



State of  
New Hampshire

# HOUSE RECORD

Second Year of the 165<sup>th</sup> General Court

## Calendar and Journal of the 2018 Session

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Friday, March 9, 2018

No. 10

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 Thursday, March 15<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).

In addition to the reports I have mentioned in my prior notices, the following eight reports have recently been received: the preliminary report by the NH Association of Counties entitled *New Hampshire Long Term Care Services and Supports: Assessment of the Current System and Implications for Reform*; Order R-2018-001 issued by the NH Supreme Court seeking comments on amendments to court rules proposed by the Advisory Committee on Rules; *Advisory Committee on Rules Report (February 1, 2018)*, which was referenced in the above Order; audits released by the Legislative Budget Assistant, including *State of New Hampshire Lottery Commission Management Letter for the Fiscal Year Ended June 30, 2017*; the *State of New Hampshire Liquor Commission Management Letter for the Fiscal Year Ended June 30, 2017*; the *Unique College Investing Plan Annual Report (September 30, 2017)*; the *Fidelity Advisor 529 Plan Annual Report (September 30, 2017)*; as well as the *New Hampshire Higher Education Savings Plan Trust Meeting with the Fiscal Committee (February 16, 2018)*, which contains information relative to PricewaterhouseCoopers LLP portfolio audits of The Unique College Investing Plan and the Fidelity Advisor 529 Plan. If you would like to view any of these reports, please contact my office.

If there are members and staff who have not had an opportunity to listen to the webinar on *Sexual Harassment Prevention* offered by the National Conference of State Legislatures, it can still be accessed online at <http://bit.ly/2E21erm> by clicking on the box entitled VIEW THE WEBINAR.

Gene G. Chandler, Speaker

### NOTICE

There will be a meeting of chairs and vice chairs on **Wednesday, March 14<sup>th</sup>, at 9:00 a.m.** in Rooms 301-303 of the Legislative Office Building.

Gene G. Chandler, Speaker

### NOTICE

There will be a Republican caucus on **Tuesday, March 13<sup>th</sup> at 10:00 a.m.** in Rooms 210-211, LOB.

There will be a Republican caucus on **Thursday, March 15<sup>th</sup> at 9:00 a.m.** in Representatives Hall.

Rep. Richard W. Hinch

### NOTICE

There will be a Democratic caucus on **Thursday, March 15<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 14, 2018  
 Wednesday, March 21, 2018  
 Wednesday, March 28, 2018

**AVAILABLE ON:**

Friday, March 16, 2018  
 Friday, March 23, 2018  
 Friday, March 30, 2018  
 Paul C. Smith, Clerk of the House

**2018 HOUSE DEADLINES**

Thursday, March 15, 2018  
 Thursday, March 22, 2018  
 Thursday, April 5, 2018  
 Thursday, April 12, 2018  
 Thursday, April 26, 2018  
 Thursday, May 3, 2018  
 Thursday, May 10, 2018  
 Thursday, May 17, 2018  
 Thursday, May 24, 2018

Last day to report all House Bills  
 CROSSOVER. Last day to act on all House Bills  
 Last day to report Senate Bills going to a second committee  
 Last day to act on Senate Bills going to a second committee  
 Last day to report all remaining Senate Bills  
 Last day to act on all remaining Senate Bills  
 Last day to form committees of conference  
 Last day to sign committee of conference reports (4:00 p.m.)  
 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)

## THURSDAY, MARCH 15

### REGULAR CALENDAR - PART TWO CONTINUED

#### JUDICIARY

**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 14-4.**

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 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's 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 term 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 as-

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: OUGHT TO PASS.**

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 re-

gional 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 committees, 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.

## REMOVED FROM CONSENT

### CHILDREN AND FAMILY LAW

**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 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.**

### 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 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 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.**

## CRIMINAL JUSTICE AND PUBLIC SAFETY

**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.**

## EDUCATION

**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.**

## 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.**

**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 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 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.**

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION****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.**

**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 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.**

**STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS****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.**

## 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, Rooms 210-211, LOB

10:00 a.m. 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.

1:00 p.m. **SB 193-FN**, establishing education freedom savings accounts for students.

### INFORMATION TECHNOLOGY COUNCIL (RSA 21-R:6), Rooms 202-204, LOB

1:00 p.m. Regular meeting.

