Special exceptions authorized under this paragraph shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception.***

***(c) The zoning ordinance may be amended to provide for the termination of all special exceptions that were authorized under this paragraph before August 19, 2013 and that have not been exercised. After adoption of such an amendment to the zoning ordinance, the planning board shall post notice of the termination in the city or town hall. The notice shall be posted for one year and shall prominently state the expiration date of the notice. The notice shall state that special exceptions authorized before August 19, 2013 are scheduled to terminate, but shall be valid if exercised within 2 years of the expiration date of the notice or as further extended by the zoning board of adjustment for good cause.***

2018-0608h

**AMENDED ANALYSIS**

This bill clarifies the termination of variances and special exceptions granted by the zoning board of adjustment.

**Amendment to HB 1541-FN  
(2018-0483h)**

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

Amend RSA 261:141, III (ee) and (ff) as inserted by section 1 of the bill by replacing them with the following:

(ee) For a vehicle with a propulsion system that operates using both electricity obtained from the electric grid and petrochemical fuels, at each registration renewal a fee of \$75. For each \$.01 increase in the road toll after the effective date of this subparagraph, the fee shall increase by \$2.50.

(ff) For an electric vehicle, at each registration renewal, a fee of \$125. For each \$.01 increase in the road toll after the effective date of this subparagraph, the fee shall increase by \$5. For purposes of this subparagraph, "electric vehicle" means a motor vehicle with a propulsion system that operates solely on electricity obtained from the electrical grid.

**Amendment to HB 1550  
(2018-0712h)**

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

Amend the bill by replacing section 1 with the following:

1 Electric Utilities; Annual Disclosure of Electric Service Energy Sources and Environmental Characteristics; Renewable Energy Standards; Billing. RSA 378:49, II(c) is repealed and reenacted to read as follows:

(c) Provide such information to electric customers at least annually in conjunction with billing, whether distributed through the mail or online, or other mailed or online communication to customers, as approved by the commission, as to the estimated cost to that customer for compliance with the electric renewable portfolio standard under RSA 362-F. The estimated total cost for the calendar year shall be calculated once per year and provided to each customer in his or her December bill, whether distributed through the mail or online. Each customer's bill shall also provide a link to information about the electric renewable portfolio standard at the public utilities commission's website. The costs for a utility to provide this information shall be recovered by reducing its purchase of renewable energy certificates and/or reducing its payments to the renewable energy fund to the extent needed to cover its costs.

2018-0712h

**AMENDED ANALYSIS**

This bill requires providers of electricity to include on customers' December bills the annual cost to each customer of compliance with the electric renewable portfolio standard under RSA 362-F and a link to information about the electric renewable portfolio standard.

**Amendment to HB 1555  
(2018-0326h)**

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

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

1 Electric Utility Restructuring; Participation by the Public Utilities Commission in Regional Activities. Amend RSA 374-F:8 to read as follows:

374-F:8 Participation in Regional Activities. The commission shall advocate for New Hampshire interests before the Federal Energy Regulatory Commission and other regional and federal bodies. The commission shall participate in the activities of the New England Conference of Public Utility Commissioners, the National Association of Regulatory Utility Commissioners, and the New England States Committee on Electricity, or other similar organizations, and work with the New England Independent System Operator and NEPOOL to advance the interests of New Hampshire with respect to wholesale electric issues, including policy goals relating to fuel diversity, renewable energy, and energy efficiency, and to assure nondiscriminatory open access to a safe, adequate, and reliable transmission system at just and reasonable prices. ***The commission shall advocate against proposed regional or federal rules or policies that are inconsistent with the policies, rules, or laws of New Hampshire. In its participation in regional activities, the commission shall consider how other states' policies will impact New Hampshire rates and work to prevent or minimize any rate impact the commission determines to be unjust or unreasonable.***

2 Office of the Consumer Advocate. Amend RSA 363:28, IV to read as follows:

IV. The consumer advocate shall have authority to promote and further consumer knowledge and education. ***The consumer advocate shall advocate against proposed regional or federal rules or policies that are inconsistent with the policies, rules, or laws of New Hampshire. In its participation in regional activities, the consumer advocate shall consider how other states' policies will impact New Hampshire rates and work to prevent or minimize any rate impact the consumer advocate determines to be unjust or unreasonable.***

2018-0326h

**AMENDED ANALYSIS**

This bill requires the public utilities commission and the office of the consumer advocate to advocate against regional or federal policies which are inconsistent with the policies in this state or which would have rate impacts determined to be unjust or unreasonable.

**Amendment to HB 1562-FN  
(2018-0642h)**

**Proposed by the Committee on Children and Family Law - c**

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

AN ACT      relative to the role of foster parents.

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

1 New Subdivision; Foster Parents. Amend RSA 170-E by inserting after section 50 the following new subdivision:

**Foster Parents**

170-E:51 Foster Parents. When a child is placed in a foster home pursuant to a juvenile court order:

I. The department of health and human services shall consult with the foster parent prior to the release of the foster parent's address, phone number, or other personally identifying information to the child's parent or guardian.

II. The department of health and human services shall make a representative of the department available 24 hours a day, 7 days a week, for the purpose of aiding the foster parent in caring for the acute needs of the foster child.

III. Pursuant to RSA 169-C:14, the foster parent shall receive notice of all court proceedings and may, at the court's discretion, attend such hearings and submit written or oral reports of the child's behavior, progress, and developmental needs.

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

2018-0642h

**AMENDED ANALYSIS**

This bill requires the department of health and human services to consult with foster parents before releasing their personally identifiable information, to make a representative of the department consistently available to foster parents, and to facilitate the foster parents' participation in court hearings.

**Amendment to HB 1571**

**(2018-0269h)**

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

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

1 Purpose and Findings. As part of the state's effort to combat substance use disorder, the general court finds that an alternative recovery monitoring program designed to encourage self-reporting by licensees of the board of nursing who may be impaired by substance use disorder, including drug or alcohol abuse, or mental or physical illness, similar to those programs available to other licensed health professionals in New Hampshire, would improve patient and public safety, promote the health and professional performance of licensees, and return to service and maintain the number of highly trained nursing professionals eligible to provide effective patient care in New Hampshire.

2 New Section: Nurse Practice Act; Alternative Recovery Monitoring Program. Amend RSA 326-B by inserting after section 36 the following new section:

326-B:36-a Alternative Recovery Monitoring Program.

I.(a) Any person or qualified health care professional committee may report relevant facts to the board relating to the acts of any person licensed by the board in this state if they have knowledge relating to the licensee which, in their opinion, might provide grounds for disciplinary or remedial action as specified in RSA 326-B:37, II.

(b) A person or qualified health care professional committee who may report under subparagraph (a) shall include:

(1) A self-reporting licensee, whether without a prior history of substance use disorder or a previously impaired licensee returning to practice under a probationary license who requests participation in an alternative recovery monitoring program;

(2) A quality assurance committee acting in a clinical setting;

(3) Any committee of a professional society comprised primarily of licensees of the board of nursing, or its staff; or

(4) Any person participating in a program established to aid licensees impaired by substance use disorder or mental or physical illness,

(c) No person furnishing any such information to the board in good faith for the purpose of protecting the safety of patients or the public or the health of an impaired licensee shall be liable in damages to any person, including the allegedly impaired licensee.

II. Upon a determination by the board that a report or complaint submitted by any person or qualified health care professional committee is without merit, the report shall be kept confidential or non-public in the subject licensee's individual record in the board's office. A licensee subject to a report under this section or the licensee's authorized representative shall be entitled on written request to examine the licensee's individual record in the board's office, including any such report submitted to the board, and to place into the record a statement of reasonable length of the licensee's view with respect to any information existing in the report, in accordance with rules established by the board.

III.(a) If the board determines that a report or complaint submitted by any person or qualified health care professional committee has or may have merit, the board may either:

(1) Refer the matter for disciplinary proceedings under RSA 326-B:37, subject to paragraph IV of this section; or

(2) Refer the impaired licensee to an alternative recovery monitoring program under paragraph VI.

(b) Among the factors bearing on the board's decision whether to proceed with disciplinary proceedings or refer the licensee to an alternative recovery monitoring program, the board may consider whether the affected licensee has taken the initiative to voluntarily self-report under subparagraph I(b)(1), or whether a report or complaint has been initiated by a third party under subparagraph I(b)(2), (3), or (4).

IV. Notwithstanding the provisions of RSA 91-A, the records and proceedings of the board compiled in connection with a report made under paragraph I shall be confidential and are not to be considered open records unless the subject licensee so requests, provided, however, the board may disclose this confidential information only:

(a) In a disciplinary hearing before the board or in a subsequent appeal of a board action or order;

(b) To the nurse licensing or disciplinary authorities of other jurisdictions; or

(c) Pursuant to an order of a court of competent jurisdiction.

V.(a) No person, including any employee or member of the board, any member of a qualified health care professional committee, or any other individual furnishing in good faith information, data, reports, or records for the purpose of aiding an impaired licensee shall by reason of furnishing such information be liable in damages to any person.

(b) No employee or member of the board, member of any qualified health care professional committee, or staff member or participant in any alternative recovery monitoring program shall be liable in damages to any person for any action taken or recommendation made by such board, committee, staff, or participant unless he or she is found to have acted with wanton disregard for patient or public safety, or for the rights or reputation of the subject licensee, or for the reputation of the organization in which the subject licensee is employed or volunteers.

VI.(a) The board shall contract with other organizations to operate the alternative recovery monitoring program for licensees who are impaired by substance use disorder or mental or physical illness. This program may include, but shall not be limited to, assessment, education, intervention, drug and alcohol testing, temporary suspension or limitation of clinical privileges, drug addiction counseling, participation in peer support groups, record keeping with respect to success and failure rates, post-treatment assessment and monitoring, and other alternatives approved by the board.

(b) The board may allocate amounts determined by the board from the annual license renewal fees it collects from licensees in each class of nurses licensed by the board, to provide funding for the alternative recovery monitoring program as set forth in subparagraph (a).

(c) No later than July 1, 2019, the board shall adopt rules under RSA 541-A for the procedures and other matters required to implement this section.

3 Nurse Practice Act; Disciplinary Proceedings. Amend RSA 326-B:37, III(d) to read as follows:

(d) By requiring the licensee to submit to the care, counseling, or treatment of a [physician] **licensed health care provider**, counseling service, health care facility, professional assistance program **established under RSA 326-B:36-a**, or any comparable person[or], facility, **or program** approved by the board.

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

### Amendment to HB 1575

(2018-0594h)

#### Proposed by the Committee on Fish and Game and Marine Resources - c

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

1 General Provisions as to Fish and Game; Definitions. Amend RSA 207:1, I to read as follows:

**I. Air rifle: A gun operated by compressed air or nonflammable gas cylinder by which a projectile of any size or kind can be discharged or propelled. For use in taking small game, such device shall be not less than .22 caliber and shall deliver not less than 12 foot-pounds of kinetic energy at the muzzle.**

**I-a.** Angling: The taking of fish by line in hand, or rod in hand to which is attached a cast of artificial flies, or an artificial bait, or hooks or other devices for the attachment of bait. A person may have in use not more than 2 such lines at one time Nothing in this title shall prohibit the use of a rod-holder in a boat.

2 Minors Hunting. Amend RSA 207:2-a to read as follows:

207:2-a Minors Hunting.

I. No person shall knowingly permit any minor, including a nonresident minor, less than 16 years of age to hunt using a firearm, bow and arrow, **air rifle**, or crossbow and bolt, except when accompanied by a person at least 18 years of age who is properly licensed for said activity. In accordance with RSA 626:8, II(b), such person shall be held criminally liable and fully accountable for any damage incurred or for any violations which may be committed by the minor under the age of 16 while hunting using a firearm, bow and arrow, **air rifle**, or crossbow and bolt.

II. No minor, including a nonresident minor, under the age of 16 shall hunt using a firearm, bow and arrow, ***air rifle***, or crossbow and bolt, except when accompanied by a person at least 18 years of age who is properly licensed for said activity.

