



State of
New Hampshire

HOUSE RECORD

Second Year of the 165th General Court Calendar and Journal of the 2018 Session

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Concord, N.H.

Friday, March 16, 2018

No. 11

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 Wednesday, March 21st, at 10:00 a.m. The House will also meet on Thursday, March 22nd at 9:30 a.m.

Gene G. Chandler, Speaker

NOTICE

There will be a meeting of chairs and vice chairs on Tuesday, March 20th, at 9:00 a.m. in Rooms 210-211 of the Legislative Office Building.

Gene G. Chandler, Speaker

NOTICE

There will be a Republican caucus on **Wednesday, March 21st at 9:00 a.m.** in Representatives Hall.
There will be a Republican caucus on **Thursday, March 22nd at 8:45 a.m.** in Representatives Hall.

Rep. Richard W. Hinch

NOTICE

There will be a Democratic caucus on **Wednesday, March 21st at 9:00 a.m.** in Rooms 210-211, LOB.
There will be a Democratic caucus on **Thursday, March 22nd 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 21, 2018
Wednesday, March 28, 2018
Wednesday, April 4, 2018

AVAILABLE ON:

Friday, March 23, 2018
Friday, March 30, 2018
Friday, April 6, 2018

Paul C. Smith, Clerk of the House

2018 HOUSE DEADLINES

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

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 1259, relative to passenger restraints. (Pending Question: Inexpedient To Legislate)

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

HB 1358, relative to decisions by the site evaluation committee. (Pending Question: Ought To Pass with Amendment)

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)

HB 1757-FN, relative to the reduction in the calculation of state retirement system annuities at age 65. (Pending Question: Ought To Pass with Amendment)

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)

HB 1370, relative to a school’s emergency management plan. (SJ 3/8/2018)

WEDNESDAY, MARCH 21

CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB 1471-FN, relative to telemedicine. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill passed the House Health, Human Services and Elderly Affairs Committee with a strong recommendation of Ought to Pass with Amendment and passed the House on a voice vote. The job of the Commerce and Consumer Affairs Committee was to look at the issue of payment and insurance coverage and we simply did not have enough time to deliberate all aspects of this complex issue. Currently reimbursement for telemedicine services is made at a singular discount even though, at times, the cost to the provider is the same as if the service is provided in the clinical setting. But at times, significant efficiencies and savings can be achieved through the provision of telemedicine services. So, the Commerce and Consumer Affairs Committee decided to create a study committee to further explore the issue of reimbursement. We made no other changes to the body of the bill. **Vote 16-0.**

FINANCE

HB 407-FN, requiring workers' compensation to cover prophylactic treatment for exposure. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Tracy Emerick for Finance. This bill requires workers' compensation to cover prophylactic treatment for an identified occupational exposure for first responders, which is critically needed coverage for those who respond to a variety of scenes from car accidents to responding to a simple 911 call or to a greater tragedy. The bill adds hepatitis C virus to the already previously identified bloodborne diseases eligible for prophylactic treatment. It adds a new paragraph that establishes such treatment for airborne diseases. The definition for post-exposure prophylaxis treatment was added. This treatment means preventive medical treatment started after an identified critical exposure or unprotected exposure in order to prevent infection and the development of disease. Expenses associated with the medical evaluation and recommended post-exposure prophylaxis treatment for emergency responders, county and state corrections officers and public safety workers should be paid by the employer's insurance carrier or third-party administrator and such treatment will be provided without prejudice as to the issue of the causal relationship of any subsequently diagnosed bloodborne disease of airborne disease to such workers. **Vote 26-0.**

HB 609-FN-A, (New Title) establishing a student career and college investment program and making an appropriation therefor. **REFER FOR INTERIM STUDY.**

Rep. Daniel Eaton for Finance. This bill would offer financial literacy training along with the option of educational savings accounts. While the bill as presented has great merit, the recent changes in federal tax law may have some unintended consequences. Because those changes have not yet been sorted out and the bill is at deadline, the committee chose interim study to allow the time to present a fully vetted and finished bill. **Vote 26-0.**

HB 1411-FN-A, relative to funds transferred to the nongame species account. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert Theberge for Finance. The Fish and Game Department exists with multiple designated funds. One of which is the nongame species funds. As the guardian of wildlife in the state, the Fish and Game Department understands that it must deal with all our citizens who enjoy viewing wildlife, not just hunters and fishermen. When citizens who worry about the nongame species make contributions to that species fund, they expect their contribution to be dedicated to, and show results for, some of our smaller animals. They may be rabbits, turtles, butterflies or bats. All species contribute in some way to our state. They might serve as the food source for other larger game animals or reduce the number of troublesome insects. When the Fish and Game Department began the nongame species fund, donations were small and a limit of \$50,000 was used in transferring money into this fund for specific projects. Since that time, efforts by Fish and Game biologists have yielded some noteworthy results. Not only have turkey populations been restored to the point that they are now a game species, but efforts are currently underway to restore the dwindling New England cottontail populations. In recent years the contribution of our citizens has exceeded \$100,000. In recognition of this effort, and encouraging our biologists in their important endeavors, this bill increases the nongame fund limit from \$50,000 to \$100,000. The committee believes that the state should recognize our citizens' effort and do the same. **Vote 26-0.**

HB 1698-FN-LOCAL, relative to the cost of special education services for foster children. **OUGHT TO PASS.**

Rep. Kenneth Weyler for Finance. The bill is rather a simple solution to what had become problematic in deciding how a student with an Individual Education Program (IEP) as a result of being coded Special Ed (SPED) would have that SPED program paid for if circumstances developed where the student ends up in a home or foster care placement outside of the school district where the child originated. The sending district

is the child's originating district and the one responsible for paying prorated costs of the program or services, or even out-of-district placement in the IEP from the sending district. The bill was passed by the Education Committee and the NH House, and the Finance Committee saw no reason to change it. **Vote 26-0.**

HB 1745-FN-A, making appropriations for costs involved in controlling invasive aquatic species. **INEXPEDIENT TO LEGISLATE.**

Rep. Lynne Ober for Finance. This bill proposes making appropriations for costs involved in controlling invasive aquatic species. Currently boat owners pay a small fee on their registrations to help control these invasive weeds. However, this bill proposes a 5-year plan with an appropriation of \$10 million needed immediately. When discussing how to pay for this program at this point, the prime sponsor said that he believed this belongs in the budget and was raising visibility of the need for this program this session and plans to bring this bill back next year when the budget is being discussed. The committee agreed with him that this expenditure belongs in the budget and is recommending ITL at this time, with a thorough examination next year when the budget is being crafted. **Vote 24-0.**

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal Kurk for Finance. The title describes the bill as it came to Finance. The Finance amendment allows a qualified economist to be the state demographer; more accurately describes what the selected state agencies are required to prepare as a 10-year cost projection rather than a 10-year current services budget; allows the Department of Health and Human Services to use more of its existing procedures to reduce costs in preparing its 10-year cost projections; requires the Legislative Budget Assistant to submit a report to House and Senate finance committees in each budget year that summarizes the 10-year cost projections; and provides funding for the part-time contract demographer position for FY 2019 to come from existing appropriations to the Office of Strategic Initiatives. **Vote 23-2.**

WAYS AND MEANS

HB 656-FN-A-LOCAL, relative to the legalization and regulation of marijuana. **REFER FOR INTERIM STUDY.**

Rep. Patrick Abrami for Ways and Means. The unanimous vote of the committee to recommend Refer for Interim Study is not an attempt at a polite death to this bill. The committee truly feels this bill requires work to make it more implementable if it becomes law. The original version of this bill, which was a full marijuana legalization and commercialization bill, came out of the policy committee with a recommendation of Inexpedient to Legislate. That motion was defeated on the floor and the bill was replaced in total by a floor amendment calling for the legalization of the growing of six marijuana plants at home, the ability to produce marijuana-infused products at home from the marijuana grown, and the possession of $\frac{3}{4}$ of an ounce of marijuana or less. The bill was passed as amended and sent to the Ways and Means Committee as a second committee to look at revenue and fees. Since there was no revenue or fees in the amended bill, the Ways and Means Committee focused on whether revenue sources were needed to help support the oversight of the provisions of the amended bill sent to us. We heard much testimony that oversight was required and that without a stream of revenue, such as what the original commercialization of marijuana bill would have generated, the amended bill lacked the needed funding for proper oversight. The committee unanimously and in a bipartisan manner felt that more time was needed to discuss ways to raise revenue to properly oversee the legalization of the homegrown marijuana plants, marijuana-infused products, and the legalization of possession. Thus, the Ways and Means Committee unanimously supported an interim study motion. In addition, since this floor amendment was not fully vetted by the policy committee, several technical corrections were also needed. The most glaring was the language, "marijuana-infused products containing no more than 300 milligrams of THC shall be possessed." What is missing is how many milligrams of THC per what measure of the product's weight. Not being the policy committee, the Ways and Means Committee did not have the knowledge base to answer that question. The committee wants to emphasize that it will indeed be studying this issue fully to ensure there is revenue to properly implement this bill's approach to marijuana legalization already supported by the full House. **Vote 23-0.**