### 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.

## MONDAY, MARCH 12

### 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.

### 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.

## TUESDAY, MARCH 13

### FINANCE - DIVISION I, Room 212, LOB

10:00 a.m. Division work session on **HB 407-FN**, requiring workers' compensation to cover prophylactic treatment for exposure; **HB 628-FN**, relative to a family and medical leave insurance program.

**FINANCE - DIVISION II, Room 209, LOB**

- 1:00 p.m. Division work session on **HB 579-FN**, relative to registration of semi-trailers; **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 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.

**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.  
 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. Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

- 10:00 a.m. Executive 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; **HB 1592-FN**, requiring the commissioner of the department of environmental services to review standards relative to arsenic contamination in drinking water.

**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****COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB**

- 12:00 p.m. If necessary, executive session will be held at noon or at the time of the House Session lunch break on **1471-FN**, relative to telemedicine; **HB 1822-FN**, making hormonal contraceptives available directly from pharmacists by means of a standing order.

**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.  
 10:30 a.m. Audit: State of New Hampshire Department of Information Technology Performance Audit Report, March 2018

**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.

**COMMISSION TO STUDY THE LEGALIZATION, REGULATION, AND TAXATION OF MARIJUANA (RSA 318-B:46), Room 202, LOB**

10:00 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.

**LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2), Room 104, LOB**

3:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

**THURSDAY, 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****GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, TREATMENT, AND RECOVERY (RSA 12-J:1), Common Man Restaurant, 25 Water Street, Concord**

9:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

**PUBLIC-PRIVATE PARTNERSHIP TRANSPORTATION INFRASTRUCTURE OVERSIGHT COMMISSION (RSA 228:107), New Hampshire Department of Transportation, Room 114, 7 Hazen Drive, Concord**

10:00 a.m. Public hearing.

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

9:00 a.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****RESOURCES, RECREATION AND DEVELOPMENT, Room 305-307, LOB**

10:00 a.m. Presentation: Drinking Water Standards in New Hampshire: Regulation of Perfluorinated Compounds. Dartmouth Policy Research Shop students present findings and policy guidance based on review of the literature, federal regulations, and responses of other states dealing with PFC contamination.

**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.

**MONDAY, APRIL 9****HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13), Room 203, LOB**

1:00 p.m. Subcommittee meeting on foster care.

**FRIDAY, APRIL 13****COMMISSION TO STUDY THE APPORTIONMENT OF GROSS BUSINESS PROFITS UNDER THE BUSINESS PROFITS TAX (RSA 77-A:23), Room 100, SH**

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

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

9:30 a.m. Regular meeting.

**THURSDAY, APRIL 19****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, APRIL 20****ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB**

9:00 a.m. Regular meeting.

**ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), New Hampshire Public Utilities Commission, Hearing Room A, 21 South Fruit Street, Suite 10 Concord**

9:00 a.m. Regular meeting.

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

9:30 a.m. Regular meeting.

**OFFICIAL NOTICES****COUNTY DELEGATION NOTICE**

The **Hillsborough** County Executive Committee will meet on **March 23<sup>rd</sup> at 9:00 a.m.** at the county complex in Goffstown.

Rep. Larry Gagne, Clerk

**COUNTY DELEGATION NOTICE**

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

Pursuant to RSA 24:23, there will be a public hearing for **Merrimack** County before the county delegation at **6:00 p.m. on Monday, March 19<sup>th</sup>** at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord. The purpose of the meeting is: 1. Town of Webster tax payment abatement. 2. County Treasurer vacancy. 3. County Attorney vacancy. 4. To consider 2018 Budget Appropriations for Merrimack County. 5. To consider any other business that may appropriately come before them. At this time, any member of the public may present oral or written testimony regarding the 2018 budget as proposed by the Merrimack County Executive Committee.

Rep. Dianne Schuett, Chair

Pursuant to RSA 24:9-c and RSA 24:14 II, immediately following the Public Hearing to be held on **Monday, March 19<sup>th</sup> at 6:00 p.m.**, there will be a meeting of the Merrimack County Delegation at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord. The purpose of the meeting is: 1. Decision on the Town of Webster tax payment abatement. 2. County Treasurer vacancy. 3. County Attorney vacancy. 4. Approval of the 2018 Merrimack County Proposed Budget. 5. To consider any other business that may appropriately come before them.