3 Lawful Methods of Taking. Amend RSA 207:3, I to read as follows:

I. Wildlife shall be taken in the daytime between 1/2 hour before sunrise and 1/2 hour after sunset with a gun fired at arm's length or bow and arrow, unless otherwise specifically permitted. ***An air rifle may be used to take small game but shall not be used to take moose, bear, turkey, or deer. The executive director shall specify the method and manner of taking small game with an air rifle in rules adopted pursuant to RSA 541-A.***

4 General Provisions as to Fish and Game; Prohibition. Amend RSA 207:3-a to read as follows:

207:3-a Prohibition. It is unlawful for a person to discharge a firearm ***or a .22 caliber or larger air rifle when used for hunting purposes*** or to shoot with a bow and arrow or crossbow and bolt within 300 feet of a permanently occupied dwelling without permission of the owner or the occupant of the dwelling or from the owner of the land on which the person discharging the firearm ***or air rifle*** or shooting the bow and arrow or crossbow and bolt is situated. Whoever violates the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

5 Use of Firearms, Bow, or Crossbow in or Across Highway Prohibited. Amend RSA 207:3-c, I and the introductory paragraph of RSA 207:3-c, II to read as follows:

I. No person shall discharge a firearm, bow and arrow, ***air rifle***, or crossbow and bolt from within 15 feet of the traveled portion of or across any class I through V highway of the state. This section shall not apply to those persons holding a special permit pursuant to RSA 207:7-a.

II. No person shall discharge a firearm, bow and arrow, ***air rifle***, or crossbow and bolt from or across the following public highways of the state including the rights of way thereof:

6 Use of Firearms, Bow, or Crossbow in or Across Highway Prohibited. Amend RSA 207:3-c, III to read as follows:

III. Any person convicted of discharging a firearm, bow and arrow, ***air rifle***, or crossbow and bolt prohibited under the provisions of this section shall be guilty of a violation.

7 Traps, Spring Guns, and Snares; Visiting Traps. Amend RSA 210:13 to read as follows:

210:13 Visiting Traps. Notwithstanding any other law to the contrary, a person shall visit his ***or her*** traps at least once in each calendar day, provided, however, that a person trapping for beaver through the ice during the open season therefor, shall visit his traps once in each 72 hours. Trappers shall be permitted to use artificial lights during the hours of darkness to facilitate the checking of traps under this section, subject to the following restrictions: no person shall check traps at night by the use of a rifle, revolver, or pistol larger than a .22 caliber long rifle, ***air rifle larger than .25 caliber***, or by use of shotgun shells carrying shot larger than number 4 birdshot; and checking traps by the use of lights from a motor vehicle shall be prohibited. Only a person whose name is either stamped or engraved on the traps or on a durable tag securely affixed to the traps shall have the authority to tend the traps. In case of an emergency, the owner of the traps may grant written permission to another duly licensed trapper to tend the traps.

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

2018-0594h

#### AMENDED ANALYSIS

This bill permits the taking of small game with an air rifle.

#### Amendment to HB 1577

(2018-0736h)

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

Amend RSA 317-A:12, XII-a (g) as inserted by section 1 of the bill by replacing it with the following:

***(g) The establishment of the qualifications of dentists to administer general anesthesia or deep sedation which may include a residency training program accredited by the Commission on Dental Accreditation (CODA) or equivalent, and which may include a method for established practitioners to document his or her qualifications. Administration of general anesthesia or deep sedation to patients under the age of 13 shall be subject to additional rules including:***

***(1) In addition to the dentist performing the procedure, there shall be a dedicated anesthesia provider present to monitor the procedure and recovery from anesthesia. The dedicated anesthesia provider shall be a dentist who is qualified to administer general anesthesia or deep sedation, a physician anesthesiologist, or a certified registered nurse anesthetist (CRNA). The board may exempt dentists who are dual boarded as an anesthesiologist or an oral surgeon from this requirement, in which case the dedicated anesthesia provider shall have passed the Dental Anesthesia Assistant National Certification Examination, or equivalent, as determined by the board.***

**(2) The dentist shall be trained in pediatric advanced life support (PALS) and airway management, equivalent to the American Academy of Pediatrics and American Academy of Pediatric Dentistry (AAP-AAPD) guidelines or equivalent as determined by the board.**

**(3) Informed consent shall include the statement that the procedure may be performed in a hospital setting with additional anesthesia personnel, possibly at an increased expense.**

Amend the introductory paragraph of RSA 317-A:12, XII-c as inserted by section 1 of the bill by replacing it with the following:

**XII-c. The requirement for a permit issued by the board for the use of minimal anesthesia in patients undergoing dental treatment under RSA 317-A:20, and rules including:**

Amend RSA 317-A:17, II as inserted by section 2 of the bill by inserting after subparagraph (n) the following new subparagraph:

(o) Failing to report an adverse event or implement a corrective action plan as required by RSA 317-A:20-a.

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

4 New Section; Dentistry; Report of Adverse Events; Corrective Action Plan. Amend RSA 317-A by inserting after section 20 the following new section:

317-A:20-a Dentist Report of Adverse Events; Corrective Action Plan.

I. Any dentist licensed pursuant to this chapter shall report to the board the occurrence of any adverse health care events resulting in death, brain damage, or hospitalization, occurring in the dentist's office or facility while utilizing general anesthesia, deep sedation, or moderate sedation, as soon as is reasonably and practically possible, but no later than 15 working days after discovery of the event. The report shall be filed in a format specified by the board and shall identify the office or facility but shall not include any identifying information for any of the dental professionals, facility employees, or patients involved. The board may consult with experts and organizations familiar with patient safety when developing the format for reporting and in further defining events in order to be consistent with industry standards.

II. After receiving a report of an adverse health care event, the board shall conduct a root cause analysis of the event. Following the analysis, the dentist's office or facility shall implement a corrective action plan to implement the findings of the analysis or report to the board any reasons for not taking corrective action. If the root cause analysis and the implementation of a corrective action plan are complete at the time an event must be reported, the findings of the analysis and the corrective action plan shall be included in the report of the event. The findings of the root cause analysis and a copy of the corrective action plan shall otherwise be filed with the board within 60 days of the event. All proceedings related to the root cause analysis and implementation of a corrective action plan shall be considered privileged and not subject to discovery or subpoena.

III. All information and data made available to the board and its designees under this section shall be confidential and shall be exempt from public access under RSA 91-A.

IV. The board shall adopt rules for reporting of adverse events, analysis of root causes, and implementation of corrective action plans required to facilitate the enforcement of this section.

5 Coverage for Dental Procedures; Health Policies. Amend RSA 415:18-g, I(a) to read as follows:

(a) Is a child under the age of [6] **13** who is determined by a licensed dentist in conjunction with a licensed physician to have a dental condition of significant dental complexity which requires certain dental procedures to be performed in a surgical day care facility or hospital setting; or

6 Coverage for Dental Procedures; Health Policies. Amend RSA 415:18-h, I(a) to read as follows:

(a) Is a child under the age of [6] **13** who is determined by a licensed dentist in conjunction with a licensed physician to have a dental condition of significant complexity which requires the child to receive general anesthesia for the treatment of such condition; or

7 Coverage for Dental Procedures; Health Service Corporations. Amend RSA 420-A:17-b, I(a) to read as follows:

(a) Is a child under the age of [6] **13** who is determined by a licensed dentist in conjunction with a licensed primary care physician to have a dental condition of significant dental complexity which requires certain dental procedures to be performed in a surgical day care facility or hospital setting; or

8 Coverage for Dental Procedures; Health Maintenance Organizations. Amend RSA 420-B:8-ee, I(a) to read as follows:

(a) Is a child under the age of [6] **13** who is determined by a licensed dentist in conjunction with a licensed primary care physician to have a dental condition of significant dental complexity which requires certain dental procedures to be performed in a surgical day care facility or hospital setting; or

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

2018-0736h

#### AMENDED ANALYSIS

This bill provides for the regulation of the use of general anesthesia, deep sedation, or moderate anesthesia by dentists and the reporting of adverse events. The bill also provides for dental insurance coverage for children under 13 years of age for dental procedures requiring anesthesia.

**Amendment to HB 1578  
(2018-0705h)**

**Proposed by the Committee on Commerce and Consumer Affairs - c**

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

AN ACT      relative to samples from nano breweries.

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

1 New Paragraph; Nano Breweries; Samples. Amend RSA 178:12-a by inserting after paragraph VII the following new paragraph:

VIII. For an additional annual fee of \$120, any nano brewery licensee may transport its products to a wine manufacturers facility licensed under RSA 178:8, for the purpose of sampling or selling its products. Samples may be sold or given away. Retail sales made at the wine manufacturer's facility shall be limited to products in their unopened original containers and to customers and persons of legal drinking age. Nano breweries shall be subject to the following additional limitations under this section:

(a) Nano brewery licensees shall be limited to one sampling event per day.

(b) Sampling and sales of the nano brewery licensee's products shall conform to the normal business hours of the winery licensee.

(c) Sample sizes shall be limited to one 4-ounce glass per label per person.

(d) Nano brewery licensee products brought to a sampling event shall be brought to the wine manufacturer's facility on the day of the event and all such products shall be removed at the end of the event.

(e) Nano brewery licensees shall notify the commission of date, times, and location of each sampling event not less than 5 days before each event.

2018-0705h

**AMENDED ANALYSIS**

This bill allows nano brewery licensees to distribute samples at a wine manufacturer's facility for an annual fee.

**Amendment to HB 1587  
(2018-0460h)**

**Proposed by the Committee on Children and Family Law - c**

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

AN ACT      relative to the minimum age for marriage.

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

1 Marriageable; Minimum Age to Marry. RSA 457:4 is repealed and reenacted to read as follows:

457:4 Marriageable. No person below the age of 16 years shall be capable of contracting a valid marriage, and all marriages contracted by such persons shall be null and void.

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

2018-0460h

**AMENDED ANALYSIS**

This bill requires a person to be at least 16 years of age to marry.

**Amendment to HB 1589  
(2018-0732h)**

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

Amend the introductory paragraph of RSA 540:1-a, IV(h) as inserted by section 1 of the bill by replacing it with the following:

(h) Occupancies in which the occupant is hired to provide care or assistance for a person with disabilities. In such cases, if the person with disabilities or his or her legal guardian no longer wishes the assistance of the caregiver, he or she may order the caregiver to vacate the premises without legal process required as a tenant under this chapter, provided:

**Amendment to HB 1595  
(2018-0579h)**

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

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

AN ACT      relative to the use of the left lane of a multilane roadway.

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

1 New Paragraphs; Drive on Right Side of Roadway. Amend RSA 265:16 by inserting after paragraph III the following new paragraphs:

IV. Motor vehicles shall not be operated continuously in the left lane of a multilane roadway whenever it impedes the flow of other traffic.

V. Any person who violates this section shall be guilty of a violation and shall be fined \$50 plus penalty assessment.

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

2018-0579h

#### AMENDED ANALYSIS

This bill prohibits continuous operation of a vehicle in the left lane of a multilane roadway when it impedes traffic.

#### Amendment to HB 1601

(2018-0621h)

#### Proposed by the Committee on Commerce and Consumer Affairs - c

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Contents of Declarant's. Amend RSA 356-B:16 by inserting after paragraph I the following new paragraph:

I-a. All lands within the declaration of the condominium which are within the original bounds of the condominium shall be identified therein as individual units, common areas, limited common areas, convertible spaces, or convertible lands. All lands proposed for possible future expansion shall be identified as expandable lands.

2018-0621h

#### AMENDED ANALYSIS

This bill adds a time limit for the conversion of convertible spaces pursuant to a condominium instrument and clarifies the bounds of the condominium for future expansion.

#### Amendment to HB 1603

(2018-0381h)

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

Amend the bill by replacing section 1 with the following:

1 Retirement System; Independent Investment Committee; Appointments. Amend RSA 100-A:14-b, I to read as follows:

I. The independent investment committee shall consist of not more than 5 members, 3 of whom shall be persons who are not members of the board of trustees appointed by the governor with the consent of the council, and up to 2 of whom shall be members of the board of trustees appointed by the chairperson of the board of trustees. Each independent investment committee member shall serve for a term of 3 years. ***One of the 3 persons appointed by the governor with the consent of the council shall be an active employee member in the retirement system chosen from a list, submitted upon a vacancy, of up to 3 persons nominated by each of the following organizations: the New Hampshire State Employees' Association, the New Hampshire Education Association, the New Hampshire AFL-CIO, the New Hampshire Police Association, the New Hampshire State Permanent Firemen's Association, and the Professional Fire Fighters of New Hampshire.***

#### Amendment to HB 1606

(2018-0847h)

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

Amend the bill by deleting section 2 and renumbering the original sections 3-14 to read as 2-13, respectively.

Amend the bill by replacing section 4 with the following:

4 Naturopathic Board of Examiners; Chairperson. Amend RSA 328-E:7, V to read as follows:

V. ***Members of the board shall elect a chairperson annually from among the members.*** [Four] ***Three*** members of the board constitute a quorum for the transaction of business.