HB 1819-FN, relative to administration of the education tax credit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Ames for Ways and Means. This bill makes technical adjustments to the education tax credit statute, RSA 77-G. On review, the Ways and Means Committee identified minor drafting errors in the bill that have been corrected in the committee amendment. The committee further identified a problem with a provision in the statute that exposes the state to indeterminate increases in the amount of education tax credits that could be taken against state revenues in future years. This problem has been corrected in the committee amendment with a provision that caps tax credit awards for future years at the \$5.1 million limit that is currently in effect. **Vote 23-0.**

REGULAR CALENDAR - PART THREE CONTINUED

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 regional impact is in the works. The second part of the bill dealt with shorefront septic systems. In some areas, shorefront septic systems can hardly be called a system and some predate formal septic design regulations. However, imposing mandatory periodic inspections on all systems on shorefront properties was not seen as a reasonable approach. **Vote 11-7.**

Rep. Judith Spang for the **Minority** of Resources, Recreation and Development. This bill addresses an issue that is critical for maintaining good water quality in NH's lakes, ponds, and rivers. Inadequate shoreland septic systems can cause pollution to flow into the groundwater and thence into a nearby water body. Current regulations do not address septic pollution via groundwater, just the less problematic but more visible discharge onto the ground's surface. The state, lakes, and river associations and municipal conservation commissions have tried with mixed success to devise ways to convince shoreland owners to have their septic systems inspected, and if necessary, upgraded. Clearly, private property rights must be balanced with the public right to clean water. This bill suggests one approach, mandatory inspections, but interim study is necessary to consider alternatives for respecting this balance while achieving the goal of clean water bodies so important to the state.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1544, establishing a committee to identify the requirements needed to commit New Hampshire to a goal of 100 percent renewable energy for electricity by 2040. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Herbert Vadney for the **Majority** of Science, Technology and Energy. Having neighboring states that have established unreachable goals does not translate to a need for New Hampshire to do the same. We already have a significant number of renewable energy projects underway and relatively large efforts to develop and deploy more renewable energy assets as fast as the market can do so. Setting some arbitrary goal for twenty-two years in the future would be, at best, a political statement with little or no technical advantage. **Vote 12-9.**

Rep. Peter Somssich for the **Minority** of Science, Technology and Energy. While the majority appears to resist even considering a planning tool to achieve New Hampshire's energy future represented by this bill and claims that it is not possible to achieve a 100% renewable energy target for electricity by 2040, the minority disagrees. The minority, along with much of the testimony by heads of state agencies, emphasized that planning for a renewable energy future for NH would be beneficial for everyone. NH is fortunate not to be burdened by legacy fossil fuel generating units, but instead has the opportunity to chart a new course and take control of its own energy future before actions by other New England states limit our options. Utilities, businesses, municipalities, and many groups involved in new or emerging technologies could provide much new and useful information if given a process they could be part of. While energy efficiency measures are still the most cost-effective way to reduce energy demand, the cost of new generation, especially from solar and wind, has been dropping dramatically. New technologies, such as battery storage and micro grids, are opening up possibilities both for energy reliability and for stand-alone energy communities. Many of our municipalities still offer great opportunities for both energy efficiency and new power generation projects. In light of the lack of detail in the State's 10 Year Energy Strategy, using this bill as a planning tool, not as a realistic final goal, would help to provide a viable road map to more energy independence and a greener and a more sustainable energy future. Even though the majority expresses the opinion that 23 years is too far away to plan for, the minority believes that not to consider such planning is in fact to walk away from our responsibilities to our residents and this state's future.

HB 1550, requiring electric bills to include the cost of compliance with renewable energy standards. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Bill Kuch for the **Majority** of Science, Technology and Energy. This bill, as amended, would require electric utilities to provide the cost of compliance with the Renewable Portfolio Standard (RPS) in each rate-

payer'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.**

REGULAR CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB 1822-FN, making hormonal contraceptives available directly from pharmacists by means of a standing order. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for the **Majority** of Commerce and Consumer Affairs. This bill will make hormonal contraceptives available directly from pharmacists. The committee heard extensive testimony from various members of the 2017 study commission that met several times on this issue. Hormonal contraceptives have been available to women for about 50 years. They are among the safest and most-studied drugs in common use and their use is credited with the reduction of unplanned pregnancies and the adverse health consequences resulting. The NH Medical Society, NH Pharmacists Association, NH Nurses Association, Department of Health and Human Services and NH Board of Pharmacy were among the entities represented on this commission and have all voted in favor of moving this bill forward. The Commerce and Consumer Affairs Committee was charged as a second committee to review the insurance provisions of the bill. The NH Insurance Department took no position, but advised the committee that as amended, the initial screening provided by the pharmacist, that will be covered by insurance, will be at a rate established by the contract between the pharmacy and the insurer or its pharmacy benefits manager. **Vote 10-6.**

Rep. Valerie Fraser for the **Minority** of Commerce and Consumer Affairs. The minority disagreed with the majority for several reasons. This bill creates a mandate on the insurance companies to cover medical care delivered by a pharmacist at the pharmacy. This bill will decrease the level of medical care by pharmacists to a checklist which can never replace the levels of medical competence earned through many years of hands-on training and examinations by a licensed physician, who is required to establish a valid doctor-patient relationship in order to write a prescription. No liability-free legislation should be granted to any pharmacy nor should a de facto medical license be granted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1104-FN, (New Title) 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. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Thomas Kaczynski for the **Majority** of Executive Departments and Administration. This bill, as amended, establishes time limits in several areas in an effort to streamline the process for certain state agency actions. Some examples are wetlands permits, permits for excavating and dredging in public waters, also certain time limits on applications to an agency are reduced. If an agency fails to act within the prescribed time limit, it will be considered as agency approval. Exceptions to this limit have been established for specific concerns of various agencies who all agree that the limits are workable now. This bill also requires the Secretary of State to allow online business and corporate filings. The majority felt these were all improvements to the current requirements. **Vote 7-6.**

Rep. Carol Roberts for the **Minority** of Executive Departments and Administration. The bill has had two rewrites and still there are major issues with it. The minority believes the bill is being rushed, is not well thought out, and sets unreasonable and unattainable conditions for agencies to perform their functions. The amendment to this bill carves out specific exemptions for the Department of Revenue Administration, the Department of Health and Human Services, the Public Utilities Commission, the Insurance Department, the Department of Environmental Services, and the Department of Employment Security. Because the subcommittee never took the time to review and analyze the information, the extent of the consequences of this bill is not known.

HB 1592-FN, (New Title) requiring the commissioner of the department of environmental services to review standards relative to arsenic contamination in drinking water. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Proulx for Executive Departments and Administration. This bill requires the Commissioner of the Department of Environmental Services to review the standard relative to arsenic contamination in drinking water and make new rules if they determine if there should be a new standard. The committee amendment provides criteria for this decision and also requires a report of their findings to the ED&A Committee. The committee feels this is important due to the high level of bladder cancer in New England, a condition for which an increased risk is associated with arsenic in drinking water. **Vote 13-0.**

FINANCE

HB 579-FN, relative to registration of semi-trailers. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert Theberge for Finance. There are two major flaws with the bill. Firstly, unlike the boat registration fee which was used as a template, where both non-residents and residents are treated equally, this legislation creates a disadvantage to New Hampshire residents. Secondly, the bill, if passed, would permit the registration of semi-trailers in New Hampshire to violate the motor vehicle registration laws of other states. The bill, as written, is a direct violation of RSA 261:40. Unfortunately, the fine for such a violation is merely \$100 and not a deterrent. In addition, the violation of the law is difficult to enforce which casts a blind eye on the registration of the owners of semi-trailers who flock to Maine to obtain a more lucrative deal covering a 12-year registration period. The upfront cost of \$500,000 to implement the program is not insignificant. No data was presented to demonstrate how the revenues would be generated. The intent of the sponsors was to increase revenues to the state by competing with our neighboring state of Maine. The passage of the bill would not entice residents and non-residents to return to New Hampshire. Also, this legislation would result in a loss of motor vehicle revenues to our cities and towns and would directly increase the property tax burden of our citizens. Far too many unknowns and unintended consequences are associated with this legislation. **Vote 22-2.**

HB 628-FN, relative to a family and medical leave insurance program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Tracy Emerick for the **Majority** of Finance. This bill as amended by House Finance is a prudent and responsible plan to open the possibilities of quickly offering paid Family Leave and Medical Leave to NH families and workers, while offering the ability for employees to opt in or out without being forced to change jobs. The original bill coupled paid family leave with medical insurance for employees (commonly known as Short Term Disability Insurance), granted broad rulemaking authority to the Department of Employment Security, and required the state to develop a costly, custom computer system to track the program and to hire a minimum of 43 new employees with an expected expenditure of nearly \$50 million in the first biennium with a launch date at least 3 years in the future. The bill as amended by House Finance uses private insurance companies to offer the benefit, modeled on an established plan used in another state, offers a free market option good for business and allows employees to opt in and out on a yearly basis. The bill as previously passed required an employee to change jobs in order to opt out of the plan. The possibility of offering such benefits to NH families in the near term (expected launch date January, 2019) coupled with no growth in government or costly expenditures is good for the people of our state. **Vote 15-11.**

Rep. Patricia Lovejoy for the **Minority** of Finance. The majority's amendment is a wholesale revision in the public policy established by the House in the twice approved "Family and Medical Leave Insurance" program. It changes the House established policy from a public family and medical insurance program into a mandate on employers to offer the benefit themselves through private insurance companies. A public hearing was not held on this substantive change to the bill. Two policy committees have worked on this program; it is not the Finance Committee's role to totally reengineer the policy but to focus on the financial issues associated with the bill. The majority amendment was described as modeled after the New York plan that utilizes private insurance. The big difference is that NY requires all employees, approximately 20 million people, to be covered by FMLI. This bill lets employees opt out upfront and every January 1st. There is no indication that there are any insurance companies that would offer a policy under these conditions. The NY bill limits the cost to the employees; this bill has no cap on costs to employees. The minority's amendment sets up a \$603,000 short term loan to begin the implementation of the program as adopted twice this year by the House.