Rep. Dianne Schuett, Chairman

## 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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All are invited to a program entitled "Remembering the 1968 NH Presidential Primary" on **Monday, March 12<sup>th</sup> from 10:00 a.m. to noon** in Room 100 of the State House. The discussion, sponsored by the Secretary of State's office, will commemorate the event which took place 50 years ago to the day. That historic primary, which some believe changed presidential politics forever, will feature people who played memorable roles in the events of that year. Among those scheduled to share memories of the primary include former Representative and Democratic gubernatorial nominee Paul McEachern of Portsmouth and political activist Sandra Hoeh. Both were Eugene McCarthy volunteers and delegates to that year's national convention. Others will include former House Speaker George Roberts, Nixon Delegate; former Executive Councilor Ruth Griffin, Nixon campaign worker; Rep. Chuck Grassie, Rep. Robert Renny Cushing, and Mark Stevens, McCarthy activists. Union Leader publisher Joe McQuaid will bring an historic perspective of the role the Loeb newspapers played in the events of that era. A special film featuring some of the significant aspects of that campaign will also be shown. The program is open to the public.

Gene G. Chandler, Speaker

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The Legislative Children's Caucus will meet during session lunch break on **Thursday, March 15<sup>th</sup>** in Room 206, LOB (please note room change). All legislators are welcome to participate.

Rep. Skip Berrien

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The Order of Women's Legislators has postponed the Silent Auction to the week of **March 19<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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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 you appointment.

Reps. Richard W. Hinch and Stephen Shurtleff

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Please join the New Hampshire Chapter of Moms Demand Action for Gun Sense at a breakfast on **March 14<sup>th</sup> from 8:00 a.m. to 10:00 a.m.** in the State House Cafeteria. This will provide legislators an opportunity to speak with their constituents about how we can work together on gun sense in New Hampshire.

Rep. Sue Newman

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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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All House Members are invited to Capitol Bible Study and Prayer with Pastor Peter Chamberland. We will meet for a brief devotion and prayer time on a **Thursday, March 15<sup>th</sup> at 8:00 a.m.** in LOB 206. Come and join us for this refreshing time of devotion before session begins.

Rep. Valerie Frasier

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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 New Hampshire Citizens for the Arts and the New Hampshire Arts Learning Council invite legislators to join in a breakfast at the State House Cafeteria on **Thursday, March 22<sup>nd</sup> from 8:00 a.m. to 9:30 a.m.** It is an opportunity to learn the value of arts education (STEM to STEAM) and how growing arts businesses are supporting the NH economy in all regions of the state.

Rep. Dave Danielson

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The New Hampshire Federation of Humane Organizations and The Humane Society of the United States cordially invite all legislators to attend Humane Lobby Day, a legislative continental breakfast in the State House cafeteria on **Wednesday, March 28<sup>th</sup> from 8:15 a.m. to 9:30 a.m.** Citizens from around the state will be in attendance to meet with legislators to discuss the importance of passing legislation to protect dogs in commercial breeding facilities as well as endangered species from the wildlife trafficking trade. Leaders of the state's nonprofit animal shelters and The Humane Society of the United States will be in attendance and legislators will be notified if they have constituents registered for the event. Please join constituents, your colleagues, and animal welfare professionals for food and conversation.

Reps. Richard W. Hinch and 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

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Legislators, staff, and their friends and families are cordially invited to attend Discover WILD New Hampshire Day, the New Hampshire Fish and Game Department's biggest community event of the year. The event is set for **Saturday, April 21<sup>st</sup> from 10:00 a.m. to 3:00 p.m.** on the grounds of the Fish and Game Department at 11 Hazen Drive in Concord. Admission is free. See live animals, big fish, trained falcons, and retriever dogs in action. More than 60 outdoor and conservation organizations from around the state will be on hand with exhibits and demonstrations. Check out the latest hunting and fishing gear in the Expo tent. This family-friendly event includes lots of free hands-on activities for the kids, including wildlife crafts, archery, casting, fly-tying, and air rifle shooting demonstration and shooting. Tie a fly with members of Trout Unlimited. Explore new trends in recycling and environmental protection with NH Department of Environmental Services. Enjoy live animal presentations throughout the day. Test your casting skills at the Bass Pro Shops boat. Admire the big trout in the Fish and Game stocking truck, and see how many warm water fish you can identify in the demo tank. There will be a raffle for outdoor gear and other great prizes, plus a sale of used hunting and fishing gear. All proceeds benefit the Foundation, NH Fish and Game's nonprofit partner. Discover WILD New Hampshire Day is held rain or shine. Fishing and hunting licenses will be sold, and food concessions are available all day. Please note that no dogs, except service and working animals, are permitted at the event.