Amend the bill by replacing section 8 with the following:

8 Continuing Education Requirement. Amend RSA 328-E:13, II to read as follows:

II. As a condition of renewal of license, the board shall require each licensee to show proof at least every [3] ***2*** years that the licensee has completed an approved continuing naturopathic medical education program within the preceding [3] ***2*** years. For the purposes of this section an "approved continuing naturopathic medical education program" means a program designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice, which has been certified by a national or state naturopathic medical society or college or university and approved by the board. ***Such program shall include not less than 3 hours of education in pain management or addiction disorders, or a combination thereof.***

2018-0847h

**AMENDED ANALYSIS**

This bill makes various changes to the regulation of doctors of naturopathic medicine including the procedures of the naturopathic board of examiners. The bill also adds a member of the naturopathic board of examiners to the controlled drug prescription health and safety program advisory council.

**Amendment to HB 1609**

(2018-0672h)

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

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

AN ACT allowing municipalities to collect an occupancy fee from hotels, public lodging houses, tourist cabins, and tourist trailer parks.

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

1 New Subdivision; Municipal Occupancy Fee. Amend RSA 353 by inserting after section 10 the following new subdivision:

**Municipal Occupancy Fee****353:11 Municipal Occupancy Fee.**

I. The legislative body of a municipality may vote to collect a municipal occupancy fee from all hotels, public lodging houses, tourist cabins, and tourist trailer parks, for the purpose of establishing a municipal capital improvement or tourism support fund.

II. As authorized by the legislative body vote, the fee may be collected as a daily charge of up to \$2 per room occupied, or as a percentage of the price of the room, provided that the rate shall not exceed \$2 per occupancy per 24-hour period. If the average daily price of the room does not exceed \$40, the occupancy tax shall not be collected. Enforcement powers for nonpayment shall be the same as those provided under RSA 31:39-c, RSA 31:39-d, and RSA 47:17-b, relative to enforcement of ordinances.

III. The revenues collected shall be deposited in a capital reserve fund, revolving fund, or other special revenue fund as may be authorized.

IV. Any funds received shall not be deemed part of the general fund accumulated surplus nor shall any surplus be expended for any purpose or transferred to any appropriation until such time as the legislative body shall have voted to appropriate a specific amount from said fund for a specific purpose.

V. Any town or city may adopt the provisions of this section in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on by ballot. In a city, the legislative body shall vote whether to place the question on the official ballot for any regular municipal election, or in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) A town or city shall specify the permitted uses of the fund and the nature and amount of the fee in the wording of the question.

(d) If a majority of those voting on the question vote "Yes," the municipal occupancy fee shall apply within the town or city on the date set by the selectmen or the city council.

(e) A town or city may consider rescinding its action in the manner described in subparagraphs (a-c). The wording of the question shall be the same as that was adopted by the town or city, except the word "adopt" shall be changed to "rescind." If a majority of those voting on the question vote "Yes," following the action taken to rescind, the municipal occupancy fee shall not apply within the town or city.

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

2018-0672h

**AMENDED ANALYSIS**

This bill enables municipalities to vote to collect a municipal occupancy fee from all hotels, public lodging houses, tourist cabins, and tourist trailer parks, for the purpose of establishing a municipal capital fund, revolving fund, or tourism support fund.

**Amendment to HB 1612**

(2018-0754h)

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

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

1 Student and Teacher Information Protection; Data Inventory Security Plan. Amend RSA 189:66, II to read as follows:

II. The department shall develop a detailed data security plan to present to the state board, the legislative oversight committee established in RSA 193-C:7, and the commissioner of the department of information technology. ***Each local education agency shall develop a detailed data security plan and policies for student information and privacy protection approved by the school board. The department of information technology may provide guidance and best practices for the plans.*** The security plan shall include:

- (a) Privacy compliance standards.
- (b) Privacy and security audits.
- (c) Breach planning, notification, and procedures.
- (d) Data retention and disposition policies.

2 Student and Teacher Information Protection; Data Inventory Security Plan. Amend the introductory paragraph of RSA 189:66, IV to read as follows:

IV. The department ***and each local education agency*** shall make publicly available students' and parents' rights under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. section 1232g, et seq., and applicable state law including:

3 New Subparagraph; Student Online Personal Information; Definitions; Digital Badges. Amend RSA 189:68-a, I by inserting after subparagraph (d) the following new subparagraph:

(e) "Digital Badges" means digital credentials or indicators that convey an array of skills, interests, competencies, and achievements.

4 New Paragraph; Student Online Personal Information. Amend RSA 189:68-a by inserting after paragraph I the following new paragraph:

I-a. The department or local education agency shall enter into a contract approved by the appropriate board with each operator. The department or the department of information technology may provide guidance and best practices for the contracts.

5 Student Online Personal Information. Amend RSA 189:68-a, II(b)(2) to read as follows:

(2) Delete a student's covered information ***as soon as specified by the contract*** if the school or district requests deletion of data under the control of the school or district ***or upon termination of the contract unless the operator receives consent to retain the covered information from the student or, for a student under 18 years of age, the parent or legal guardian of such student.***

6 New Paragraphs; Student Online Personal Information. Amend RSA 189:68-a by inserting after paragraph II the following new paragraphs:

II-a. No school shall enter into a contract with an operator or implement the use of digital badges without the approval of the school board.

II-b. Any school district that uses digital badges for students shall adopt a policy for notifying a parent or legal guardian of such use and shall require the written consent of the parent or legal guardian for the student's participation.

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

2018-0754h

#### AMENDED ANALYSIS

This bill requires each local education agency to:

- I. Develop a data security plan.
- II. Make publicly available students' and parents' rights under the Family Educational Rights and Privacy Act.
- III. Requires school districts that use digital badges to obtain the written consent of a student's parent or legal guardian.
- IV. Modifies certain requirements for contracting with operators of Internet websites.

#### Amendment to HB 1613

(2018-0832h)

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

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

AN ACT relative to operation of uninspected vehicles.

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Driving of Uninspected Vehicles; Dealers and Repairers. Amend RSA 266:6 by inserting after paragraph II the following new paragraphs:

III. A licensed New Hampshire dealer who purchases an uninspected used vehicle may operate such vehicle from its location at the time of the sale to the dealer's place of business within 24 hours of the date of purchase of such vehicle as shown on the bill of sale, provided that the vehicle is safe for road use.

IV. A licensed New Hampshire repairer may operate a currently registered, uninspected vehicle from a customer's location to the repairer's place of business within 24 hours of obtaining a repair order for the vehicle signed by the registered owner, provided that the vehicle is safe for road use.

2018-0832h

## AMENDED ANALYSIS

This bill allows a licensed New Hampshire dealer or repairer to operate an uninspected vehicle for a specified period.

**Amendment to HB 1615**

(2018-0524h)

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

Amend the bill by replacing section 1 with the following:

1 Speed Limit; Work Zone. Amend RSA 265:60, II(f) to read as follows:

(f) On a portion of a highway where officers or employees of the agency having jurisdiction of the same, or any contractor of the agency or their employees, are at work on the roadway or so close thereto as to be endangered by passing traffic, at a speed of *at least* 10 miles per hour below the usual posted limit[, but in no case greater than 45 miles per hour]. The speed shall be displayed on signs as required by RSA 265:6-a.

**Amendment to HB 1623**

(2018-0812h)

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

Amend the bill by replacing section 1 with the following:

1 Criteria for Debarment of Vendors. Amend RSA 21-I:11-c, I(a)(10) to read as follows:

(10) Has been placed on the debarred parties list specified in paragraph II within the past year[-];

**(11) Has been convicted of wage theft of its employees within the past 2 years;**

**(12) Has been convicted of a felony level offense involving worker safety practices within the past 2 years; or**

(13) Has been found guilty, within the last 2 years, of misclassification of workers as independent contractors, in violation of department of labor standards and the definition of employee in RSA 281-A:2.

**Amendment to HB 1626-FN**

(2018-0794h)

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

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

1 Report Required. The governor's commission on alcohol and drug abuse prevention, in conjunction with the commissioner of the department of health and human services, shall issue a report on or before January 1, 2019, inventorying all alcohol and drug abuse prevention, treatment, and recovery programs funded in whole or in part by the commission. The report shall be delivered to the speaker of the house of representatives, the president of the senate, the chairpersons of the house and senate committee having jurisdiction over health and human services issues, the members of the house and senate finance committees, and the fiscal committee of the general court. The report shall include, but not be limited to, program description, intended outcome, target participant population, oversight agency, annual budget, average cost per participant, and an assessment of the evidence of effectiveness for intended outcome. For the purposes of this section:

I. "Program" means a set of systematic activities that engage participants in order to achieve desired outcomes.

II. "Outcome" means the program effects in the participant population and shall exclude outputs.

III. "Evidence of effectiveness" means documented results of evaluation assessing the effect of the program on the intended outcome for program participants, or program beneficiaries in the case of prevention programs. This may include results of program evaluation conducted in the jurisdiction or an evidence rating developed by matching the program to available research using a nationally recognized clearinghouse of program evaluations, such as those included in the Pew-MacArthur Results First Clearinghouse Database.

2 New Section; Report on Cost-Effectiveness and Outcomes of Programs Required. Amend RSA 12-J by inserting after section 4 the following new section:

12-J:5 Report on Cost-Effectiveness and Outcomes of Programs Required.

I. Commencing January 1, 2020 and annually thereafter, the commission shall issue a report reflecting currently funded programs and including findings relative to the cost-effectiveness, outcomes, and evidence of effectiveness of programs funded in whole or in part by the commission. Programs selected for inclusion shall be chosen by majority vote of the commission, provided that the following criteria are met:

(a) Each report shall contain an evaluation of 4 programs selected from one of the following categories; provided that in year one all 4 categories shall be from treatment programs, and in year 2 all 4 categories shall be from prevention programs and this procedure shall continue thereafter on such a rotating basis:

(1) Treatment programs.

(2) Prevention programs.

(b) The programs selected shall be chosen from among the 10 highest dollar value programs in that category.

(c) No law enforcement programs shall be selected.

II. The report required under paragraph I shall utilize a cost-effectiveness analysis in such a format to permit comparisons between the selected programs within a given category. The report shall be submitted to the speaker of the house of representatives, the president of the senate, the members of the house and senate committee having jurisdiction over health and human services issues, the members of the house and senate finance committees, and the fiscal committee of the general court. For the purposes of this paragraph:

(a) "Program" means a set of systematic activities that engage participants in order to achieve desired outcomes.

(b) "Outcome" means the program effects in the participant population and shall exclude outputs.

(c) "Evidence of effectiveness" means documented results of evaluation assessing the effect of the program on the intended outcome for program participants, or program beneficiaries in the case of prevention programs. This may include results of program evaluation conducted in the jurisdiction or an evidence rating developed by matching the program to available research using a nationally recognized clearinghouse of program evaluations, such as those included in the Pew-MacArthur Results First Clearinghouse Database.

(d) "Cost-effectiveness analysis" means an economic evaluation in which the costs and consequences of alternative interventions are expressed as cost per unit of outcome.

3 Appointment of Subcommittee. Following submission of the initial report required under section 2 of this act, the chairperson of the house finance committee shall appoint a subcommittee to evaluate the usefulness of the information contained in the report. If the subcommittee determines that changes are needed to the structure, timing, or methodology of future reports, it shall recommend changes to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery and, if necessary, recommend legislation for the 2021 legislative session incorporating such changes into state law.

4 Funding. The department of health and human services shall utilize up to \$300,000 from its existing appropriations in the biennium ending June 30, 2019 for the purposes of this act.

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

#### **Amendment to HB 1647**

**(2018-0614h)**

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

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

AN ACT establishing a commission to study the adoption and utilization of energy storage.

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

1 New Section; Commission to Study the Adoption and Utilization of Energy Storage. Amend RSA 374-G by inserting after section 7 the following new section:

374-G:8 Commission Established.

I. There is established a commission to study the adoption and utilization of energy storage. The commission shall study regulatory, legal, and market barriers to the utilization of energy storage projects in New Hampshire, and the most cost-efficient and efficacious ways to overcome these barriers.

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

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

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

(c) Two representatives from the electric utilities subject to the public utility commission's jurisdiction, appointed by the electric utilities.

(d) One representative of the public utilities commission, appointed by the chairman of the commission.

(e) One representative of the office of the consumer advocate under RSA 363:28, appointed by the consumer advocate.

(f) One representative of the New Hampshire Clean Tech Council, appointed by the Council.

(g) One representative of the New England Power Generators Association, appointed by the Association.

(h) One representative of a municipal government currently engaged in a distributed energy project, appointed by the New Hampshire Municipal Association.