HB 1316-FN, relative to revenue collected from concealed carry licenses. **OUGHT TO PASS.**

Rep. Daniel Eaton for Finance. This bill provides an additional \$400,000 to the Department of Safety for the criminal background checks for handguns. The criminal background section is totally funded by fees charged for criminal background checks for employment. This section has two responsibilities, criminal background checks required for employment and criminal background checks to purchase a handgun. The \$400,000 will come from fees charged for out-of-state gun registration. Currently, all the money from out-of-state gun registrations goes directly to the general fund - approximately 1 million dollars. We recognize it is not usual to divert money from the general fund, during a non-budget year, but this is necessary to fund gun background checks. Currently criminal background checks for employment are taking up to three weeks. With the addition of the \$400,000 to support the handgun background checks, it is anticipated the time for these employment

background checks will be reduced to less than 10 days. This will have a significant effect on improving service to numerous employers and employees throughout the state. The money for the background checks for handguns will become part of the budget process for the 2020 biennium. **Vote 24-2.**

HB 1415-FN-A, establishing a death benefit for a school employee killed in the line of duty. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Tracy Emerick for Finance. This bill establishes a death benefit of \$100,000 for New Hampshire public school teachers and employees killed in the line of duty. **Vote 26-0.**

HB 1763-FN-A, establishing a road usage fee and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Weyler for Finance. For more than a decade we have struggled with financing the Department of Transportation. Federal CAFE Standards have brought ever-increasing miles per gallon to more and more of the vehicles on our roads. We have increased total vehicles, and vehicle miles, but that has not increased the receipts of the "road toll" or gas tax. Some suggestions have been to put mileage trackers on every vehicle and charge accordingly. That was seen as very intrusive on one's privacy as well as very expensive. The method that the bill employs is to place vehicles in different mpg categories. Motorcycles are exempt as well as vehicles achieving less than 20 mpg or manufactured in 1983 and prior. This of course exempts trucks. Trucks may put more wear and tear on the roads, but it was decided that between the higher registration costs and the higher fuel consumption, they already are paying a large share. As to the other categories, they go up by 10 mpg from 20 mpg to greater than 50 mpg; then to no gasoline consumption at all. Since the vehicles with better mpg in comparison with 20 mpg or less, are achieving considerable savings on the gas tax; this bill would tax 9% of the calculated savings based on 10,000 miles per year, and the mpg given by the manufacturer in the VIN. Typically for vehicles in the 20-30 mpg this would result in a charge of \$23.94 collected on yearly registration payment and designated as "road usage fee." Payments would go as high as \$111 for vehicles that used no gas. It is estimated that this fee would bring 21 million to the Highway Fund. We have had several years of using Turnpike surplus to balance the Highway Fund by selling 7 miles of highway and a bridge from DoT to Turnpike. After exhausting those funds, we last transferred General Funds to the Highway Fund. We had an unexpected General Fund surplus in the present budget, but that is unlikely in the next one. The bill is accepted as a fair way to assign the cost of maintaining our roads and bridges across the users and will assure the future funding, as we can expect ever-increasing mpg in our vehicles as well as alternate untaxed fuels. The concept was well accepted by the Ways and Means Committee and the NH House. It came to Finance, where we amended the bill by changing the funding from General Funds for the \$330,000 IT investment to Highway Funds, and to making the new revenue go to the Highway Fund rather than a new designated fund. The bill was well supported in Finance and we hope the House will support it again **Vote 21-5.**

WAYS AND MEANS

HB 324, relative to the valuation of utility property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Lang for Ways and Means. This second committee bill, having passed the Science, Technology, and Energy Committee previously this session, establishes a commission to look at the complex issue of the wildly varying local taxation rates of public utility property across the state. The commission's goal would be to recommend legislation for next term which would hopefully stem the tide of the over 200 lawsuits currently active, and any future lawsuits. The amendment increases the membership of the commission from nine to 11 members. It includes representatives of industry, the Department of Revenue Administration, the Assessing Standards Board (ASB), the judiciary, NH municipalities, the NH House, and NH Senate. The amendment also removes the ability of the commission to establish a moratorium on changes to local utility property valuation methodologies. Further, the amendment states that the commission will not look at generation and Federal Energy Regulatory Commission (FERC)-regulated transmission properties as part of its charter due to the unique nature of those properties, and will use the newly voted ASB recommendation as its starting point, so as to not re-hash the data. **Vote 23-0.**

FRIDAY, MARCH 16

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

9:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

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.

TUESDAY, MARCH 20

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. **SB 63**, relative to record management of abuse and neglect reports and establishing a pilot program regarding electronic storage of abuse and neglect records.

11:00 a.m. **SB 310-FN**, establishing a committee to study the feasibility of establishing community-based services pilot programs.

1:00 p.m. **SB 359**, relative to notice to school districts of out-of-home placements.

2:00 p.m. **SB 479**, relative to the oversight commission on children's services and relative to the commission to review child abuse fatalities.

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

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:15 a.m. **SB 87-FN**, relative to on-premises sales by liquor manufacturers.

11:00 a.m. **SB 315**, relative to the definitions of beverage and of mead.

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

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **SB 386**, relative to access to criminal records.

10:30 a.m. **SB 579-FN**, relative to penalties for welfare fraud.

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

EDUCATION, Room 207, LOB

9:30 a.m. **SB 441**, relative to final grades in schools.

9:50 a.m. **SB 349**, relative to course requirements in a career and technical education program.

10:10 a.m. **SB 524-FN**, relative to head injury policies for the community college system of New Hampshire and the university system of New Hampshire.

10:45 a.m. **SB 360**, establishing a commission to study whether the department of education should be required to conduct criminal history records checks, via a fingerprint check, on all applicants for teacher certification.

- 11:15 a.m. **SB 382**, relative to withdrawal from cooperative school districts.
 11:35 a.m. **SB 433**, relative to the annual filing of statistical reports to the department of education.
 1:00 p.m. **SB 435**, relative to alternative programs for granting credit leading to graduation.
 1:30 p.m. **SB 437**, relative to the robotics education development program.
 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. **SB 372-FN-A**, establishing positions in the office of professional licensure and certification and making an appropriation therefor.
 10:30 a.m. **SB 531-FN**, relative to the office of professional licensure and certification.
 11:00 a.m. **SB 406-FN**, requiring background checks for access to Internal Revenue Service federal tax information.
 11:30 a.m. **SB 470-FN**, relative to positions within the insurance department.
 1:30 p.m. **SB 534-FN**, relative to the classification of certain state employee positions.
 2:15 p.m. **SB 390-FN**, establishing the office of solicitor general in the department of justice and establishing an unclassified attorney position in the department of justice.
 Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FISH AND GAME AND MARINE RESOURCES, Rooms 305-307, LOB

- 10:00 a.m. **SB 500**, amending references to firearms terminology.
 1:00 p.m. **SB 451**, relative to wildlife trafficking.
 1:30 p.m. Public Hearing on non-germane amendment (2018-0668h) to SB 451 which changes the organization that is responsible for providing up to two hunting adventures, at no cost, to New Hampshire residents 21 years of age or under with life-threatening, critical, or terminal illnesses.
 Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Representatives Hall, SH

- 10:00 a.m. **SB 313-FN**, reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds.
 Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

JUDICIARY, Room 208, LOB

- 10:00 a.m. **SB 336**, relative to the judicial district for the towns of Waterville and Livermore.
 10:30 a.m. **SB 387-FN**, relative to liability of governmental units.
 11:00 a.m. **SB 389**, relative to administrative fees on restitution.
 11:30 a.m. **SB 493**, establishing a committee to study the codification of the exculpatory evidence schedule and related law enforcement protocols.
 1:15 p.m. **SB 497-FN**, relative to breast-feeding.
 1:45 p.m. **SB 498-FN**, requiring an annual report detailing activity related to forfeiture of personal property.
 Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 1:00 p.m. **SB 443**, relative to the jurisdiction of counties concerning retail electric supply.
 1:30 p.m. **SB 471**, relative to the authority of municipalities to address potential natural threats.
 2:00 p.m. **SB 393**, relative to county audits and performance audits.
 Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

RESOURCES, RECREATION AND DEVELOPMENT, Room 303, LOB *Please Note Room***

- 10:00 a.m. **SB 240-FN-L**, relative to the monitoring and treatment of contaminated wells.
 10:30 a.m. **SB 368**, establishing an exemption from shoreland protection permitting requirements for maintenance and repairs of existing roads and for borings and test wells.
 11:00 a.m. **SB 444**, relative to cutting timber near certain waters and public highways.
 11:30 a.m. **SB 172-FN**, relative to non-menace dams.
 Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. **SB 367**, relative to public utilities commission review of group host agreements.
 10:30 a.m. **SB 321**, relative to group host net energy metering.