Rep. Robert L'Heureux

## 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 9     | 10:30 *2 tours  | DAR Good Citizens group          | 65/HS          |
| March 9     | 11:30           | Tuftonboro 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          |

| <b>DATE</b> | <b>TIME</b>       | <b>GROUP</b>                                              | <b>#/GRADE</b> |
|-------------|-------------------|-----------------------------------------------------------|----------------|
| 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         |
| 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    | 10:30             | Times Square Study Homeschool group                       | 7              |
| 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    | 9:30              | Compass Classical Academy – Franklin                      | 24/4           |
| 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 28    | 10:00             | Seabrook Elementary School – Rescheduled                  | 44/4           |
| 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             |
| April 9     | 9:00              | Stevens High School – German Exchange students            | 16/HS          |
| April 9     | 9:45/11:00        | Lincoln St. School – Exeter                               | 80/4           |
| April 10    | 9:00/10:15        | Northwest Elementary School – Manchester                  | 100/4          |
| April 10    | 9:45              | Merrimack Valley High School                              | 20/HS          |
| April 10    | 10:30             | Greenland Central School                                  | 49/4           |
| April 11    | 9:00              | Grappone Group                                            | 11/adults      |
| April 11    | 9:00              | Alvirne High School – French Exchange students            | 30/HS          |
| April 11    | 10:00             | Maple Wood School – Somersworth                           | 42/4           |
| April 11    | 11:00             | NH Volunteer Administrators                               | 20/adults      |
| April 11    | 12:00 * 2 tours   | Presentation of Mary School – Hudson                      | 68/4           |
| April 12    | 9:00/10:00        | Beaver Meadow School – Concord                            | 58/4           |
| April 12    | 9:45/11:00 SH/HM  | Lincoln St. School – Exeter                               | 80/4           |
| April 13    | 9:30              | Moultonborough Central School                             | 45/4           |
| April 13    | 11:00             | Pierce School @ Bennington & Fracestown Elementary School | 36/4           |

## AMENDMENTS

### (LISTED IN NUMERICAL ORDER)

#### 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.

#### Floor Amendment to HB 1259 (2018-0908h)

#### **Proposed by Rep. Sykes**

Amend RSA 265:107-a as inserted by section 2 of the bill by inserting after paragraph IX the following new paragraph:

X. Enforcement of this section by law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been cited or charged with a violation or some other offense; provided, however, that a motor vehicle may be stopped for failure to comply with this section if the seat belt violation is for a person under 12 years of age.

**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 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 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 videotape 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 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 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.

#### Floor Amendment to HB 1381

(2018-0916h)

#### Proposed by Reps. Bailey and Ames

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 annually report, on or before May 15, (a) the detailed original cost when first placed in service 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, and construction work in progress and contributions in aid of construction, and (b) the net book cost of all such property, to each municipality in which that property is located. Those historic costs shall be reported as they appear on the utility's records, in accordance with the accounting standards and practices used to prepare the utility's publicly filed financial reports, which shall mean, in the case of a rural electric cooperative, its publicly filed Internal Revenue Service Form 990; in the case of an electric distribution utility, its annual Federal Energy Regulatory Commission Form 1; and in the case of a gas or water distribution utility, its annual financial report to the public utilities commission. 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 municipality in which the property or any part of it is situated, shall not exceed the weighted average resulting from the sum of 75 percent of the historic original cost of that property and 25 percent of the net book cost 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 located in more than one municipality, but expressly excluding land and interests in land;  
(2) Provide retail distribution or non-Federal Energy Regulatory Commission-tariffed transmission of a public utility service; and

(3) Are regulated by the public utilities commission or are rural electric cooperatives with a certificate of deregulation on file with the public utilities commission, as provided in RSA 301:57.

(b) Multi-jurisdictional property shall not include generation facilities and shall not include electric, natural gas, and oil transmission property as defined and regulated by the Federal Energy Regulatory Commission or property that is tariffed by the Federal Energy Regulatory Commission.

III. 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. Any multi-jurisdictional property placed in service after April 1, 2018, shall be assessed at 100 percent of the value determined under paragraph I.

(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. Any multi-jurisdictional property placed in service after April 1, 2018, shall be assessed at 100 percent of the value determined under paragraph I.

(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. Any multi-jurisdictional property placed in service after April 1, 2018, shall be assessed at 100 percent of the value determined under paragraph I.

(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. Any multi-jurisdictional property placed in service after April 1, 2018, shall be assessed at 100 percent of the value determined under paragraph I.

(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 agree-

ment, 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.