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

IV. The commission shall study:

(a) The regulatory, legal, and market barriers to deploying energy storage projects in New Hampshire, particularly those that prevent energy storage projects owners from receiving full compensation for the value such energy storage projects provide to the electricity system as a whole, the environment, the health and safety of New Hampshire residents, and New Hampshire ratepayers.

(b) The costs and benefits of utility-owned energy storage projects, including the competitive effects of such projects on non-utility-owned energy storage projects.

(c) If the net cost of utility-owned energy storage projects to ratepayers might be reduced by allowing such projects to participate in wholesale electricity markets in ways consistent with restructuring principles.

(d) How to enable non-utility owners of energy storage projects to monetize avoided transmission and distribution costs and the reliability benefits of such projects, especially those projects which also participate in wholesale or retail electricity markets.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the chairperson of the house committee on science, technology and energy, the governor, and the state library on or before January 1, 2019.

2 Repeal. RSA 374-G:8, relative to the commission to study the adoption and utilization of energy storage, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2019.

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

2018-0614h

#### AMENDED ANALYSIS

This bill establishes a commission to study the adoption and utilization of energy storage, including the regulatory, legal, and market barriers to the utilization of energy storage projects in New Hampshire, and the most cost-efficient and efficacious ways to overcome these barriers.

#### Amendment to HB 1650

(2018-0783h)

#### **Proposed by the Minority of the Committee on Children and Family Law - r**

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

AN ACT removing education as required by law as a criterion for determining child neglect and establishing a committee to study educational neglect.

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

3 Committee Established.

I. There is established a committee to study educational neglect.

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

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

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

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

IV. The committee shall study how to effectively identify, address, and prevent educational neglect. The committee shall review current practices and policies regarding truancy and the role of the department of health and human services in investigating the failure to provide education as a ground for neglect under RSA 169-C. The committee may solicit information and testimony from any individual or entity the committee deems relevant to its study, including the department of health and human services and the department of education.

V. 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.

VI. 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.

4 Effective Date.

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

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

2018-0783h

#### AMENDED ANALYSIS

This bill removes education as required by law from the definition of a neglected child under the child protection act. The bill also establishes a committee to study educational neglect.

**Amendment to HB 1652  
(2018-0743h)**

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

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

1 Official Ballot Meeting; Default Budget; Bylaws. Amend RSA 40:13, IX(b) to read as follows:

(b) "Default budget" as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the operating budget.

(1) For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body, unless the provisions of RSA 40:14-b are adopted, of the local political subdivision.

**(2) A local political subdivision as defined in RSA 40:12 which has adopted this subdivision may adopt bylaws to define or establish requirements for the determination by the governing body or the budget committee under RSA 40:14-b of default budgets under this subparagraph.**

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

2018-0743h

**AMENDED ANALYSIS**

This bill allows a local political subdivision under the official ballot form of meeting to adopt bylaws for the determination of the default budget.

**Amendment to HB 1660  
(2018-0791h)**

**Proposed by the Committee on Commerce and Consumer Affairs - c**

Amend RSA 179:13, II as inserted by section 1 of the bill by replacing it with the following:

II. Each holder of a beverage manufacturer license, beverage vendor license, brew pub license, nano brewery license, or wholesale distributor license shall immediately notify the commission of the receipt of the payment of any account which has been reported to the commission as delinquent. Post-dated checks beyond the 5-day reporting period shall not constitute payments of accounts for the purchases of beverages. Checks given in payment for beverages which are returned for nonpayment after the 5-day reporting period shall immediately constitute a delinquency and shall, upon return, be reported to the commission. Payments collected by agents shall be reported as delinquent unless actually received at the place of business of the holder of the beverage manufacturer license, beverage vendor license, brew pub license, nano brewery license, or wholesale distributor license on or before the fifth day of the reporting period. When collections are made by an agent, the sales slips or invoices shall be clearly marked with the name of the person making the collection and the date of such collection. ***Nothing in this section shall prohibit a licensee from making a payment by credit card, debit card, or other acceptable commercial means. Holders of a beverage manufacturer license, beverage vendor license, brew pub license, nano brewery license, or wholesale distributor license may add a transactional fee to the delinquent account when accepting a payment method that incurs a transactional fee. Nothing in this section shall require a beverage manufacturer licensee, beverage vendor licensee, brew pub licensee, nano brewery licensee, or wholesale distributor licensee to accept a credit card, debit card, or other acceptable commercial means.***

**Amendment to HB 1661  
(2018-0461h)**

**Proposed by the Committee on Children and Family Law - c**

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

AN ACT relative to a marriage petition by a party under age.

1 Petition by a Party Under Age. Amend RSA 457:6 and RSA 457:7 to read as follows:

457:6 Petition by Party Under Age.

***I. If [special cause exists rendering desirable] the marriage of a person resident in this state, or the marriage of a person who is a nonresident in this state who applies for permission to marry a resident in this state, either person being below the age of consent and above the ages specified in RSA 457:4, is desired, the parties desiring to contract such marriage, with the parent or guardian having the custody of such party below such age, if there be such parent or guardian, may apply in writing to the judicial branch family division having jurisdiction in the location in which one of them resides, for permission to contract such marriage.***

***II. The petition shall indicate whether, to the knowledge of the petitioner, the department of health and human services, bureau of child protection services has contacted or been involved with the family of the person under the age of consent.***

**III. As part of the decision making process, the court shall conduct an in camera interview of each person under the age of consent, without that person's parent or guardian or the other party to the marriage present.**

**IV. Permission to contract such marriage shall be granted only upon clear and convincing evidence that the marriage is in the best interest of the person or persons below the age of consent.**

V. No [waiver] **permission** shall be granted to persons below the age of consent if both parties are nonresidents.

457:7 Granting of Permission. Such justice or judge shall at once hear the parties, and, if satisfied that ~~[special cause exists making such marriage desirable]~~ **it has been shown by clear and convincing evidence that the marriage is in the best interest of the person or persons below the age of consent**, shall grant permission therefor, which shall be filed with the court and shall be reported to the division of vital records. The division shall note the fact of the granting of such permission upon the certificate and upon all copies thereof which are by law required to be kept.

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

2018-0461h

#### AMENDED ANALYSIS

This bill provides that the court shall not grant permission for a person under the age of consent to marry unless the court finds by clear and convincing evidence that the marriage is in his or her best interest.

#### Amendment to HB 1663

(2018-0724h)

#### 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 reimbursement rates under automobile insurance policies.

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

1 Committee Established. There is established a committee to study reimbursement rates under automobile insurance policies.

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 study reimbursement rates for independent repair shops under New Hampshire automobile insurance policies.

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.

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.

2018-0724h

#### AMENDED ANALYSIS

This bill establishes a committee to study reimbursement rates under automobile insurance policies.

#### Amendment to HB 1682-FN

(2018-0770h)

#### Proposed by the Majority of the Committee on Commerce and Consumer Affairs - r

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

AN ACT establishing a committee to study the pervasiveness of foreclosure practices that violate state or federal law.

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

1 Committee Established. There is established a committee to study the pervasiveness of foreclosure practices that violate state or federal law.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the pervasiveness of foreclosure practices that violate state or federal law.

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

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

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

2018-0770h

#### AMENDED ANALYSIS

This bill establishes a committee to study the pervasiveness of foreclosure practices that violate state or federal law.

#### Amendment to HB 1682-FN

(2018-0799h)

#### Proposed by the Minority of the Committee on Commerce and Consumer Affairs - r

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

AN ACT relative to procedures for foreclosure and establishing a committee to study the pervasiveness of foreclosure practices that violate state or federal law.

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

1 Sale Under the Power; Notice. Amend RSA 479:25, II(a) to read as follows:

II.(a) A copy of said notice shall be served upon the mortgagor ~~or~~ **by the sheriff. A copy shall be** sent by registered or certified mail to his or her last known address or to such person as may be agreed upon in the mortgage at least 25 days before the sale, or in the case of a residential mortgage, at least 45 days before the sale. The term "mortgagor" shall include the mortgagor and any grantee, assignee, devisee or heir of the mortgagor holding a recorded interest in the mortgaged premises subordinate to the lien of the mortgage, provided that such interest is recorded at least 30 days, or in the case of a residential mortgage, at least 50 days, before the date of the sale, in the registry of deeds for the county in which the mortgaged premises are situated. In this paragraph, the term "residential mortgage" means a mortgage on a dwelling, as defined in RSA 397-A:1, VI-c. Like notice shall be sent to any person having a lien of record on the mortgaged premises not less than 21 days before the sale, provided that the lien is recorded at least 30 days, or in the case of a residential mortgage, at least 50 days, before the date of the sale in the registry of deeds. Such notice of sale shall be sufficient if it fully sets forth the date, time, and place of sale; the town, county, street or highway and street number, if any, of the mortgaged premises; the date of the mortgage; the volume and page of the recording of the mortgage; and the terms of the sale. Any mortgagor or record lienholder who refuses to accept or claim mailed or served notice or who frustrates attempts by the mortgagee to give notice of the sale by failing to give or leave a forwarding address or by other act or omission shall be deemed to be notified of the sale, provided that such mortgagee shall have made a good faith effort to provide such notice.

2 Sale Under the Power; Notice. Amend RSA 479:25, II(c) to read as follows:

(c) Notice of the sale as served on or mailed to the mortgagor shall also in all cases include the following language:

"You are hereby notified that you have a right to ~~[petition]~~ **file a complaint in** the superior court for the county in which the mortgaged premises are situated, with service upon the mortgagee~~[-and upon such bond as the court may require, to enjoin the scheduled foreclosure sale]~~. **The filing of a complaint against the mortgagee, followed by notice to the mortgagee, or his or her agent, will operate as an immediate injunction to stop the nonjudicial foreclosure. This injunction will continue until it is lifted by order of the superior court.**" Failure to ~~[institute such petition]~~ **file such a complaint** and complete service upon the foreclosing party, or his or her agent, conducting the sale prior to sale shall thereafter bar any action **against any third party buyer of the foreclosed property** or right of action of the mortgagor based on the validity of the foreclosure.

3 Committee Established.

I. There is established a committee to study the pervasiveness of foreclosure practices that violate state or federal law.

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

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

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

IV. The committee shall study the pervasiveness of foreclosure practices that violate state or federal law.

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

VI. 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.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2019.

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

2018-0799h

#### AMENDED ANALYSIS

This bill modifies procedures for power of sale mortgage foreclosures. This bill also establishes a committee to study the pervasiveness of foreclosure practices that violate state or federal law.

#### Amendment to HB 1686-FN

(2018-0155h)

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

Amend RSA 77-G:5, II(b)-(d) as inserted by section 7 of the bill by replacing them with the following:

(b) A business organization [or], business enterprise, **or individual** shall submit an education tax credit application to the department of revenue administration no earlier than January 1 and no later than November 15. The department shall approve these applications within 30 days on a first come-first served basis, up to the aggregate tax credit amount allowed under RSA 77-G:4. If multiple education tax credit applications are received on the same day, they shall be processed at random. No business organization [or], business enterprise, **or individual** shall be granted an education tax credit for more than 10 percent of the aggregate tax credit amount permitted in RSA 77-G:4. The department of revenue administration may approve only a portion of a request if required to prevent exceeding the aggregate tax credit amount allowed under RSA 77-G:4. The approval shall include the amount allowed and the date of approval.

(c) Once an education tax credit application is approved, the business organization [or], business enterprise, **or individual** shall donate within 60 days of the date of approval, but no later than December 15, or the request shall expire. Donations may be made to multiple scholarship organizations provided the total amount donated by the business organization [or], business enterprise, **or individual** does not exceed the amount approved.

(d) Upon receiving a donation, the scholarship organization shall send a scholarship receipt to the department of revenue administration and to the business organization [or], business enterprise, **or individual** within 15 days. The department of revenue administration shall notify the scholarship organization and the business organization [or], business enterprise, **or individual** within 15 days if the donations made ~~[by a business organization or business enterprise]~~ exceed the amount approved. If a business organization [or], business enterprise, **or individual** fails to donate the total amount approved within the time permitted, the department of revenue administration may grant credit requests in the order specified in subparagraph (b).

2018-0155h

#### AMENDED ANALYSIS

This bill allows a taxpayer to use credit computed under the education tax credit against taxes due and payable under the interest and dividends tax.