- 1:00 p.m. **SB 448**, establishing a commission to study the establishment of a state department of energy.
 1:45 p.m. **SB 366**, relative to members of the site evaluation committee.
 Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. **SB 301-FN**, temporarily reducing the real estate transfer tax for first-time home buyers.
 10:30 a.m. **SB 340**, relative to the commissioner of revenue administration's assessment report.
 11:00 a.m. **SB 468-FN-A**, relative to fines and penalties collected by the department of environmental services.
 1:00 p.m. **SB 565-FN**, relative to aircraft registration fees and airways tolls.
 2:00 p.m. **SB 408-FN**, licensing historic racing.
 3:00 p.m. **SB 411-FN-A**, relative to the research and development tax credit.
 Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

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, MARCH 27

CHILDREN AND FAMILY LAW, Room 206, LOB

- 10:00 a.m. **SB 385**, establishing a foster care children's bill of rights.
 11:00 a.m. **SB 489**, establishing a committee to study parental alienation in New Hampshire.
 1:00 p.m. **SB 496-FN**, relative to mediation for certain child support arrearages.
 2:00 p.m. **SB 574-FN**, clarifying the repayment period for parental reimbursement.
 Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EDUCATION, Room 207, LOB

- 10:00 a.m. **SB 436**, relative to tuition in the community college system.
- 10:30 a.m. **SB 442**, relative to surety indemnification requirements for private postsecondary career schools.
- 11:00 a.m. **SB 434**, relative to school nurse certification.
- 11:30 a.m. **SB 358**, relative to reorganization of the department of education.
- 1:00 p.m. **SB 432-FN-L**, establishing a commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective.
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. **SB 324-FN**, allowing an optional retirement system allowance to include a subsequent remarriage of a divorced retiree.
- 10:45 a.m. **SB 536-FN**, relative to eligibility for death benefits for court security officers.
- 11:30 a.m. **SB 588-FN**, relative to inspections of laboratories and relative to loans for lead hazard remediation projects.
- 1:15 p.m. **SB 328**, relative to attorney general membership on certain committees and repealing the criminal justice information system.
- 2:00 p.m. **SB 334-FN**, relative to temporary licenses for occupations and professions for persons from other states.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FINANCE, Room 210-211, LOB

- 10:00 a.m. **SB 544-FN**, providing that 2 percent of insurance tax collections be deposited in the fire standards and training and emergency medical services fund.
- 10:30 a.m. **SB 539-FN-A**, making appropriations to the department of education for adequate education grants.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **SB 339**, relative to voting by zoning boards of adjustment.
- 10:20 a.m. **SB 506**, limiting amendments to warrant articles.
- 10:40 a.m. **SB 505**, requiring abutter notice of the construction of a crematory.
- 11:00 a.m. **SB 341**, relative to the veterans' property tax credit for service-connected disability.
- 11:20 a.m. **SB 503**, relative to increasing the maximum amount of the optional veterans' tax credit.
- 1:30 p.m. **SB 504-FN**, relative to sales of tax-deeded property.
- 1:50 p.m. **SB 510**, relative to municipal notice of leases on tax-exempt property.
- 2:15 p.m. **SB 170**, relative to the authority of towns to issue bonds for the expansion of broadband infrastructure.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Presentation on personal travel pods by TransitX.
- 1:00 p.m. Presentation on blockchain technology in the energy sector.
- 2:30 p.m. Presentation by the Advanced Regenerative Manufacturing Institute.

WEDNESDAY, MARCH 28**LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB**

- 10:00 a.m. **SB 84**, relative to payment of workers' compensation benefits by direct deposit and authorizing electronic payment of payroll.
- 10:20 a.m. **SB 351**, relative to managed care programs under workers' compensation.
- 10:40 a.m. **SB 356**, adding a representative from the community college system to the apprenticeship advisory council.
- 11:00 a.m. **SB 417**, relative to days of rest for employees of recreation camps and youth skill camps.
- 11:20 a.m. **SB 428**, relative to the payment of weekly and biweekly wages.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FRIDAY, MARCH 30**COMMISSION ON THE SEACOAST CANCER CLUSTER INVESTIGATION (RSA 126-A:74), Rooms 205-207, LOB**

- 9:00 a.m. Regular meeting.

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

1:15 p.m. Regular meeting.

TUESDAY, APRIL 3**RESOURCES, RECREATION AND DEVELOPMENT, Rooms 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.

11:00 a.m. **SB 410-FN**, establishing a commission to study creating a boat safe card.

1:00 p.m. **SB 445**, designating the Warner River as a protected river.

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

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.

WEDNESDAY, APRIL 4**FINANCE - DIVISION II, Room 209, LOB**

10:00 a.m. Division work session on **SB 193-FN**, establishing education freedom savings accounts for students.

FRIDAY, APRIL 6**ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB**

9:00 a.m. Continued meeting.

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, Conference Room 334, 109 Pleasant Street, Concord

1:00 p.m. Subcommittee meeting on utility valuation.

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.

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

1:30 p.m. Regular meeting.

FRIDAY, APRIL 13**ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 303, LOB**

9:00 a.m. Subcommittee meeting regarding the Assessing Reference Manual.

9:30 a.m. Regular meeting.

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.

COMMISSION TO STUDY GRANDFAMILIES IN NEW HAMPSHIRE (RSA 170-G:17), Rooms 206-208, LOB

10:00 a.m. Regular meeting.

COMMITTEE TO STUDY MENTAL HEALTH AND SOCIAL SERVICE BUSINESS PROCESS ALIGNMENT AND INFORMATION SYSTEM INTEROPERABILITY (SB 147, Chapter 116:1, Laws of 2017), Room 101, LOB

1:00 p.m. Regular meeting.

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

10:00 a.m. Regular meeting.

NEW HAMPSHIRE STATE HOUSE BICENTENNIAL COMMISSION (RSA 17-R:1), Room 308, LOB

1:00 p.m. Regular meeting.

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

9:30 a.m. Regular meeting.

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.

THURSDAY, APRIL 26**COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T), New Hampshire Medical Society, 7 North State Street, Concord**

2:00 p.m. Regular meeting.

OFFICIAL NOTICES**COUNTY DELEGATION NOTICE**

The **Carroll** County Delegation will hold its next meeting on **Monday, March 19th at 10:00 a.m.** in the Delegation Room, 2nd Floor, 95 Water Village Road, Ossipee, to continue its work on the budget. The Delegation also will consider a request for a tax anticipation note, vote to fund collective bargaining agreement and act upon any other business that may properly be brought before the meeting. All citizens are invited to attend and make remarks during the public comment period. The meeting of the Executive Committee may be followed by a meeting of the County Convention to vote on any motions made by the Executive Committee. If you need any specific accommodations, please contact 539-7751. (ADA)

Rep. Ed Butler, Clerk

COUNTY DELEGATION NOTICE

The **Hillsborough** County Executive Committee will meet on **March 23rd 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 12th 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 19th** 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 19th 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.

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

The House Republican Alliance (HRA) will meet on **Tuesdays at 8:30 a.m.** in LOB 201. All republican house members are invited to attend.

Reps. Glenn Cordelli, James Spillane and Chris True

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

Community Support Network, Inc. (CSNI) partnered with the New Hampshire Council on Developmental Disabilities invite legislators and staff to attend the signing of a proclamation to declare March as Developmental Disabilities Awareness Month in the State of New Hampshire. This event will take place on **Monday, March 19th at 10:30 a.m.** in the Executive Council Chambers. There will be a small reception to follow in the State House Cafeteria for light refreshments and an opportunity for networking. CSNI is the association to the 10 area agencies in the State of NH that provide services to individuals with developmental disabilities and acquired brain disorders. Representatives from the agencies will be in attendance along with individuals who experience a development disability, family, staff providers, and other professionals in the field.

Rep. Cindy Rosenwald

All legislators and staff are cordially invited to join the New Hampshire Automobile Dealers Association (NHADA) for a Legislative Crossover Reception on **Wednesday, March 21st 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

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 22nd 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

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 28th 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

Please Join the Alzheimer's Association on **Wednesday, March 28th** for an advocacy luncheon in the State House cafeteria from **11:30 a.m. to 1:00 p.m.** Lunch and Alzheimer's education will be provided.