2018-0916h  
AMENDED ANALYSIS

This bill defines multi-jurisdictional utility property and phases in a procedure for the valuation of such property for property tax purposes.

**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.

**Floor Amendment to HB 1463  
(2018-1007h)**

**Proposed by Rep. Hoell**

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

2 Shooting Ranges; Exemption. Amend RSA 159-B:1 to read as follows:

159-B:1 Exemption. Notwithstanding the provisions of ***RSA 31:39***, RSA 644:2, III(a) or any other law to the contrary, no person who owns, operates, or uses a shooting range in this state shall be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution, provided that the owners of the range are in compliance with any applicable noise control ordinances in existence at the time the range was established, was constructed, or began operations.

**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 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.

**Floor Amendment to HB 1521  
(2018-0904h)**

**Proposed by Rep. Webb**

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

AN ACT relative to the adoption of condominium association budgets and special assessments, and the definition of an emergency for a special assessment in a condominium association.

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

1 Condominium Act; Adoption of Budgets and Special Assessments. Amend RSA 356-B:40-c to read as follows:

356-B:40-c Adoption of Budgets and Special Assessments.

I. The board of directors, at least annually, shall adopt a proposed budget for the unit owners' association for consideration by the unit owners. Not later than 30 days after adoption of a proposed budget, the board of directors shall provide to all the unit owners a summary of the budget, including any reserves, and a statement of the basis on which any reserves are calculated and funded. Simultaneously, the board shall set a date not less than 10 days or more than 60 days after providing the summary for a meeting of the unit owners to consider ratification of the budget. Unless at that meeting *with at least* ~~[2/3]~~ *1/2* of all unit owners *present for the meeting or by proxy*, or any larger number specified in the declaration *or bylaws, the unit owners or their proxies reject the budget by a majority vote*, the budget is ratified~~[-whether or not a quorum is present]~~. If a proposed budget is rejected, the budget last ratified by the unit owners continues until the unit owners ratify a subsequent budget.

II. The board of directors, at any time, may propose a special assessment. Except as otherwise provided in paragraph III, the assessment is effective only if the board of directors follows the procedures for ratification of a budget described in paragraph I and the unit owners do not reject the proposed assessment.

III. If the board of directors determines by a 2/3 vote that a special assessment is necessary to respond to an emergency:

(a) The special assessment becomes effective immediately in accordance with the terms of the vote.

(b) Notice of the special assessment shall be provided promptly to all unit owners.

(c) The board of directors may spend the funds paid on account of the special assessment only for the purposes described in the vote.

*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.

2018-0904h  
AMENDED ANALYSIS

This bill modifies the requirements for the number of unit owners of a condominium association to be present for a vote to reject the budget or their proxies. This bill also defines the term emergency for purposes of a vote for a special assessment in a condominium association.

**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.

**Floor Amendment to HB 1543  
(2018-0928h)**

**Proposed by Rep. Stone**

Amend the bill by replacing section 1 with the following:

1 Voter; Domicile; Student. Amend RSA 654:1, I-a to read as follows:

*I-a. Student status is a neutral factor in determining domicile for voting purposes, and the mere presence of a student at the place where an institution of learning is situated is not sufficient to entitle the student to vote there. Student directories issued by a college, which include so-called permanent addresses for students and student identification cards are insufficient to overcome a presumption that college students who have duly registered to vote out-of-state are domiciled where they have so registered. However,* a student of any institution of learning may lawfully claim domicile for voting purposes in the New Hampshire town or city in which he or she lives while attending such institution of learning if such student's claim of domicile otherwise meets the requirements of RSA 654:1, I *and* RSA 654:2.

**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 ac-

cess 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 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 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 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.

**Floor Amendment to HB 1680-FN**  
**(2018-0921h)**

**Proposed by Rep. Stone**

Amend RSA 132-B:3, II as inserted by section 2 of the bill by replacing it with the following:

II. No abortion shall be performed upon a pregnant woman after viability of the fetus except in the event of a medical emergency as defined in RSA 132:32, VIII, in cases of Twin to Twin Transfusion Syndrome, or if the fetus has a developmental or physical anomaly and after consultation with the pregnant woman.

**Floor Amendment to HB 1680-FN**  
**(2018-0937h)**

**Proposed by Rep. Murphy**

Amend RSA 132-B:3, II as inserted by section 2 of the bill by replacing it with the following:

II. No abortion shall be performed upon a pregnant woman after viability of the fetus except when a physician reasonably believes that it is necessary to prevent either the death of the pregnant woman or the substantial and irreversible impairment of a major bodily function of the woman, in cases of Twin to Twin Transfusion Syndrome, or to remove a fetus with severe anomalies incompatible with life.