#### Amendment to HB 1687

(2018-0463h)

#### Proposed by the Committee on Commerce and Consumer Affairs - c

Amend the bill by replacing section 2 with the following:

2 Retail Installment Sales of Motor Vehicles; Advertising. Amend RSA 361-A:10-a, II to read as follows:

II. ~~[Advertising files shall be subject to review by the banking department during the course of any]~~ **As part of an** examination or investigation undertaken in accordance with this chapter, **the banking department may review any advertisement described in paragraph I within 3 years of the date the advertisement is advertised, printed, displayed, published, distributed, or broadcast.**

**Amendment to HB 1690-FN  
(2018-0401h)**

**Proposed by the Committee on Commerce and Consumer Affairs - c**

Amend RSA 178:29, I as inserted by section 4 of the bill by replacing it with the following:

4 Liquor License; Fees; Liquor Festival Added. Amend RSA 178:29, I to read as follows:

I. On-premises licensees shall pay the following applicable fees annually:

|                                 | Supplemental<br>Only | Beverages<br>and Wine | Beverages<br>and Liquor | Cocktail<br>Lounge |
|---------------------------------|----------------------|-----------------------|-------------------------|--------------------|
| Airport                         |                      |                       |                         | \$1,200            |
| Ballroom                        | \$ 45                |                       |                         | \$1,200            |
| Bed and Breakfast               |                      | \$480                 | \$840                   |                    |
| Beer Festival                   |                      |                       |                         |                    |
| One-day                         | \$ 250               |                       |                         |                    |
| Two-day                         | \$ 300               |                       |                         |                    |
| Three-day                       | \$ 350               |                       |                         |                    |
| Catering (all)                  |                      |                       |                         | \$1,200            |
| Catering (off-site only)        |                      |                       |                         | \$ 840             |
| Catering (on-site only)         |                      |                       |                         |                    |
| 18 events                       | \$ 5                 |                       |                         |                    |
| 36 events                       | \$ 5                 |                       |                         |                    |
| 52 events                       | \$ 5                 |                       |                         |                    |
| Club Military                   |                      |                       |                         | \$ 100             |
| Club Social                     |                      |                       |                         |                    |
| 9 events                        | \$ 250               |                       |                         |                    |
| 18 events                       | \$ 450               |                       |                         |                    |
| 36 events                       | \$ 750               |                       |                         |                    |
| 52 events                       | \$1,200              |                       |                         |                    |
| Club Private                    |                      |                       |                         | \$1,200            |
| Club Veterans                   |                      |                       |                         |                    |
| 9 events                        | \$ 250               |                       |                         |                    |
| 18 events                       | \$ 450               |                       |                         |                    |
| 36 events                       | \$ 750               |                       |                         |                    |
| 52 events                       | \$1,200              |                       |                         |                    |
| College Club                    |                      |                       |                         | \$1,200            |
| Convention Center               |                      |                       |                         | \$2,400            |
| Dining Car                      |                      | \$480                 |                         | \$ 840             |
| Fairs                           |                      | \$112                 |                         |                    |
| Hotel                           |                      |                       | \$840                   | \$1,200            |
| <b>Liquor Festival</b>          |                      |                       |                         |                    |
| <b>One-day</b>                  |                      |                       | <b>\$250</b>            |                    |
| <b>Two-day</b>                  |                      |                       | <b>\$300</b>            |                    |
| <b>Three-day</b>                |                      |                       | <b>\$350</b>            |                    |
| One day License                 |                      |                       |                         | \$ 100             |
| Performing Arts                 |                      |                       |                         | \$ 360             |
| Racetrack/Motor Vehicle         |                      |                       |                         | \$1,800            |
| Racetrack/Pari-Mutuel           |                      |                       |                         | \$3,000            |
| Rail Cars                       |                      |                       |                         | \$1,200            |
| Restaurant                      |                      | \$480                 | \$840                   | \$1,200            |
| Special License                 |                      |                       | \$ 25                   |                    |
| Sports/Entertainment<br>Complex |                      |                       |                         | \$1,800            |
| 9 events                        | \$ 250               |                       |                         |                    |
| 18 events                       | \$ 450               |                       |                         |                    |
| 36 events                       | \$ 750               |                       |                         |                    |
| 52 events                       | \$1,200              |                       |                         |                    |
| Sports Recreation<br>Facility   |                      |                       |                         | \$1,200            |
| Tobacco Retailer                |                      |                       | \$840                   |                    |
| Vessel                          |                      | \$480                 | \$840                   | \$1,200            |

## Wine Festival

|           |        |
|-----------|--------|
| One-day   | \$ 250 |
| Two-day   | \$ 300 |
| Three-day | \$ 350 |

Amend the bill by replacing section 5 with the following:

5 Repeal. RSA 178:22, V(s)(2), relative to relative to airship cocktail lounge licenses., is repealed.

2018-0401h

AMENDED ANALYSIS

This bill:

I. Allows certain licensees to serve alcohol in certain areas the licensee operates.

II. Allows for the operation and licensing of liquor festivals.

III. Repeals provisions licensing cocktail lounges on airships.

This bill is a request of the liquor commission.

**Amendment to HB 1692-FN**

(2018-0423h)

**Proposed by the Committee on Commerce and Consumer Affairs - c**

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

1 Liquor License Renewal. Amend RSA 178:29, VIII to read as follows:

VIII.(a) Licenses shall not be transferred except with the consent of the commission. Each license shall designate the place of business for which it is issued. When transferred, a license shall, unless revoked for cause by the commission, remain valid, pursuant to paragraph VII, until the date on which such license would have expired had it not been transferred. The initial renewal of any such transferred license shall be effective until the last day of the month of the licensee's birthday. When the licensee is not a natural person, the initial renewal of any such transferred license shall be effective until the last day of the month in which such licensee was incorporated or otherwise organized. The fee for the initial renewal of any such transferred license shall be prorated. Subsequent renewals of transferred licenses shall each be effective for one year, unless revoked for cause by the commission.

*(b) After one year, a licensee may select the anniversary month in which to renew a license. A licensee may change the anniversary renewal month of a license once by making a written request to the director of enforcement and licensing. A licensee who changes the anniversary renewal month of a license shall not change the anniversary renewal month for a period of 3 years from the selected month. Nothing in this paragraph shall be construed to be contrary to the provisions of RSA 178:3 or commission rules.*

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

**Amendment to HB 1700**

(2018-0441h)

**Proposed by the Committee on Commerce and Consumer Affairs - c**

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

AN ACT relative to the procedure for placing a security freeze on a consumer credit report.

Amend RSA 359-B:23 as inserted by section 1 of the bill by replacing it with the following:

359-B:23 Notice to Consumers. At any time that a consumer is required to receive a summary of rights required under section 609 of the federal Fair Credit Reporting Act, 15 U.S.C. section 1681g, the following notice shall be included:

Notice to New Hampshire Consumers

Right to Security Freeze on Consumer Credit Report

You have a right to place a "security freeze" on your credit report pursuant to RSA 359-B:24. Under New Hampshire law, what is commonly known as a credit report is referred to as a consumer report.

The security freeze will prohibit a consumer reporting agency from releasing any information in your consumer report without your express authorization. A security freeze can be requested in writing by first-class mail, by telephone, or electronically.

The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gains access to the personal and financial information in your consumer report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding new loans, credit, mortgage, insurance, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transactions, or other services, including an extension of credit at point of sale.

The freeze will be placed within 3 business days if you request it by mail, or within 24 hours if you request it by telephone or electronically. When you place a security freeze on your credit report, within 3 business days, you will be sent a personal identification number or a password to use when you want to remove the security freeze, temporarily lift it, or lift it with respect to a particular third party.

A freeze does not apply when you have an existing account relationship and a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control, or similar activities.

You should plan ahead and lift a freeze if you are actively seeking credit or services as a security freeze may slow your applications, as mentioned above.

You can remove a freeze, temporarily lift a freeze, or lift a freeze with respect to a particular third party by contacting the consumer reporting agency and providing all of the following:

(1) Your personal identification number or password.

(2) Proper identification to verify your identity.

(3) Proper information regarding the period of time you want your report available to users of the consumer report, or the third party with respect to which you want to lift the freeze.

A consumer reporting agency that receives a request from you to temporarily lift a freeze or to lift a freeze with respect to a particular third party on a consumer report shall comply with the request no later than 3 business days after receiving the request by mail and no later than 15 minutes after receiving a request by telephone or electronically.

A consumer reporting agency may not charge you a fee to freeze, remove a freeze, temporarily lift a freeze, or lift a freeze with respect to a particular third party.

You have a right to bring a civil action against someone who violates your rights under the credit reporting laws. The action can be brought against a consumer reporting agency or a user of your credit report.

Amend RSA 359-B:24, XII as inserted by section 1 of the bill by replacing it with the following:

XII. A consumer reporting agency shall not charge a fee to put a security freeze in place, remove a security freeze, or lift a security freeze for a specific period of time or to a specific third party. Nor shall a consumer reporting agency charge a consumer to issue or replace a personal identification number.

#### **Amendment to HB 1715-FN**

**(2018-0704h)**

#### **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 options for tenants to dispute a rent increase in a manufactured housing park if such increase was arbitrary and unreasonable.

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

1 Committee Established. There is established a committee to study options for tenants to dispute a rent increase in a manufactured housing park if such increase was arbitrary and unreasonable.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study options for tenants to dispute a rent increase in a manufactured housing park if such increase was arbitrary and unreasonable.

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

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

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

2018-0704h

#### **AMENDED ANALYSIS**

This bill establishes a committee to study options for tenants to dispute a rent increase in a manufactured housing park if such increase was arbitrary and unreasonable.

**Amendment to HB 1719-FN  
(2018-0405h)**

**Proposed by the Committee on Commerce and Consumer Affairs - c**

Amend RSA 179:32, V as inserted by section 1 of the bill by replacing it with the following:

V. Notwithstanding any other provision of Title XIII, any organization that is a nonprofit entity and properly registered with the attorney general, or any not-for-profit college or university or institution of higher education, may accept donations of beer, wine, or liquor from New Hampshire licensed manufacturers, wholesalers, vendors, representatives, or retailers which may be sold or given away at an event sponsored by the organization. Raffles of liquor shall be subject to RSA 178:1, VII.

Amend RSA 179:32, VII as inserted by section 1 of the bill by replacing it with the following:

VII. New Hampshire licensed manufacturers, wholesalers, vendors, representatives, or retailers who make a donation as provided in paragraph V shall notify the commission not later than 10 days before the scheduled event. Such notification shall include the name of the recipient of the donation, a list of the brands and quantity donated, the date of the event, and the location of the event. Licensees making donations shall maintain records of all product donations. Records of product donations shall be maintained by the donating licensee and available to the commission for inspection upon request.

**Amendment to HB 1720-FN  
(2018-0764h)**

**Proposed by the Committee on Commerce and Consumer Affairs - c**

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Definitions; Contract Brewers. Amend RSA 175:1 by inserting after paragraph XXV the following new paragraphs:

XXV-a. "Contract brewer" means a brewery hired by a beverage manufacturer to produce a beverage for the beverage manufacturer.

XXV-b. "Contract brewing arrangement" means a business relationship in which a beverage manufacturer pays another brewer to produce a beverage for the beverage manufacturer for sale.

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

3 New Paragraphs; Beverage Manufacturers; Contract Brewers. Amend RSA 178:12 by inserting after paragraph X the following new paragraphs:

XI. A beverage manufacturer may enter into a contract brewing arrangement with a contract brewer. Beverages produced by a contract brewer intended for sale outside the state may be warehoused at the beverage manufacturer's facility or at some other facility accessible only to the beverage manufacturer. A contract brewer shall not deliver beverages to on-premises and off-premises licensees within the state. A contract brewer shall file all contract brewing arrangements shall be filed with the commission.

XII. Beverage manufacturers, tenant brewers, and contract brewers shall be allowed to store beverages manufactured in accordance with the provisions of this title in a storage facility licensed by the commission. Beverage manufacturers, tenant brewers, and contract brewers storing beverages in a warehouse licensed under RSA 178:11, or other facility approved by the commissioner for the purpose of storing alcohol, shall keep records of the type, quality and destination of beverages removed from storage. Such records shall be retained by the beverage manufacturer, tenant brewer, or contract brewer using the facility and shall be made available to the commission upon request.

2018-0764h

**AMENDED ANALYSIS**

This bill allows a beverage manufacturer in a contract brewing arrangement to store beverages produced by the contract brewer at its facility.

**Amendment to HB 1725-FN  
(2018-0800h)**

**Proposed by the Committee on Commerce and Consumer Affairs - r**

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

AN ACT relative to wine samples and samples for consumption on the premises of a beverage manufacturer.