Reps. Renny Cushing and Al Baldasaro

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 12th 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

The Granite State Children's Alliance, NH's network of Child Advocacy Centers is hosting a luncheon on **April 17th from 12:00 p.m. to 1:00 p.m.** at Saint Paul's Church in Concord. We are excited about sharing progress we have made with our KNOW & TELL initiative, to educate and empower adults to KNOW the signs of child abuse and TELL responsible authorities when they recognize them.

Rep. Skip Berrien

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 21st 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

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>#/GRADE</i>
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 nd Start ESL students	20/HS
March 19	12:45	Rundlett Middle School – Concord	42/7
March 20	9:30	Alton Central School	40/4
March 20	10:15	Greenfield Elementary/ Hancock Elementary	42/4
March 20	11:00/12:00	Abbott Downing School – Concord	78/4
March 21	9:00	Mount Saint Mary Academy – Manchester	11/4
March 21	10:15/11:30 SH/HM	Interlakes Elementary School – Meredith	65/4
March 22	9:45	Mont Vernon School	36/4
March 22	9:15	Pittsfield Elementary School	25/4
March 23	9:00	Newington Public School	16/4
March 23	9:00	Nashua Christian Academy	9/4
March 23	11:30	Concord Parks & Recreation	15/Srs
March 23	1:00	Leadership Southern NH – Salem	
March 26	10:00	North Hampton School	37/4
March 26	11:30	Micro Society Academy – Nashua	50/4&5
March 27	9:00/10:15 SH/HM	Pembroke Hill School	100/4
March 27	10:00/11:00	Woodman Park School – Dover	110/4
March 28	9:30/10:45 SH/HM	Webster Elementary School – Manchester	85/4
March 29	9:30	Rye Elementary School	40/4
March 29	10:00	Mount Lebanon School	41/4
March 29	11:00	Chester Academy	55/4
March 30	10:00	East Kingston Elementary	50/4
March 30	9:30/11:00	Parker Varney School – Manchester	64/4&5
April 2	10:15/11:30 SH/HM	South Range Elementary School – Derry	59/4
April 3	9:00	Green Valley School – Pembroke	12/4
April 3	9:30 * 2 tours	Barnstead Elementary School	58/4
April 3	11:00	Portsmouth Christian Academy – Dover	24/4
April 4	10:15/11:30 SH/HM	Crescent Lake School – Wolfeboro	62/4
April 5	9:30	Boscawen Elementary School	49/4
April 5	10:00/11:30	Milford Elementary School	90/4
April 5	11:00	Temple Elementary School	20/3&4
April 6	10:00/11:30	Milford Elementary School	75/4
April 6	1:00	Seacoast Home School families	27
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	9:45	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 & Francestown Elementary School	36/4
April 16	10:15/11:30	Symonds School	72/4
April 17	9:00	Trinity Christian School – Concord	13/4
April 17	10:00 * 2 tours	Birch Hill Elementary School – Nashua	75/4
April 18	10:00/11:30	Little Harbor School – Portsmouth	80/4
April 18	9:30	Sandwich Central School	22/4

DATE	TIME	GROUP	#/GRADE
April 18	12:45	Christa McAuliffe School – Concord	44/4
April 19	9:00	Jaffrey Grade School	50/4
April 19	10:00	Marlborough Elementary School	25/4
April 19	12:34	Christa McAuliffe School – Concord	44/4
April 19	12:00	New Hampton School	15/4
April 19	3:00	IREM (realtors)	20/adults
April 20	9:30	Londonderry Middle School	60/8
April 20	10:00/11:30 SH/HM	Garrison School – Dover	100/4
April 20	10:30	Thornton Central School	27/4
April 25	9:00	NH-4-H Citizenship Focus group	
April 25	11:30	On the Road to Wellness group	
April 26	10:00	Rollinsford Grade School	40/4
April 27	9:30/10:30	Hanover St. School- Lebanon	90/4

Amendment to HB 324

(2018-1070h)

Proposed by the Committee on Ways and Means - r

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

AN ACT establishing a commission to study utility property valuation and recommend legislation to reform the current system of taxing utility property in New Hampshire.

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

1 New Section; Commission to Study Utility Property Valuation. Amend RSA 72 by inserting after section 12-d the following new section:

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

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

II. The commission shall be composed of 11 members, as follows:

(a) Two representatives of New Hampshire utility companies, one from an electric utility and one from a water or gas utility, appointed by the chairperson of the house science, technology and energy committee.

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

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

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

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

(f) Two members of the assessing standards board, consisting of the chairperson of the board, or his or her designee, and a member appointed by the board.

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

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

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

IV. The commission shall:

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

(b) Recommend legislation to reform the current system of municipal taxation of utility property, guided by the principles and recommendations unanimously adopted by the assessing standards board on February 16, 2018, intended to make the state's system of utility property valuation more consistent across municipalities and yet still reflective of the full and fair market value of utility property in each municipality, to the extent reasonably possible.

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

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

(2) What valuation approach or combination of approaches is most likely to yield valuation results that are both consistent across municipalities and reflective of the full and fair market value of utility prop-

erty in each municipality. In considering this question, the commission shall also consider whether different approaches or methods are best suited for valuing different classes of utility property, or whether a single one of the following valuation approaches or methods can be expected to produce results that are both consistent and reflective of fair market value across various municipalities and classes of utility property:

- (A) The “modified net book value” cost approach as described in proposed amendment 2017-2515h;
- (B) Another cost approach, such as but not limited to “reproduction cost new less depreciation;”
- (C) A market or sales approach;
- (D) An income approach;
- (E) An approach that combines 2 or more of the above; or
- (F) Some other alternative approach.

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

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

(d) Exclude from its deliberations all generation and Federal Energy Regulatory Commission (FERC) regulated transmission properties.

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

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

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

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

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

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

2018-1070h

AMENDED ANALYSIS

This bill establishes a commission to study utility property valuation and recommend legislation to reform the current system of taxing utility property in New Hampshire.

Amendment to HB 407-FN

(2017-2453h)

Proposed by the Committee on Finance - c

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

1 New Paragraph; Workers’ Compensation; Definitions. Amend RSA 281-A:2 by inserting after paragraph I-a the following new paragraph:

I-aa. “Airborne disease” means pathogenic microorganisms that may be discharged through respiratory secretions and can cause disease in humans through inhalation or contact with a mucous membrane. In this chapter these are defined as pertussis, meningococcal disease, and tuberculosis.

2 Workers’ Compensation; Definitions. Amend RSA 281-A:2, I-d and I-e to read as follows:

I-d. “Bloodborne disease” means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), **hepatitis C virus**, and human immunodeficiency virus (HIV).

I-e. “Critical exposure” means contact of an employee’s ruptured or broken skin or mucous membrane with a person’s blood or body fluids, other than tears, saliva, or perspiration, **unless these are visibly contaminated with blood**, of a magnitude that can result in transmission of bloodborne disease.

3 New Paragraph; Workers’ Compensation; Definitions. Amend RSA 281-A:2 by inserting after paragraph V-b the following new paragraph:

V-c. “Emergency response/public safety worker” means call, volunteer, or regular firefighters; law enforcement officers certified under RSA 106-L; certified county corrections officers; and rescue or ambulance workers including ambulance service, emergency medical personnel, first responder service, and volunteer personnel.

4 Workers’ Compensation; Definitions. Amend RSA 281-A:2, XIV-a to read as follows:

XIV-a. “Post-exposure prophylaxis” means preventive medical treatment started after an identified critical exposure or unprotected exposure in order to prevent infection and the development of disease, in accordance with standards promulgated by the Centers for Disease Control and Prevention, United States Department of Health and Human Services.

XIV-b. “Unprotected exposure” includes instances of direct mouth-to-mouth resuscitation or the commingling of blood or other potentially infectious material of a source individual and an emergency response/public safety worker which is capable of transmitting a bloodborne or airborne disease.

XIV-c. “Rehabilitation provider” as used in this chapter includes any person certified as a vocational rehabilitation provider under RSA 281-A:68 or RSA 281-A:69 and who operates for the purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other services which are provided under competent professional supervision.

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

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

VI-a. All expenses associated with the medical evaluation and recommended post-exposure prophylaxis treatment for emergency response/public safety workers shall be paid by the employer’s insurance carrier or third-party administrator. Such medical evaluation and prophylaxis treatment shall be provided without prejudice as to the issue of the causal relationship of any subsequently diagnosed bloodborne disease or airborne disease to the emergency response/public safety worker’s work and without prejudice to the compensability of the bloodborne disease or airborne disease as an occupational disease or an accidental injury for the purposes of this chapter.

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

Amendment to HB 628-FN

(2018-1111h)

Proposed by the Majority of the Committee on Finance - r

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

AN ACT relative to disability insurance for non-work related employee health issues and family and medical leave insurance.