**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.

#### Floor Amendment to HB 1682-FN (2018-0913h)

#### Proposed by Rep. Williams

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 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.

## 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.

2018-0913h

## AMENDED ANALYSIS

This bill modifies procedures for service of notice 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.

**Floor Amendment to HB 1686-FN****(2018-0831h)****Proposed by Rep. Lang**

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 12:

11 Education Tax Credit; Aggregate Amount. RSA 77-G:4 is repealed and reenacted to read as follows:

77-G:4 Tax Credits. The aggregate of tax credits issued by the commissioner of the department of revenue administration to all taxpayers claiming the credit shall not exceed \$5,100,000 for a program year.

**Floor Amendment to HB 1694****(2018-0917h)****Proposed by Rep. M. Moffett**

Amend RSA 189:11, II as inserted by section 1 of the bill by replacing it with the following:

II. As a component of instruction under paragraph I, a locally developed competency assessment of United States government and civics that includes, but is not limited to, the nature, purpose, structure, function, and history of the United States government, the rights and responsibilities of citizens, and noteworthy government and civic leaders, shall be administered to students as part of the **required** high school course in history and government of the United States and New Hampshire. ~~[Students who attain a passing grade on the competency assessment shall be eligible for a certificate issued by the school district. The United States Citizenship and Immigration Services (USCIS) test may be used to satisfy the requirement of this paragraph.]~~ **To be eligible for a course completion certificate, a student shall attain a locally sanctioned passing grade on the competency assessment, or a grade of 60 percent or better on the 100 question civics (history and government) naturalization examination developed by the United States Citizen and**

***Immigration Services. Local districts may determine policies as to when and how often the 100 question assessment will be administered and may also make appropriate provisions for special needs students as necessary.***

**Floor Amendment to HB 1702  
(2018-0902h)**

**Proposed by Rep. Abear**

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

1 Gunstock Area. Amend 1959, 399:1, as amended by 1973, 263:1 to read as follows:

399:1 Declaration of Purpose. It is hereby declared that the purposes of this chapter are to provide for a commission to operate, maintain, develop, improve and promote the Gunstock Area, in Gifford, New Hampshire, owned by the county of Belknap, hereinafter called "area", for recreational purposes, ***to provide financial support to the Belknap county general fund*** and to further the public interest thereby.

2 Gunstock Area. Amend 1959, 399:2, as amended by 1973, 263:2 to read as follows:

399:2 Incorporation. The Gunstock area commission, hereinafter referred to as the "commission", is hereby incorporated ~~[as a body politic and]~~ as an agency of the county of Belknap, with the powers and privileges herein provided.

3 Gunstock Area. Amend 1959, 399:10(d) to read as follows:

(d) To construct, maintain, reconstruct, improve, operate and manage the area, including all facilities and appurtenances of any description ~~[whatsoever, as are necessary or desirable thereto]~~.

4 Gunstock Area. Amend 1959, 399:10(f) to read as follows:

(f) To acquire in the name of the county of Belknap by purchase, lease or otherwise, real property and rights or easements therein, deemed by it necessary ~~[or desirable]~~ for the purpose hereof, and to use such property.

5 Gunstock Area. Amend 1959, 399:10(l) to read as follows:

(l) To employ such assistants, agents, servants, professional, technical or otherwise, as it shall deem necessary ~~[or desirable]~~ for its purposes, and fix their compensation.

6 Gunstock Area. Amend 1959, 399:14(c), as amended by 1973, 263:4 to read as follows:

(c) The commission is hereby authorized and empowered to use the revenues from the area to carry out any and all of the purposes herein stated, and is hereby especially authorized and empowered to retain any profits from the operation of the area and invest the same for the purpose of future maintenance, operation, improvements of the area, and for working capital, except that any sums accumulated and on hand at the end of any fiscal year in excess of twenty-five percent of the average gross income of the three immediately preceeding fiscal years, not required for the payment of outstanding bills of amortization of outstanding indebtedness, shall be turned over to the county of Belknap ~~[if required by vote of the county convention]~~.

7 New Paragraph; Gunstock Area. Amend 1959, 399:14 by inserting after paragraph (f) the following new paragraph:

(g) The commission shall submit the following to the county convention prior to the start of each fiscal year:

(1) A master operating plan.