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

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

III. Each wine manufacturer shall have the right to sell at retail or wholesale at its winery, and at retail at one wine manufacturer retail outlet, for off-premises consumption any of its wines. The wine manufacturer shall pay an annual fee of \$216 to the commission for the wine manufacturer retail outlet. The wine manufacturer may transport wines it manufactures to its wine manufacturer retail outlet for sample or sale. Visitors of legal drinking age at the manufacturing location or wine manufacturer retail outlet may be provided with

samples of wine manufactured by the licensee in this state for tasting. ~~[Samples may be provided either]~~ ***A wine manufacturer may either provide samples for free or for a fee [and] which shall be limited to one 2-ounce sample per label or one 5-ounce glass per person[-] or, if a wine manufacturer elects to serve no more than 2 5-ounce glasses per person, the wine manufacturer shall ensure food and non-alcoholic beverages are provided by a properly-licensed third party food vendor, prepared on or off the premises.*** Pursuant to rules adopted by the commission, a wine manufacturer may transport its products to a farmers' market or a wine festival licensed under RSA 178:31, and may sell such products at retail in the original container.

2 Beverage Manufacturer License; On-Premises Consumption. Amend RSA 178:12, II-a to read as follows:

II-a. The holder of a beverage manufacturer license may sell beverage samples to visitors of legal drinking age for consumption on the premises where the beverages were manufactured. ~~[Sales of samples for consumption on the premises shall be limited to one 4-ounce glass per label per person.]~~ ***A beverage manufacturer may either provide samples for free or for a fee which shall be limited to one 4-ounce glass per label or one 16-ounce glass per person, or if a beverage manufacturer elects to serve no more than 2 16-ounce glasses per person, the beverage manufacturer shall ensure food and non-alcoholic beverages are provided by a properly-licensed third party food vendor, prepared on or off the premises.***

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

2018-0800h

#### AMENDED ANALYSIS

This bill allows wine manufacturers to serve samples of wine on-premises and requires the availability of food for wine manufacturers that sell more than one glass of wine per person.

This bill also allows beverage manufacturers to provide a 16-ounce sample for consumption and requires the availability of food for beverage manufacturers that sell more than one glass of beer per person.

#### Floor Amendment to HB 1725-FN

(2018-0860h)

#### Proposed by Rep. Hunt

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

AN ACT relative to wine samples and samples for consumption on the premises of a beverage manufacturer.

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

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

III. Each wine manufacturer shall have the right to sell at retail or wholesale at its winery, and at retail at one wine manufacturer retail outlet, for off-premises consumption any of its wines. The wine manufacturer shall pay an annual fee of \$216 to the commission for the wine manufacturer retail outlet. The wine manufacturer may transport wines it manufactures to its wine manufacturer retail outlet for sample or sale. Visitors of legal drinking age at the manufacturing location or wine manufacturer retail outlet may be provided with samples of wine manufactured by the licensee in this state for tasting. ~~[Samples may be provided either]~~ ***A wine manufacturer may either provide samples for free or for a fee [and] which shall be limited to one 2-ounce sample per label or one 5-ounce glass per person. At such times as food is available, a wine manufacturer may serve no more than 2 5-ounce glasses per person in any areas approved by the commission. For the purpose of this section, food and non-alcoholic beverages may be provided by a properly-licensed third party food vendor, prepared on or off the premises.*** Pursuant to rules adopted by the commission, a wine manufacturer may transport its products to a farmers' market or a wine festival licensed under RSA 178:31, and may sell such products at retail in the original container.

2 Beverage Manufacturer License; On-Premises Consumption. Amend RSA 178:12, II-a to read as follows:

II-a. The holder of a beverage manufacturer license may sell beverage samples to visitors of legal drinking age for consumption on the premises where the beverages were manufactured. ~~[Sales of samples for consumption on the premises shall be limited to one 4-ounce glass per label per person.]~~ ***A beverage manufacturer may either provide samples for free or for a fee which shall be limited to one 4-ounce glass per label or one 16-ounce glass per person. At such times as food is available, a beverage manufacturer may serve no more than 2 16-ounce glasses per person in any areas approved by the commission. For the purpose of this section, food and non-alcoholic beverages may be provided by a properly-licensed third party food vendor, prepared on or off the premises***

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

2018-0860h

#### AMENDED ANALYSIS

This bill allows wine manufacturers to serve samples of wine on premises and allows such manufacturers to serve 2 5-ounce samples if they serve food.

This bill also allows beverage manufacturers to provide a 16-ounce sample for consumption and allows such manufacturers to serve 2 16-ounce samples if they serve food.

### **Amendment to HB 1736**

(2018-0222h)

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

Amend RSA 482:54, IV through VI as inserted by section 1 of the bill by replacing them with the following:

IV. "Minor project" shall mean ~~[maintenance]~~ work performed on a periodic basis with costs not exceeding ~~[\$20,000]~~ **\$50,000, but shall not include routine maintenance.**

V. "Reconstruction" shall mean performance of major amounts of work on most if not all of the structure to restore it to its original condition or to upgrade it to current design standards with the cost in excess of \$75,000.

VI. "Repair" shall mean performance of intermediate amounts of work on a portion of a structure or associated property on an occasional basis with costs not exceeding ~~[\$75,000]~~ **\$150,000**. Repair items include, but are not limited to, replacement of gates, refacing of eroded concrete, repair or replacement of wingwalls, placement of riprap, and emergency repairs. Associated property includes property contiguous to the dam and noncontiguous property, such as rainfall and stream gages, that is essential to the safe operation of the dam.

2018-0222h

#### **AMENDED ANALYSIS**

This bill increases the threshold required for governor and executive council approval of expenditures from the dam maintenance fund.

### **Amendment to HB 1741**

(2018-0719h)

#### **Proposed by the Committee on Commerce and Consumer Affairs - c**

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

AN ACT relative to a definition of "contracted copayment" for purposes of the managed care law.

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

1 Managed Care Law; Definitions. Amend RSA 420-J:3, X-a to read as follows:

**X-a. "Contracted copayment" means a fixed amount an individual is responsible to pay for covered prescriptions as set forth in the health benefit plan, or the price for filling the prescription as contracted between the health carrier or its pharmacy benefits manager and the pharmacy, whichever is less.**

**X-b.** "Contracted pharmacy" or "pharmacy" means a pharmacy participating in the network of a pharmacy benefit manager through a direct contract or through a contract with a pharmacy services administration organization or group purchasing organization.

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

2018-0719h

#### **AMENDED ANALYSIS**

This bill establishes a definition of "contracted copayment" for the purposes of the managed care law.

### **Amendment to HB 1743-FN**

(2018-0795h)

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

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

AN ACT relative to funding for the Sununu Youth Services Center, and unfunded positions in the department of health and human services.

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

1 Transfer of Funds for Operation of the Sununu Youth Services Center. Amend 2017, 156:169 to read as follows:

156:169 Transfer of Funds for Operation of the Sununu Youth Services Center.

**I.** In the case of transfers ~~[affecting the funding for any of the functions of]~~ **out of or within** the Sununu youth services center **affecting functions** subject to RSA 621, the prior approval of the fiscal committee of the general court shall be required. Prior to acting on transfer requests to which this section applies, the fiscal committee of the general court shall solicit the advice of the advisory group established in section 165 of this act. The commissioner may only seek a transfer which is subject to the requirements of this section if there has been full compliance with the requirements of section 165 of this act and RSA 169-B:19, VI, as amended by this act.

***II.(a) Under emergency circumstances only, the commissioner may seek approval of the fiscal committee of the general court for transfers into the Sununu youth services center affecting functions subject to RSA 621. For the purposes of this section, "emergency circumstances" shall mean: (1) A situation in which the average census at the Sununu youth services center for a 60-day period has exceeded by at least 30 percent the average census for the 30 days preceding the initiation of that 60-day period; or (2) A natural or other disaster beyond the control of the department. (b) Transfers requested under this section shall be used to fund operations at the Sununu youth services center for a period not to exceed 3 months. If the situation persists, the commissioner may seek subsequent transfers in 3-month increments.***

2 Department of Health and Human Services; Unfunded Positions. Amend 2017, 156:183 to read as follows:

156:183 Department of Health and Human Services; Unfunded Positions; Authorization. Notwithstanding any other provision of law to the contrary, the department of health and human services~~[-with prior approval of the fiscal committee of the general court,]~~ may fill unfunded positions during the biennium ending June 30, 2019, provided that the total expenditure for such positions shall not exceed the amount appropriated for personal services.

3 New Paragraph; Commissioner; Report to Fiscal Committee of the General Court. Amend RSA 621:12 by inserting after paragraph II the following new paragraph:

III. The commissioner shall submit a report on the first day of each month to the fiscal committee of the general court which contains the average monthly cost per resident at the Sununu youth services center and a comparison of marginal versus fixed costs.

4 Repeal. 2017, 156:168, II, relative to emergency funding for the operational costs of the Sununu youth services center, is repealed.

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

2018-0795h

#### AMENDED ANALYSIS

This bill:

I. Requires funding transfers out of or within the Sununu youth services center to get the prior approval of the fiscal committee of the general court.

II. Clarifies the procedure for filling unfunded positions within the department of health and human services.

III. Requires the commissioner of the department of health and human services to make a monthly report to the fiscal committee of the general court.

#### Amendment to HB 1744

(2018-0365h)

#### Proposed by the Majority of the Committee on Education - r

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

2 Access to Governmental Records and Meetings; Exemptions. Amend RSA 91-A:5, III to read as follows:

III. Personal school records of pupils, ***including the name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the assessment under RSA 193-C:6.***

#### Amendment to HB 1746-FN

(2018-0692h)

#### Proposed by the Committee on Commerce and Consumer Affairs - c

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

1 New Subparagraph; Managed Care Law; Provider Contracts; Pharmacy Benefit Managers. Amend RSA 420-J:8, XV by inserting after subparagraph (c) the following new subparagraph:

(d) A pharmacy benefit manager shall not require accreditation of providers other than requirements set forth by the New Hampshire pharmacy board or other state or federal entity.

2 Repeal. RSA 420-J:8, XV(d), relative to prohibiting pharmacy benefit managers to require providers to obtain certain accreditation, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect June 30, 2020.

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

2018-0692h

#### AMENDED ANALYSIS

This bill prohibits certain practices of pharmacy benefit managers until June 30, 2020.

#### Amendment to HB 1753-FN

(2018-0604h)

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

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

AN ACT relative to transportation of alcoholic beverages by a minor.

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

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

I. Notwithstanding RSA 265-A:44, II, no driver under the age of 21 shall, except when accompanied by a **sibling who is 25 years of age or older**, parent, **stepparent**, legal guardian, **grandparent**, **stepgrandparent**, or legal age spouse **or domestic partner**, transport any liquor or beverage in any part of a vehicle. A driver violating this section may have his or her license or privilege to drive suspended for 60 days.

II. No person operating a boat while under the age of 21 shall, except when accompanied by a **sibling who is 25 years of age or older**, parent, **stepparent**, legal guardian, **grandparent**, **stepgrandparent**, or legal age spouse **or domestic partner**, transport any liquor or beverage in any part of a boat with an intent to consume such liquor or beverage. Anyone violating this paragraph may, following a hearing, have his or her privilege to operate a boat on the waters of the state suspended for 90 days and may additionally have his or her license or privilege to drive suspended for 90 days.

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

2018-0604h

#### AMENDED ANALYSIS

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

#### Amendment to HB 1757-FN

(2018-0873h)

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

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

AN ACT relative to the calculation of a group I retiree's retirement allowance in the retirement system and establishing a post-retirement payment.

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

1 New Paragraph; Retirement System; Definitions; Post-retirement Payment. Amend RSA 100-A:1 by inserting after paragraph XXXVII the following new paragraph:

XXXVIII. "Post-retirement payment" means payment to a member subsequent to the member's retirement as a group I employee or teacher. The payment shall be based on 10 percent of 30 months of a member's retirement allowance as a group I member, and therefore calculated as equivalent to 3 times the retiree's monthly retirement allowance as determined by the retirement system, or group I portion of such allowance for split benefit service.

(a) The retirement system shall make such post-retirement payment from the state annuity accumulation fund in 2 equal installments, with the first installment to be paid within 180 days of retirement and the remainder to be paid following one year from the date of the member's retirement. Regular interest shall not accrue to post-retirement payments.

(b) No person restored to service shall receive an additional post-retirement payment.

(c) Any retiring member who has at least 10 years of creditable service as a group I member on July 1, 2019 shall receive an increase to his or her post-retirement payment as follows: For each full month between the member's actual date of retirement and the member's 65 birthday, the post-retirement payment shall be increased by another 10 percent increment.