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

1 New Chapter; Disability Insurance for Non-Work Related Employee Health Issues and Family and Medical Leave Insurance. Amend RSA by inserting after chapter 282-A the following new chapter:

CHAPTER 282-B

DISABILITY INSURANCE FOR NON-WORK RELATED EMPLOYEE HEALTH ISSUES AND FAMILY AND MEDICAL LEAVE INSURANCE

282-B:1 Findings. The general court finds that disability insurance for non-work related employee health issues coupled with family and medical leave insurance will help New Hampshire attract and retain workers, including younger workers, will enable parents to bond with biological, adopted, or foster children, will help meet the needs of an aging population, will advance the health of New Hampshire’s workforce and workplace stability, and will enhance worker retention and productivity. The general court therefore finds that it is in the public interest to establish a system of disability insurance for non-work related employee health issues and family and medical leave insurance (FMLI) with benefits to be provided to qualified workers on a limited basis.

282-B:2 Definitions. In this chapter:

I. “Child” has the same meaning as “son or daughter” in 29 U.S.C. section 2611(12).

II. “Commissioner” means the commissioner of the department of labor.

III. “Department” means the department of labor.

IV. “Disability insurance for non-work related employee health issues” means insurance designed to provide financial support to an employee who is unable to perform the activities of his or her employment due to a non-work related injury or sickness.

V. “Employer” means any individual, organization, partnership, association, corporation, or limited liability company that employs or puts to work a person as an employee. “Employer” shall not include a sole proprietor with no employees.

VI. "Employment" means service performed for wages for an employer under this chapter.

VII. "Family and medical leave" means leave from work due to:

- (a) The birth of a child of the employee, within the past 12 months;
- (b) The placement of a child with the employee for adoption or fostering, within the past 12 months; or
- (c) A serious health condition of a family member.

VIII. "Family member" means a child, a biological, adoptive, or foster parent, a stepparent or legal guardian of a child, a child's spouse or domestic partner, a biological, adoptive, or stepgrandparent, or a spouse or domestic partner.

IX. "Federal family and medical leave act" means the federal Family and Medical Leave Act of 1993, 29 U.S.C. section 2601 et seq.

X. "FMLI" means family and medical leave insurance.

XI. "Serious health condition" for the purpose of family and medical leave means any illness covered by the federal family and medical leave act including treatment for addiction as prescribed by a treating clinician, consistent with American Society of Addiction Medicine criteria, as well as treatment for a mental health condition, consistent with American Psychiatric Association criteria.

282-B:3 Employer Responsibility.

I. All employers except the state and its political subdivisions shall provide family and medical leave insurance, provided that any employer participating in a self-insured plan or who is self-insured may opt out of family and medical leave insurance upon certification by the commissioner or authorized representative that the employer provides an equivalent benefit for its employees. The state or its political subdivisions may provide insurance under this chapter upon certification by the commissioner or authorized representative that the insurance benefits are at least equivalent to the benefits provided under the collective bargaining agreement, provided the applicable bargaining unit has first ratified this option. All employers shall offer paid family and medical leave insurance policies from an approved list of insurers maintained by the department of insurance unless self-insured.

II. Prior to the commencement of employment or the commencement of the provision of insurance, each employer shall provide to a prospective employee department-approved written information containing conspicuous language explaining the costs and benefits of family and medical leave insurance and indicating that the employee may affirmatively opt out of the insurance by downloading a form from the department to be completed, signed, and submitted to the department and the employer before employment commences or before insurance is provided, and that the employee shall be provided the opportunity to opt in or opt out on January 1 of each year. No employer shall make opting in or opting out of the insurance a condition of employment nor discriminate against an employee in compensation or in terms, conditions, or privileges of employment because such employee chose not to opt out.

III. Employers shall withhold a percentage of each participating employee's wages per week, as determined by the insurance commissioner under RSA 400-A:68, I, for family and medical leave insurance premiums.

IV. An employer may require that leave taken under this chapter be taken concurrently or otherwise coordinated with leave allowed under the terms of a collective bargaining agreement or employer policy. An employer shall give employees written notice of this requirement.

V. Annually, on or before January 31, every employer shall provide an annual report for the most recent calendar year on leave usage, aggregate benefits paid, average benefit paid, and participation rates. Such report shall be in a format established by the department.

VI. A violation of any provision of this chapter shall require corrective action. The department shall issue a written warning for a first offense. The employer may appeal in writing to the commissioner from the initial determination. For a second offense, an employer shall be guilty of a class A misdemeanor.

282-B:4 Employee Responsibility.

I. An employee shall provide his or her employer with written notice of intent to take family and medical leave at least 30 days before the leave will begin unless the leave was not reasonably foreseeable or the time of the leave changes due to circumstances that were not reasonably foreseeable. An employee's failure to provide required notice may delay or reduce benefits.

II. Any employee of an employer covered under the federal Family and Medical Leave Act who takes leave under this chapter shall be restored to the position he or she held prior to taking such leave or to an equivalent position by his or her employer. Employers shall continue to provide health insurance to employees during the leave, but employees shall remain responsible for any employee-shared costs associated with the health insurance benefits. No employer shall retaliate against any employee solely for exercising his or her rights under this chapter.

282-B:5 Eligibility Process. In order to be eligible to participate in family and medical leave insurance, an employee shall be employed by the same employer for 12 months. An employee must participate in the program for 12 months with the same employer before being eligible for family and medical leave benefits. No employee may take paid family and medical leave for himself or herself until he or she has exhausted

all short term disability benefits. An employee shall have worked in employment resulting in wages in the amount of at least 1,040 hours annually multiplied by the applicable minimum wage. An employee who earns less than the required wages may not contribute to the program or be eligible for benefits.

282-B:6 Calculation of Minimum Benefits. An employer must withhold premium payments from the employee's wages for at least 12 months before the employee is eligible for benefits. Family and medical leave insurance benefits in any 12 month period shall be as least as follows:

I. In the first year of eligibility, an employee is limited to 4 weeks of paid family leave at 50 percent of average weekly wage capped at 50 percent of New Hampshire's state average weekly wage as reported by the department of employment security. No employee shall earn more than 50 percent of his or her weekly wage.

II. In the second year of eligibility, an employee is limited to 4 weeks of paid family leave at 55 percent of average weekly wage capped at 55 percent of New Hampshire's state average weekly wage as reported by the department of employment security. No employee shall earn more than 55 percent of his or her weekly wage.

III. In the third year of eligibility, an employee is limited to 4 weeks of paid family leave at 60 percent of average weekly wage capped at 60 percent of New Hampshire's state average weekly wage as reported by the department of employment security. No employee shall earn more than 60 percent of his or her weekly wage.

IV. In the fourth and subsequent years of eligibility, an employee is limited to 4 weeks of paid family leave at 67 percent of average weekly wage capped at 67 percent of New Hampshire's state average weekly wage as reported by the department of employment security. No employee shall earn more than 67 percent of his or her weekly wage.

282-B:7 Limitations. Nothing in this chapter shall diminish an employer's obligation to comply with a collective bargaining agreement or employer policy, nor does this chapter, or any decision by the commissioner or authorized representative under this chapter, limit the ability of employers to provide short term disability insurance, family and medical leave insurance benefits, or benefits beyond what is required by this chapter.

282-B:8 Oversight Committee Established.

I. There is established a legislative oversight committee to monitor disability insurance for non-work related employee health issues and family medical leave insurance under RSA 282-B.

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

(1) Four members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be the chairperson of the commerce and consumer affairs committee and one of whom shall be the chairperson of the finance committee.

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

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall monitor disability insurance for non-work related employee health issues and family medical leave insurance. The committee shall work with the departments of insurance, labor, and employment security to evaluate the efficiency and effectiveness of disability insurance for non-work related employee health issues and family medical leave insurance under RSA 282-B.

IV. The chairperson of the commerce and consumer affairs committee and the chairperson of the finance committee shall be co-chairpersons of the oversight committee. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

V. The legislative oversight committee shall submit an annual report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the chairpersons of the house and senate finance and executive departments and administration committees, the house clerk, the senate clerk, the governor, and the state library on or before November 1.

2 New Subdivision; Disability Insurance for Non-Work Related Employee Health Issues. Amend RSA 275 by inserting after section 27 the following new subdivision:

Disability Insurance for Non-Work Related Employee Health Issues

275:27-a Disability Insurance for Non-Work Related Employee Health Issues. All employers, including the state and its political subdivisions and nonprofit organizations that opt into this chapter, shall provide disability insurance for non-work related employee health issues for their employees, provided that any employer providing disability coverage already or who is self-insured and participating in a self-insured plan shall not be required to change coverage.

3 New Subdivision; Disability Insurance for Non-Work Related Employee Health Issues. Amend RSA 400-A by inserting after section 67 the following new subdivision:

Disability Insurance for Non-Work Related Employee Health Issues

400-A:68 Disability Insurance for Non-Work Related Employee Health Issues.

I. The insurance commissioner, in consultation with the department of employment security, shall annually adjust the payroll withholding percentage based on market rates and pursuant to RSA 282-B:3, III, and provide the new rate to the department of labor for dissemination to eligible employers.

II. The insurance commissioner, in consultation with the department of employment security, shall make public and provide annual reports on or before March 31 to the senate president, speaker of the house of representatives, and members of the house and senate committees with jurisdiction over commerce and finance, and make available to the public on the insurance department website a summary including, but not limited to, program usage, aggregate benefits paid, average benefit paid, and participation rates.