(2) Any expected capital expenses for the coming fiscal year.

(3) An annual operating budget for the coming fiscal year.

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

2018-0902h  
AMENDED ANALYSIS

This bill requires certain profits from the Gunstock area to be delivered to Belknap county.

This bill also requires the county convention to approve certain items relative to the management of the Gunstock area.

**Floor Amendment to HB 1718-FN  
(2018-0912h)**

**Proposed by Rep. Kurk**

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

AN ACT      relative to surveillance on the public ways of the state.

**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 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(1), 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 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 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 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~~] **891,000,000**

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.

**Floor Amendment to HB 2018  
(2018-0888h)**

**Proposed by Rep. Cleaver**

Amend the bill by replacing section 3 with the following:

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 also include 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.

2018-0888h  
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 also include 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

**Floor Amendment to HR 20  
(2018-1017h)**

**Proposed by Reps. Itse, Baldasaro and Hoell**

Amend the resolution by replacing all after the title with the following:

Whereas, the intent of this resolution is to support the States in preserving and enforcing the Constitution for the United States of America pursuant to Part 1, Article 7 of the Constitution of the State of New Hampshire and the Tenth Amendment of the Constitution for the United States of America; and

Whereas, the Constitution of the State of New Hampshire, Part 1, Article 7 declares that the people of this State have the sole and exclusive right of governing themselves as a free, sovereign, and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, pertaining thereto, which is not, or may not hereafter be, by them expressly delegated to the United States of America in Congress assembled; and

Whereas, the Constitution of the State of New Hampshire, Part 2, Article 1 declares that the people inhabiting the territory formerly called the province of New Hampshire, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body-politic, or State, by the name of the State of New Hampshire; and

Whereas, each State acceded to the compact titled The Constitution for the United States of America as a State, and is an integral party, its co-States forming, as to itself, the other party; and

Whereas, the State of New Hampshire when ratifying the Constitution for the United States of America recommended as a change, "First That it be Explicitly declared that all Powers not expressly & particularly Delegated by the aforesaid are reserved to the several States to be, by them Exercised;" and

Whereas, the other States that included recommendations, to wit Massachusetts, New York, North Carolina, Rhode Island, and Virginia, included an identical or similar recommended change; and

Whereas, these recommended changes were incorporated as the Ninth Amendment, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." and the Tenth Amendment, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." to the Constitution for the United States of America:

Therefore, the several States composing the United States of America, are not united on the principle of unlimited submission to their General Government; but that, by a compact under the style and title of a Constitution for the United States of America, and of amendments thereto, they constituted a General Government for special purposes, delegated to that government certain definite powers, reserving, each State to itself, all remaining powers for their own self-government; and

Whereas, the construction applied by the General Government (as is evidenced by sundry of their proceedings) to those parts of the Constitution for the United States which delegate to Congress a power "to lay and collect taxes, duties, imports, and excises, to pay the debts, and provide for the common defense and general welfare of the United States," and "to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the government of the United States, or in any department or officer thereof," goes to the destruction of all limits prescribed to their power by the Constitution:

I. Therefore, words meant by the instrument to be subsidiary only to the execution of limited powers, ought not to be so construed as themselves to give unlimited powers, nor a part to be so taken as to destroy the whole residue of that instrument; and

II. Therefore, whensoever the General Government assumes undelegated powers, its acts are unauthorized, void, and of no force; and

Whereas, the Constitution for the United States, having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies, and felonies committed on the high seas, offenses against the law of nations, and slavery, and no other crimes whatsoever:

Therefore, all acts of Congress, the orders of the Executive or orders of the Judiciary of the United States of America which assume to create, define, or punish crimes, other than those so enumerated in the Constitu-

tion are altogether void, and of no force; and that the power to create, define, and punish such other crimes is reserved, and, of right, appertains solely and exclusively to the respective States, each within its own territory; and

Whereas, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that congress may not simply commandeer the legislative and regulatory processes of the States:

Therefore, all compulsory federal legislation that directs States to comply under threat of civil or criminal penalties or sanctions or that requires States to pass legislation or lose federal funding are prohibited; and

Whereas, the Constitution for the United States of America, Article II, Section 2, Clause 2 gives Congress the authority to authorize inferior officers of the government of the United States of America not enumerated in the Constitution by law and for them to be appointed by the manner prescribed by law enacted by the Congress, and that the Constitution gives no such authority to the President:

Therefore, no officer not authorized by the Constitution or by law or exercising a power not authorized by the Constitution, nor their subordinates shall have any authority in, or over the sovereign State of New Hampshire, nor any inhabitant or resident thereof, nor any franchises created under the authority thereof when within the borders of the State of New Hampshire, and

Whereas, the Constitution for the United States of America, Article I, Section 1 delegates all legislative power to the Congress; and

Whereas, the Constitution for the United States of America, Article II delegates no legislative power to the Executive branch whatsoever. Therefore, any Executive Order that pretends the power to create statutes controlling the States, their inhabitants or their residents is unauthoritative, void and of no force; and

Whereas, the Constitution for the United States of America, Article VI, Section 2 declares "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."; and

Whereas, treaties are ratified by the Senate which being a House of Congress has its jurisdiction limited to the powers enumerated in Article I, Section 8 of the Constitution; and

Whereas, treaties are ratified by the President and the Senate (representing the States) only, but laws are ratified by the House of Representatives (representing the people) and the Senate (representing the States) and the President, no treaty can be lawfully construed to restrict or amend existing law; and

Whereas, treaties are ratified by the President and the Senate (representing the States) only, but the Constitution and its amendments were ratified by the States directly (representing the people), no treaty can be lawfully construed to restrict or amend the Constitution:

Therefore, any treaty which pretends to delegate any powers not delegated to Congress in Article I, Section 8 of the Constitution is altogether void, and of no force; and any order of the Executive or order of the Judiciary which is construed to restrict or amend existing law, or any act of Congress, order of the Executive or order of the Judiciary which is construed to restrict or amend the Constitution for the United States of America based upon compliance with any treaty are altogether void, and of no force; and

Whereas, the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress:

Therefore, the Legislatures and Legislators of the several States have the right and duty to consider the constitutionality of any legislative act or order promulgated by the government of the United States of America; and to protect their governments, inhabitants, and residents and instruments created under their authority by prohibiting, and if necessary punishing the enforcement any Acts by the Congress of the United States of America, Executive Order of the President of the United States of America or Judicial Order by the Judicatories of the United States of America which assumes a power not delegated to the government of United States of America by the Constitution for the United States of America; and

Whereas, the Constitution for the United States of America guarantees to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature (of a State), or of the Executive (when the Legislature cannot be convened) against domestic Violence; and

Whereas, the Constitution for the United States of America Article I, Section 9 limits the power of Congress to suspend habeas corpus to cases of rebellion or invasion; and

Whereas, the Constitution for the United States of America delegates no power to declare martial law except as is inherent in a declaration of war.

Therefore; there exists a class of Acts by the Congress of the United States, Executive Orders of the President of the United States of America or Judicial Orders by the Judicatories of the United States of America that constitute a direct challenge to the Constitution for the United States of America by the government of the United States including, but not limited to:

I. Requiring involuntary servitude or governmental service other than pursuant to, or as an alternative to, incarceration after due process of law.

II. Establishing martial law or a state of emergency within one of the States comprising the United States of America without the consent of the legislature of that State or authority derived from that body.

III. Surrendering any power delegated or not delegated to any incorporation or foreign government; now, therefore, be it

Resolved by the House of Representatives:

That the New Hampshire house of representatives urges its co-States to charge one of its committees with the duty to communicate the proceedings of its Legislature in regard to the government of the United States of America to the corresponding committees of Legislatures of the several States; to assure them that this State continues in the same esteem of their friendship and union which it has manifested from that moment at which a common danger first suggested a common union: that it considers union, for specified national purposes, and particularly to those specified in their federal compact, to be friendly to the peace, happiness, and prosperity of all the States: that faithful to that compact, according to the plain intent and meaning in which it was understood and acceded to by the several parties, it is sincerely anxious for its preservation: that it does also believe, that to take from the States all the powers of self-government and transfer them to a general and consolidated government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness, or prosperity of these States; and that therefore this State is determined, as it doubts not its co-States are, to submit to undelegated, and consequently unlimited powers in no man, or body of men on earth: that in cases of an abuse of the delegated powers, the members of the General Government, being chosen by the people, a change by the people would be the constitutional remedy; but, where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy: that every State has a natural right in cases not within the compact, (*casus non foederis*), to nullify of their own authority all assumptions of power by others within their limits: that without this right, they would be under the dominion, absolute and unlimited, of whosoever might exercise this right of judgment for them; and

That copies of this resolution be transmitted by the House Clerk to the President of the United States, the presiding members of the United States Congress, the United States Attorney General, and each member of the New Hampshire congressional delegation.