(d) Upon the death of a retired member prior to receiving a post-retirement payment, the payment shall be paid in one sum to the person or persons nominated by the member, if living, otherwise to the member's estate.

2 Retirement System; Service Retirement Benefits; Reduction Age. Amend RSA 100-A:5, I(b) to read as follows:

(b) Upon service retirement, an employee member or teacher member of group I shall receive a service retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement, and a state annuity. ~~[Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation multiplied by the number of years of creditable service. After attainment of age 65,]~~ The state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation multiplied by the number of years of creditable service. **In addition, upon service retirement a group I member shall be entitled to receive a post-retirement payment as described in RSA 100-A:1, XXXVIII.** Provided, however, that a group I member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 65; but may receive a reduced allowance after age 60 if the member has at least 30 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 65 years of age, by 1/4 of one percent.

3 Retirement System; Ordinary Disability Retirement Benefits. Amend RSA 100-A:6, I(b)(1)(A) - (C) to read as follows:

(A) ~~[Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his ordinary disability retirement multiplied by the number of years of creditable service at the time of his ordinary disability retirement;~~

(B) ~~After attainment of age 65,~~ The state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his **or her** ordinary disability retirement multiplied by the number of years of creditable service at the time of his **or her** ordinary disability retirement. ***In addition, upon ordinary disability retirement a group I member shall be entitled to receive a post-retirement payment as described in RSA 100-A:1, XXXVIII;***

~~[(C)]~~ (B) Regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of his **or her** disability retirement.

4 Retirement System; Accidental Disability Retirement Benefits. Amend RSA 100-A:6, I(d)(1)(A) - (C) to read as follows:

(A) ~~[Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his accidental disability retirement multiplied by the number of years of creditable service at the time of his or her accidental disability retirement;~~

(B) ~~After attainment of age 65,~~ The state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his **or her** accidental disability retirement multiplied by the number of years of creditable service at the time of his **or her** accidental disability retirement. ***In addition, upon accidental disability retirement a group I member shall be entitled to receive a post-retirement payment as described in RSA 100-A:1, XXXVIII;***

~~[(C)]~~ (B) Regardless of age at disability, such allowance shall not be less than 50 percent of the member's average final compensation at the time of his **or her** accidental disability retirement.

5 Repeal. RSA 100-A:57, IV(l), relative to the decennial retirement commission study of the reduction at age 65, is repealed.

6 Effective Date. This act shall take effect July 1, 2019.

2018-0873h

#### AMENDED ANALYSIS

This bill eliminates the higher group I retiree annuity prior to age 65 and establishes a post-retirement payment.

#### Amendment to HB 1769-FN

(2018-0713h)

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

Amend RSA 329:16-i, II(a)(3)(A) as inserted by section 6 of the bill by replacing it with the following:

(A) Is not a medical school, an academic medical center, or other site which is involved in the training of residents; or

#### Amendment to HB 1772-FN

(2018-0598h)

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

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

AN ACT establishing a commission to study establishing a secure online system of voter registration.

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

1 New Subdivision; Commission to Study Establishing a Secure Online System of Voter Registration. Amend RSA 652 by inserting after section 27 the following new subdivision:

Commission to Study Establishing a Secure Online System of Voter Registration

652:28 Commission to Study Establishing a Secure Online System of Voter Registration.

I. There is established a commission to study establishing a secure online system of voter registration.

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

(a) Four members of the house of representatives, 2 of whom shall be appointed by the speaker of the house of representatives and 2 of whom shall be appointed by the house minority leader.

(b) Two members of the senate, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the senate minority leader.

(c) One member appointed by the governor.

(d) Two city clerks, one of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the house minority leader.

(e) Two town clerks, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the senate minority leader.

(f) Two public members who work in the Internet technology field, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the senate minority leader.

III.(a) The department of justice and the secretary of state shall each designate a staff member who shall attend the meetings of and advise the commission.

(b) The speaker of the house of representatives and the president of the senate shall provide staff to the commission, as needed.

IV. The commission shall study all aspects of establishing a secure online system of voter registration, including data security. The commission shall consult with persons representing other states, federal elections and homeland security agencies, and the New Hampshire department of safety on issues relating to the security of an online voter registration system.

V. The member appointed by the governor shall serve as the chairperson of the commission. The commission shall meet at the call of the chairperson. 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.

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

2 Repeal. RSA 652:28, relative to the commission to study establishing a secure online system of voter registration, is repealed.

### 3 Effective Date.

I. Section 2 of this act shall take effect December 1, 2018.

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

2018-0598h

### AMENDED ANALYSIS

This bill establishes a commission to study establishing a secure online system of voter registration.

### Amendment to HB 1774

(2018-0638h)

#### Proposed by the Committee on Children and Family Law - c

Amend RSA 461-A:12, III as inserted by section 5 of the bill by replacing it with the following:

III. Prior to relocating, the parent shall provide reasonable notice to the other parent. For purposes of this section, 60 days notice shall be presumed to be reasonable unless other factors are found to be present, ***or the parents have a written agreement to the contrary. Factors justifying shorter notice shall include, but are not limited to, relocation to protect the safety of the parent, child, or both, or relocation because the current abode is unavailable due to circumstances beyond the control of the parent.***

Amend the bill by replacing section 6 with the following:

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

### Amendment to HB 1775

(2018-0671h)

#### Proposed by the Committee on Children and Family Law - c

Amend RSA 461-A:16, IV-V as inserted by section 1 of the bill by replacing them with the following:

IV. When a guardian ad litem is appointed pursuant to this section, the court shall establish a maximum fee for the appointment ***in accordance with this section.*** ~~[The guardian ad litem may exceed the maximum fee for the appointment, or additional fees may be authorized, only with the prior approval of the presiding judge and when all parties have been notified. The fees for services for the guardian ad litem and others utilized by the guardian and approved by the court shall be a charge against the parties in a proportional amount as the court may determine.]~~

***(a) When appointing a guardian ad litem to be paid from a state fund, the court shall establish an hourly rate and a maximum fee for the appointment, which shall not exceed the hourly rate and maximum fee established by court rule for abuse and neglect cases. The state fund for guardian ad litem fees shall be available only to a party whose income is 200 percent or less of the federal poverty level.***

***(b) When appointing a guardian ad litem to be paid directly by the parties, the hourly rate and maximum fee for the appointment shall be established by written agreement between the guardian ad litem and the parties. The hourly rate shall be not more than twice the rate for state fund cases and shall not exceed 23 hours, unless the parties agree otherwise. The fees for services of the guardian ad litem and others utilized by the guardian and approved by the court shall be a charge against the parties in a proportional amount, as determined by the court. In determining the responsibility for payment or repayment, the court shall consider:***

- (1) The income of the parties;*
- (2) The marital or nonmarital assets of the parties;*
- (3) The division of property made as part of the final divorce, if applicable;*
- (4) Which party requested appointment of the guardian ad litem; and*
- (5) Other relevant factors.*

V. ~~[For good cause shown, the court may waive the requirements of paragraph I. Good cause shall not include the lack of ability to pay by either party.]~~ ***The guardian ad litem shall not exceed the maximum fee for the appointment, or provide services, without prior approval from the court, after a hearing. If the parties agree to the guardian ad litem's request to exceed the maximum fee, the hearing may be waived.***

**Amendment to HB 1782-FN  
(2018-0709h)**

**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 insurance payments to ambulance providers and balance billing by ambulance providers.

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

1 Committee Established. There is established a committee to study insurance payments to ambulance providers and balance billing by ambulance providers.

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 study insurance payments to ambulance providers and balance billing by ambulance providers.

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.

2018-0709h

**AMENDED ANALYSIS**

This bill establishes a committee to study insurance payments to ambulance providers and balance billing by ambulance providers.

**Amendment to HB 1788-FN-LOCAL  
(2018-0451h)**

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

Amend RSA 91-A:4, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Each public body or agency shall, upon request for any governmental record reasonably described, make available for inspection and copying any such governmental record within its files when such records are immediately available for such release. If a public body or agency is unable to make a governmental record available for immediate inspection and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied. If a computer, photocopying machine, or other device maintained for use by a public body or agency is used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged ~~[the actual cost of]~~ **10 cents per page for** providing the copy, which cost may be collected by the public body or agency. No fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

2018-0451h

## AMENDED ANALYSIS

This bill establishes a cost per page for copies of governmental records under the right-to-know law.

**Amendment to HB 1802-FN-LOCAL**

(2018-0543h)

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

Amend RSA 198:47-a as inserted by section 1 of the bill by replacing it with the following:

198:47-a Excess Statewide Education Property Tax Payment.

I. Each municipality shall remit the following percentage of the excess statewide education property tax to the department of revenue administration on or before March 15 of the tax year in which the excess occurs:

- (a) For the tax year beginning April 1, 2018: 25 percent.
- (b) For the tax year beginning April 1, 2019: 50 percent.
- (c) For the tax year beginning April 1, 2020: 75 percent.
- (d) For the tax year beginning April 1, 2021, and each year thereafter: 100 percent.

II. The commissioner of the department of revenue administration shall collect from the municipality the amount of the excess statewide education property tax specified in paragraph I and forward it to the state treasurer for deposit in the education trust fund.

III. The amount of such excess to be remitted shall not include any income derived from the investment of funds by the municipal treasurers under RSA 41:29 and RSA 48:16. Any funds remaining after payment of the portion of the excess statewide education property tax required in paragraph I shall become available for unrestricted use by the municipality.

Amend RSA 76:8, II as inserted by section 3 of the bill by replacing it with the following:

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality for the use of the school district or districts ***and, if there is an excess statewide education property tax payment due pursuant to RSA 198:47-a, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund.*** Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

2018-0543h

## AMENDED ANALYSIS

This bill requires municipalities to remit a portion of any excess statewide education property tax to the state for deposit in the education trust fund.

**Amendment to HB 1805**

(2018-0539h)

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

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

AN ACT establishing a committee to study level dollar amortization of retirement system unfunded accrued liability and relative to the retirement system board of trustees.

Amend the bill by replacing all after section 5 with the following:

6 Retirement System; Administration; Trustee Terms. Amend RSA 100-A:14, I to read as follows:

I. The administration of this system is vested in a board of 13 trustees. Each newly appointed or reappointed trustee shall have familiarity with or experience in finance or business management. The state treasurer shall be an ex officio voting member of the board. The governor and council shall appoint 4 trustees, to be known as nonmember trustees, who shall be qualified persons with investment and/or financial experience as provided in this paragraph and not be members of the system, and who shall serve for a term of [2] **3** years and until their successors are appointed and qualified. The nonmember trustees of the board shall have substantial experience in the field of institutional investment or finance, taking into account factors such as educational background, business experience, and professional licensure and designations. The original appointment of the nonmember trustees shall be made to provide for staggered terms. The remaining 8 members of the board shall consist of: one employee member, one teacher member, one permanent police member, one permanent fireman member, and 4 employer members. The New Hampshire state employees' association, the New Hampshire education association, the New Hampshire police association, and the New Hampshire state permanent firemen's association shall each annually nominate from their members a panel of 5 persons, all of whom shall be active members of the retirement system, no later than May 31 of each year, and the panels so named shall be filed with the secretary of state no later than June 10 of each year. From the above named panels the governor and council shall appoint the active member trustees of the board as needed so as to maintain the representation on the board. The governor and council shall appoint the employer members

of the board with one member nominated by the New Hampshire Association of Counties, one member nominated by the New Hampshire Municipal Association, one member nominated by the New Hampshire School Boards Association, and one member to represent management of state employees. Members appointed to the board in the manner aforesaid shall serve for a term of [2] **3** years. Each member so appointed shall hold office until his or her successor shall be appointed and qualified. Whenever a vacancy occurs, the governor and council shall fill the vacancy by appointing a member who shall serve for the unexpired term. The governor shall designate one of the nonmember trustees to serve as chairman of said board of trustees.

7 Applicability. RSA 100-A:14, I, as amended by section 6 of this act, shall not apply to the 2-year term of members of the retirement system board of trustees serving on the effective date of this section. RSA 100-A:14, I, as amended by section 6 of this act, shall apply to appointments and reappointments made on or after July 1, 2018.

8 Effective Date.

I. Sections 6 and 7 of this act shall take effect July 1, 2018.

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

2018-0539h

#### AMENDED ANALYSIS

This bill establishes a committee to study level dollar amortization of retirement system unfunded accrued liability. The bill also changes the term of retirement system trustees from 2 years to 3 years.

#### **Amendment to HB 1809-FN**

**(2018-0135h)**

#### **Proposed by the Committee on Commerce and Consumer Affairs - r**

Amend the bill by replacing section 1 with the following:

1 New Section; Prohibition on Balance Billing; Payment for Reasonable Value of Services. Amend RSA 329 by inserting after section 31-a the following new section:

329:31-b Prohibition on Balance Billing; Payment for Reasonable Value of Services.

I. When a commercially insured patient is covered by a managed care plan as defined under RSA 420-J:3, XXV, a health care provider performing anesthesiology, radiology, emergency medicine, or pathology services shall not balance bill the patient for fees or amounts other than copayments, deductibles, or coinsurance, if the service is performed in a hospital or ambulatory surgical center that is in-network under the patient's health insurance plan. This prohibition shall apply whether or not the health care provider is contracted with the patient's insurance carrier.

II. Pursuant to paragraph I, fees for health care services submitted to an insurance carrier for payment shall be limited to a commercially reasonable value, based on payments for similar services from New Hampshire insurance carriers to New Hampshire health care providers.

III. In the event of a dispute between a provider and an insurance carrier relative to the reasonable value of a service under this section, the insurance commissioner shall have exclusive jurisdiction under RSA 420-J:8-e to determine if the fee is commercially reasonable. The provider and the insurance carrier shall each make best efforts to resolve any dispute prior to applying to the insurance commissioner for resolution, which shall include presenting to the other party evidence supporting its contention that the fee level it is proposing is commercially reasonable.

Amend RSA 420-J:8-e as inserted by section 2 of the bill by replacing it with the following:

420-J:8-e Reasonable Value of Health Care Services. In the event of a dispute between a health care provider and an insurance carrier relative to the reasonable value of a service under RSA 329:31-b, the commissioner shall have exclusive jurisdiction to determine if the fee is commercially reasonable. Either the provider or the insurance carrier may petition for a hearing under RSA 400-A:17. The petition shall include the appealing party's evidence and methodology for asserting that the fee is reasonable, and shall detail the efforts made by the parties to resolve the dispute prior to petitioning the commissioner for review.

Amend the bill by replacing section 5 with the following:

5 Report. The insurance commissioner shall make a report on or before July 1, 2020 detailing the impact of RSA 329:31-b as inserted by section 1 of this act and RSA 420-J:8-e as inserted by section 2 of the act on health insurance premium rates to the chairpersons of the house and senate committees having jurisdiction over insurance issues.

#### **Amendment to HB 1810**

**(2018-0340h)**

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

Amend RSA 482-A:35, II(m) through (q) as inserted by section 1 of the bill by replacing them with the following:

(m) A representative from the sport angling community, appointed by the New Hampshire fish and game commissioners.

(n) A member of the public water access advisory board, established in RSA 233-A:2, appointed by such board.

(o) A representative of the recreational boating community that is not a waterfront property owner, appointed by the Commander of Flotilla 2-8, station Portsmouth Harbor, United States Coast Guard Auxiliary.

(p) A representative of the natural resource science community, appointed by the New Hampshire Association of Natural Resource Scientists.

#### **Amendment to HB 1816-FN**

**(2018-0841h)**

**Proposed by the Minority of the Committee on Health, Human Services and Elderly Affairs - r**  
Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Medicaid Managed Care Program; Remaining Phases. Amend RSA 126-A:5, XIX by inserting after subparagraph (g) the following new subparagraph:

(h) Notwithstanding any provision of law to the contrary, including 2017, 258:1, the remaining unimplemented phases of the Medicaid managed care program, established in this paragraph, specifically nursing facility services and services provided under the choices for independent waiver, the developmental disabilities waiver, the in-home supports waiver, and the acquired brain disorder waiver, issued by the Centers for Medicare and Medicaid Services under 42 U.S.C. section 1396(c), shall not be implemented.

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

2018-0841h

#### **AMENDED ANALYSIS**

This bill declares that the remaining unimplemented phases of step 2 of the program shall not be implemented.

#### **Amendment to HB 1816-FN**

**(2018-0864h)**

**Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - r**  
Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraphs; Medicaid Managed Care Program; Waiver; Eligibility; Medical Loss Ratio. Amend RSA 126-A:5, XIX by inserting after subparagraph (g) the following new subparagraphs:

(h) The commissioner shall develop and implement enhanced eligibility screening to stop payments in a timely manner to providers for services for those persons who are no longer eligible.

(i) The commissioner shall require managed care organizations to meet the federal medical loss ratio. The nonfederal share of any surplus funds accumulated under this subparagraph shall be deposited in the general fund.

(j) Notwithstanding any provision of law to the contrary, including 2017, 258:1, the remaining unimplemented phases of the Medicaid managed care program, established in this paragraph, specifically nursing facility services and services provided under the choices for independent waiver, the developmental disabilities waiver, the in-home supports waiver, and the acquired brain disorder waiver, issued by the Centers for Medicare and Medicaid Services under 42 U.S.C. section 1396(c), shall not be implemented.

2 Effective Date.

I. RSA 126-A:5, XIX(j) as inserted by section 1 of this act shall take effect upon its passage.

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

2018-0864h

#### **AMENDED ANALYSIS**

This bill declares that the remaining unimplemented phases of step 2 of the program shall not be implemented. This bill also requires the commissioner of the department of health and human services implement enhanced eligibility screening and require managed care organizations to meet the federal medical loss ratio provision with any nonfederal surplus to be deposited into the general fund.

#### **Amendment to HB 2018**

**(2018-0806h)**

**Proposed by the Committee on Public Works and Highways - r**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 19:

2 Department of Transportation; Town of Bedford; Corridor Study. The following shall be added to the 10-year transportation improvement plan 2019-2028: a corridor study of Route 114 from the intersection of Route 114 and Route 101 in the town of Bedford to the intersection of Route 114 and Route 114a in the town of Goffstown.

3 Department of Transportation; Nashua-Manchester-Concord. The project named Nashua-Manchester-Concord, project number 40818, which consists of a project development study for a rail corridor, shall be modified to consist of a project to design and develop a financial plan for bus service expansion from Concord to Nashua, or other eligible Boston UZA bus services, including parking facilities at existing and new bus terminals.

4 New Subparagraph; Turnpike System; Authority Granted. Amend RSA 237:5, II by inserting after subparagraph (o) the following new subparagraph:

(p) Study and design all electronic tolling at all locations, and if the department deems it financially feasible, construct and implement all electronic tolling at locations pursuant to the state 10-year transportation improvement program.

5 New Subdivision; All Electronic Tolling. Amend RSA 237 by inserting after section 50 the following new subdivision:

#### ALL ELECTRONIC TOLLING

237:51 All Electronic Tolling (AET).

I. The department is authorized to construct, and implement all electronic tolling (AET) at or in close proximity to the existing Dover and Rochester toll plaza locations, as part of the project named Dover-Rochester, project number 29440, using project appropriated turnpike funds totaling \$11,000,000.

II. Provided the department makes a determination of financial feasibility, the department is further authorized to construct and implement all electronic tolling at or in close proximity to the existing Bedford mainline toll plaza as part of the project named Bedford-Merrimack, project number 16100, using appropriated turnpike funds for project number 16100 totaling \$15,300,000.

237:52 Anonymous Transponder Option. In conjunction with the installation and implementation of all electronic tolling under RSA 237:51, the department shall make available an optional system of anonymous transponders, allowing customers to anonymously fund and use a transponder, provided the transponder is properly funded and mounted prior to use. The transponders shall be available at public locations that allow the purchaser to remain anonymous. The department shall retain the least amount of information necessary for auditing purposes on anonymous transponder transactions.

6 New Subparagraphs; Turnpike System; Funds Provided. Amend RSA 237:7, I by inserting after subparagraph (s) the following new subparagraphs:

(t) Construction of all electronic tolling or open road tolling plazas. RSA 237:2, VIII, RSA 237:5, II(o)-(p) 27,000,000

(u) Consultant services for public-private partnership infrastructure oversight committee (2 years) 100,000

7 Turnpike System; Funds Provided. Amend RSA 237:7, I(h) to read as follows:

(h) Improvements to central New Hampshire turnpike. RSA 237:2, IV(h), VII, VII(b), VII(c), IX [~~\$697,000,000~~] **\$91,000,000**

8 Dover to Rochester. The project named Dover-Rochester, project number 29440, is amended as to the scope of improvement, which shall include all electronic tolling at the Dover toll plaza and the Rochester toll plaza.

9 Bedford to Merrimack. Construction funding for the project named Bedford-Merrimack, project number 16100, shall be moved from 2019 to 2020. The scope of the project shall include improvement to the Bedford mainline toll plaza to include the option of open road tolling or all electronic tolling.

10 Conway. The State Aid Highway Program funding for the project named Conway, project number 40018, for \$702,211 shall be removed and replaced with \$702,211 in federal funds.

11 Projects Removed. The following projects shall be removed from the Ten Year Transportation Improvement Plan 2019-2028 based on the elimination of the state aid highway funding:

I. The project named Hooksett, project number 24862 using 100 percent State Aid Highway Program funds.

II. The project named Tilton, project number 29753 using 100 percent State Aid Highway Program funds.

12 Statewide Turnpike Evaluation of Public-Private Partnership Projects. \$100,000 of turnpike funds shall be designated for the use of the public-private partnership infrastructure oversight commission for consultant services to provide expert advice and assistance, and to provide services during the consideration of and development of requests for proposals (RFPs) for proposed public-private partnership projects that impact the turnpike system as selected by the commission and for review of submissions in response to the RFPs.

13 Newington-Dover. The project named Newington-Dover, project number 11238S, which includes the rehabilitation of the General Sullivan bridge, shall be amended in the scope from "rehabilitation" to "remove the superstructure of the General Sullivan bridge and provide the most cost effective bicycle/pedestrian connection." Funding for construction shall be moved from 2019 to 2020.

14 Walpole-Charlestown. The project named Walpole-Charlestown, project number 14747, is amended to change the scope by removing "Relocate RR."

15 Windham. The project named Windham, project number 40663, is amended to change the scope and extend the study limits to include the Ledge Road/London Bridge Road intersection.

16 Nashua to Merrimack to Bedford to Manchester. Funding for construction of the project named Nashua-Merrimack-Bedford-Manchester, project number 13761, shall be moved from 2022 through 2026 to 2021 through 2025.

17 Manchester. Funding for construction of the project named Manchester, project number 16099A, shall be moved from 2026 to 2025 and future funding required of \$30,000,000 shall be moved to 2026.

18 Department of Transportation; Conway. The projects named Conway, project numbers 11339J, 11339T, and 13339U which were previously removed from the state 10-year transportation plan, are added to the plan using federal funds totaling one dollar.

2018-0806h  
AMENDED ANALYSIS

This bill:

- I. Adopts the 10-year transportation improvement plan for 2019-2028.
- II. Adds a corridor study of Route 114 in the town of Goffstown.
- III. Modifies a study for a rail corridor to consist of a project to design and develop a financial plan for bus service expansion from Concord to Nashua.
- IV. Authorizes the department of transportation to construct and implement all electronic tolling, if feasible.
- V. Authorizes construction and implementation all electronic tolling (AET) at Dover and Rochester toll plaza locations and at the Bedford mainline toll plaza.
- VI. Requires the department of transportation to make available an optional system of anonymous transponders.
- VII. Provides funding for construction of electronic tolling or open road tolling plazas, consultant services for the public private partnership infrastructure oversight committee, and improvements to central New Hampshire turnpike.
- VIII. Moves construction funding for the project named Bedford-Merrimack from 2019 to 2020.
- IX. Removes funding for the project named Conway, project number 40018.
- X. Removes the project named Hooksett and the project named Tilton from the 10-year transportation improvement plan 2019-2028.
- XI. Designates \$100,000 of turnpike funds for the use of the public-private partnership infrastructure oversight commission.
- XII. Amends the project named Newington-Dover.
- XIII. Amends the scope of the project named Walpole-Charlestown and the project named Windham.
- XIV. Moves funding for construction of the project named Nashua-Merrimack-Bedford-Manchester from 2022 through 2026 to 2021 through 2025.
- XV. Moves funding for construction of the project named Manchester from 2026 to 2025.
- XVI. Adds projects named Conway, previously removed from the state 10-year transportation plan, to the plan.

**Amendment to HCR 11**  
**(2018-0101h)**

**Proposed by the Majority of the Committee on State-Federal Relations and Veterans Affairs - r**  
Amend the resolution by replacing the fifth paragraph after the title with the following:

Whereas a person cannot be guilty of aiding and extortion by other individuals who have been found not guilty of committing extortion, or the charges have been dismissed with prejudice; and