III. The insurance commissioner shall provide information to all insurance providers that provide or may be interested in providing disability insurance for non-work related employee health issues products in New Hampshire.

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

2018-1111h
AMENDED ANALYSIS

This bill establishes disability insurance for non-work related employee health issues and family and medical leave insurance.

**Amendment to HB 628-FN
(2018-1102h)**

Proposed by the Minority of the Committee on Finance - r

Amend the bill by replacing section 4 with the following:

4 Family and Medical Leave Insurance; Funding Transfer and Repayment.

I. The state treasurer shall transfer \$603,000 in unrestricted general fund revenue to the department of employment security for payment of the initial administrative and implementation expenses associated with RSA 282-B. No later December 31, 2021, the department shall reimburse the general fund from the family and medical leave insurance fund established in RSA 282-B:4.

II. The department of employment security shall include the initial administrative and implementation expenses associated with RSA 282-B in its operating budget request pursuant to RSA 9:4 for the biennium ending June 30, 2021. Such funds shall be reimbursed to the general fund from the family and medical leave insurance fund established in RSA 282-B:4 no later than December 31, 2021.

**Amendment to HB 1104-FN
(2018-1062h)**

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

Amend the bill by replacing section 4 with the following:

4 Administrative Provisions; Extensions for Conservation Commission Action on Wetlands Applications.

Amend RSA 482-A:11, III(a) to read as follows:

(a) Upon written notification to the department by a municipal conservation commission that it intends to investigate any notice received by it pursuant to RSA 482-A:3, the department shall not make its decision on the application that is the subject of the notice until it has received and acknowledged receipt of a written report from such commission, or until 40 days from the date of filing with the municipal clerk of such notice, whichever occurs earlier, subject to an extension **of up to 40 days**, as permitted by the [department] **commissioner, for good cause shown**. In connection with any local investigation, a conservation commission may hold a public informational meeting or a public hearing, the record of which shall be made a part of the record of the department. Where the [department] **commissioner** grants an extension, the time limits prescribed by RSA 482-A:3, XIV(b) shall be suspended ~~[until a date]~~ **for up to 40 days as** agreed to by the applicant and the department. If a conservation commission makes a recommendation to the department in its report, the department shall specifically consider such recommendation and shall make written findings with respect to each issue raised in such report which is contrary to the decision of the department. If notification by a local conservation commission pursuant to this paragraph is not received by the department within 14 days following the date the notice is filed with the municipal clerk, the department shall not suspend its normal action, but shall proceed as if no notification has been made.

Amend the bill by replacing all after section 6 with the following:

7 Time Limit for Recommendation on Grant of Right Petitions. Amend RSA 482-A:22 to read as follows:

482-A:22 Grant of Right. The governor and council, upon petition and upon the recommendation of the department, may, for just consideration, grant to an owner of a shoreline on public waters the right to excavate, remove, or dredge any bank, flat, marsh, swamp or lake bed before the owner's shoreline. Every petition to excavate or dredge said areas shall be filed with the department. The department, after 30 days' notice to abutters **and within 60 days of receipt of a petition**, the local governing body of the municipality in which the property is situate, and the department of health and human services shall hold a public hearing. Notice of the hearing shall be published twice in 2 different weeks, the last publication to be 7 days before the hearing, in one newspaper of general circulation throughout the state and another newspaper of general circulation in the municipality. The notice shall also be posted in 2 public places in the municipality. Upon appropriate investigation **and within 30 days of a public hearing**, the department shall make its recom-

mendations to the governor and council with regard to such petition. If the department recommends that the petition be granted, in whole or in part, such recommendation shall include appropriate specifications and conditions necessary to the protection of public rights and to the protection of the rights and privileges of persons owning land in the vicinity of the area to be excavated or dredged by the petitioner.

8 Terrain Alteration; Reduction of Permit Timelines. Amend RSA 485-A:17, II-b(e) and (f) to read as follows:

(e) The time limits under this paragraph shall not apply to an application from an applicant that has [previously] been found in violation of this chapter pursuant to RSA 485-A:22-a ***within the 5 years preceding the application*** or an application that does not otherwise ***substantially*** comply with the department's rules relative to the permit application process.

(f) The department may extend the time for rendering a decision under subparagraphs (b)(3) and (c)(3), without the applicant's agreement, on an application from an applicant who, [previously] ***within the 5 years preceding the application***, has been determined, after the exhaustion of available appellate remedies, to have failed to comply with this section or any rule adopted or permit or approval issued under this section, or to have misrepresented any material fact made in connection with any activity regulated or prohibited by this section, pursuant to an action initiated under RSA 485-A:22. The length of such an extension shall be no longer than reasonably necessary to complete the review of the application, and shall not exceed 30 days unless the applicant agrees to a longer extension. The department shall notify the applicant of the length of the extension.

9 New Section; Failure of Agency to Act. Amend RSA 541-A by inserting after section 29 the following new section:

541-A:29-a Failure of Agency to Act.

I. If an agency fails to take any required action on an application, petition, or request within the time limits prescribed by RSA 541-A:29 or any other provisions of law, the application, petition, or request shall be deemed approved and any permit, approval or other item requested shall be deemed granted to or received by the applicant, petitioner, or requestor.

II. If a permit, approval, or other item has been granted under paragraph I, the applicant may request written confirmation of such grant from an agency. The agency shall provide an applicant written confirmation of such an approval within 14 days of the applicant's request.

III. A permit, approval, or other item shall not be granted by default if an applicant has agreed in writing to extend an agency's time for review pursuant to RSA 541-A:29, IV or any other provision of law.

IV. A grant of a permit, approval, or other item under this section shall not relieve the applicant, petitioner, or requestor from the obligation to comply with all federal, state, and local requirements applicable to activities authorized by the permit, approval, or other item.

10 New Section; Voluntary Corporations and Associations; Online Filing. Amend RSA 292 by inserting after section 5-b the following new section:

292:5-c Online Filing. No later than January 1, 2020, the secretary of state shall provide for and allow the online filing of all forms, certificates, or other documents required under this chapter.

11 New Section; New Hampshire Business Corporations Act; Online Filing. Amend RSA 293-A by inserting after section 1.21 the following new section:

293-A:1.21-a Online Filing. No later than January 1, 2020, the secretary of state shall provide for and allow the online filing of all forms, certificates, or other documents required under this subdivision.

12 New Section; Uniform Partnership Act; Online Filing. Amend RSA 304-A by inserting after section 5 the following new section:

304-A:5-a Online Filing. No later than January 1, 2020, the secretary of state shall provide for and allow the online filing of all forms, certificates, or other documents required under this chapter.

13 New Section; Uniform Limited Partnership Act; Online Filing. Amend RSA 304-B by inserting after section 8 the following new section:

304-B:8-a Online Filing. No later than January 1, 2020, the secretary of state shall provide for and allow the online filing of all forms, certificates, or other documents required under this chapter.

14 New Section; Limited Liability Companies; Online Filing. Amend RSA 304-C by inserting after section 28 the following new section:

304-C:28-a Online Filing. No later than January 1, 2020, the secretary of state shall provide for and allow the online filing of all forms, certificates, or other documents required under this chapter.

15 New Paragraphs; Refunds, Appeals for Redetermination or Reconsideration, Liens, and Distraints; Processing Timelines. Amend RSA 21-J:28-b by inserting after paragraph II the following new paragraphs:

II-a. Within 60 days of receipt of such petition for redetermination or reconsideration, the department shall examine such petition for redetermination or reconsideration, notify the applicant of any errors or omissions, request any additional information that the department is permitted by law to require, and notify the petitioner of the name, official title, address, and telephone number of a department official or employee who may be contacted regarding the petition.

II-b. Within a reasonable time, not to exceed 120 days, after receipt of the petition for redetermination or reconsideration, or of the response to a timely request by the department pursuant to paragraph II-a, the department shall:

(a) Approve or deny the petition for redetermination or reconsideration, in whole or in part, on the basis of nonadjudicative processes, if disposition of the petition for redetermination or reconsideration by the use of these processes is not precluded by any provision of law; or

(b) Commence an adjudicative proceeding in accordance with RSA 541-A.

16 New Paragraph; Department of Health and Human Services; Time Limits for Agency Action on Applications, Petitions, and Requests. Amend RSA 126-A:5 by inserting after paragraph XXX the following new paragraph:

XXXI. The department of health and human services shall comply with the provisions of RSA 541-A:29 for the timely processing of completed applications, petitions, or other administrative requests made of the agency. However, the provisions of RSA 541-A:29-a shall not apply to any federally funded program administered by the department to the extent such default approval conflicts with federal law.

17 The Public Utilities Commission; Appointment, Qualification, Etc. Amend the introductory paragraph of RSA 363:17-b to read as follows:

363:17-b Final Orders. The commission shall issue a final order on all matters presented to it. ***Matters resolved by final order of the commission shall be exempt from RSA 541-A:29 and RSA 541-A:29-a, but shall be subject to federal and state time limitations applicable to specific matters.*** The transcript or minutes of oral deliberations shall not constitute a final order. A final order shall include, but not be limited to:

18 The Public Utilities Commission; Rulemaking Authority. Amend RSA 365:8 to read as follows:

365:8 Rulemaking Authority.

I. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

~~[I.]~~ ***(a)*** The conduct of its hearings, including alternative processes in hearings and other forms of alternative dispute resolution.

~~[H.]~~ ***(b)*** Standards and procedures for streamlined review or other alternative processes to enhance the efficiency of the commission and respond to the needs of the utility's ratepayers and shareholders.

~~[HH.]~~ ***(c)*** Standards and procedures for the creation, monitoring and evaluation of alternative forms of regulation.

~~[IV.]~~ ***(d)*** Standards and procedures for the handling of confidential information, in accordance with RSA 91-A.

~~[V.]~~ ***(e)*** Standards and procedures for filing requirements for tariffs, engineering, accounting, and other commission matters.

~~[VI.]~~ ***(f)*** Standards and procedures for franchise terms and conditions, including extended area telephone service.

~~[VII.]~~ ***(g)*** Standards and procedures for safe and reliable utility service and termination of service subject to RSA 363-B.

~~[VIII.]~~ ***(h)*** Standards and procedures for matters related to the proper administration of RSA 366 relative to utility relations with affiliates.

~~[IX.]~~ ***(i)*** Standards and procedures relative to a reasonable amount of the short-term notes, bonds or other evidences of indebtedness based upon the amount of the utility's respective plant investment which each utility shall not exceed without first obtaining the approval of the commission pursuant to RSA 369:7.

~~[X.]~~ ***(j)*** Standards and procedures for determination and recovery of rate case expenses.

~~[XI.]~~ ***(k)*** Standards and procedures for the conduct of investigations authorized under this title.

~~[XII.]~~ ***(l)*** Procedures necessary to provide for the proper administration of and to further the purposes of this title.

~~[XIII.]~~ ***(m)*** [Repealed.]

~~[XIV.]~~ ***(n)*** Standards and procedures for public utilities to request protection of routine filings that contain confidential commercial or financial information.

II. Where the commission has adopted rules in conformity with this section, complaints to and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

19 The Public Utilities Commission; Electric Utility Restructuring; Ratepayer Protection. Amend RSA 374-F:4-b, I to read as follows:

I. Within 60 days of the effective date of this section, the commission shall initiate a proceeding to develop rules to allow residential and small commercial customers to choose how they receive communication from competitive electric suppliers and to implement the provisions of this section. ***Where the commission has adopted rules in conformity with this section, complaints to and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.***

20 The Public Utilities Commission; Competitive Electricity Supplier Requirements. Amend RSA 374-F:7, V to read as follows:

V. The commission shall adopt rules, under RSA 541-A, to implement this section. ***Where the commission has adopted rules in conformity with this section, complaints to and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.***

21 New Section; Insurance Holding Companies; Time Limits for Agency Action. Amend RSA 401-B by inserting after section 15 the following new section:

401-B:16 Time Limits for Agency Action. The time limits specified in this chapter for the commissioner to act on any holding company application, petition, or request and the provisions in this chapter under which an application, petition, or request may or may not be deemed to be approved when the commissioner does not act after a specified period of time shall control, and RSA 541-A:29 and RSA 541-A:29-a shall not apply.

22 New Sections; Approval of Rates and Forms; Company, Producer, and Adjuster Licensing; Time Limits for Agency Action. Amend RSA 400-A by inserting after section 15-d the following new sections:

400-A:15-e General Provisions Regarding Review of Rate and Form Filings. Unless otherwise provided in specific provisions of title XXXVII or in rules promulgated thereunder, when reviewing a rate or form filing submitted by an insurer, the commissioner shall:

I. Within 30 days of receipt, examine the rate or form filing and notify the insurer of any apparent errors or omissions that render the filing incomplete or request any additional information that the insurance department is permitted by law to require and that is deemed by the commissioner to be relevant to the review process.

II. Within 60 days after receipt of the filing or after receipt of the additional information or corrections timely requested by the commissioner pursuant to paragraph I, the commissioner shall:

(a) Approve or deny the filing, in whole or in part; or

(b) Commence an adjudicative proceeding in accordance with RSA 541-A.

III. In the event that the commissioner returns one or more preliminary objections to the insurer regarding a rate or form filing, the period in paragraph II shall not include the period during which the insurer is preparing its response.

IV. Upon written agreement of the insurer, the commissioner may extend any of the time periods for review provided for in this section.

V. Wherever the general time limits prescribed by this section differ from specific time limits provided for by other provisions of title XXXVII or in rules promulgated thereunder, the specific time limits provided for by such other provisions shall control.

VI. If the commissioner fails to take action on a rate or form filing governed by this section within the time limits prescribed in this section, the filing shall be deemed approved. If at any time after a rate or form has been deemed approved under this paragraph, the commissioner finds that the rate or form does not meet any of the requirements under title XXXVII, the commissioner may, after notice and hearing, order the discontinuance of the rate or form. The order shall provide a reasonable time after which the filing shall be deemed no longer effective. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order. However, a policyholder shall have the privilege to cancel the policy containing the nonconforming rate or policy provision without penalty.

VII. RSA 541-A: 29 and RSA 541-A: 29-a shall not apply to insurer rate and form filings under title XXXVII.

400-A:15-f General Provisions Regarding Company, Producer, and Adjuster Licensing. Unless otherwise provided in specific provisions of title XXXVII or in rules promulgated thereunder, when reviewing a license application submitted by a company, producer, or adjuster, the commissioner shall:

I. Within 30 days of receipt, examine the license application and notify the applicant of any apparent errors or omissions that render the application incomplete or request any additional information that the insurance department is permitted by law to require and that is deemed by the commissioner to be relevant to the review process.

II. Within 60 days after receipt of the application or after receipt of the additional information or corrections timely requested by the commissioner pursuant to paragraph I, the commissioner shall:

(a) Approve or deny the application, in whole or with restrictions; or

(b) Commence an adjudicative proceeding in accordance with RSA 541-A.

III. In the event that the commissioner returns one or more preliminary objections to the company, producer, or adjuster regarding a license application, the period in paragraph II shall not include the period during which the applicant is preparing a response.

IV. In the event that the commissioner is conducting an investigation of an applicant pursuant to RSA 400-A:16 of possible violations of insurance laws, the period in paragraph II shall not include the period during which the investigation is pending.

V. Upon written agreement of the applicant, the commissioner may extend any of the time periods for review provided for in this section.

VI. Wherever the general time limits prescribed by this section differ from specific time limits provided for by other provisions of title XXXVII or in rules promulgated thereunder, the specific time limits provided for by such other provisions shall control.

VII. If the commissioner fails to take action on a license application governed by this section within the time limits prescribed in this section, the application shall be deemed approved. If at any time after a license application has been deemed approved under this paragraph, the commissioner finds that the applicant does not meet standards for licensure, the commissioner may, after notice and hearing, order the revocation, suspension, or restriction of the license.

VIII. RSA 541-A: 29 and RSA 541-A: 29-a shall not apply to company, producer, or adjuster license applications under title XXXVII.

23 Department of Environmental Services; Time Limits for Department Action on Applications, Petitions, and Requests. Amend RSA 21-O by inserting after section 1-a the following new section:

21-O:1-b Time Limits for Department Action on Applications, Petitions, and Requests. The provisions of RSA 541-A:29-a shall not apply to any federally funded program administered by the department to the extent a default approval granted under RSA 541-A:29-a would conflict with federal law.

24 New Paragraph; Department of Employment Security; Time Limits for Agency Action on Applications, Petitions, and Requests. Amend RSA 282-A:112 by inserting after paragraph VI the following new paragraph:

VII. The department of employment security shall comply with the provisions of RSA 541-A:29 for the timely processing of completed applications, petitions, and other administrative requests made of the agency. However, the provisions of RSA 541-A:29-a shall not apply to any federally funded program administered by the department to the extent that such default approval conflicts with federal law.

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

2018-1062h
AMENDED ANALYSIS

This bill:

I. Shortens certain time limits related to wetlands permits and terrain alteration.

II. Establishes a time limit for recommendation on grant of right petitions for excavating and dredging in public waters.

III. Reduces certain time limits for agency actions on applications under the administrative procedure act.

IV. Provides that failure of an agency to act within certain proscribed time limits under the administrative procedure act shall be treated as agency approval.

V. Requires the secretary of state to allow online business and corporate filings.

VI. Establishes and clarifies certain time limits for agency action on applications, petitions, and requests by the department of health and human services, the public utilities commission, the department of employment security, the insurance department, and the department of environmental services.

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 video-tape equipment, at such meetings. Minutes of all such meetings, including nonpublic sessions, shall include the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions. *The names of the members who made or seconded each motion and a brief summary of comments made during deliberations shall be recorded in the minutes. All relevant details necessary to enact or implement a motion shall be recorded in the minutes.* Subject to the provisions of RSA 91-A:3, minutes shall be promptly recorded and open to public inspection not more than 5 business days after the meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any public body, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the public body, who shall post a notice of the time and place of such meeting as soon as practicable, and shall employ whatever further means are reasonably available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting

of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city or town or guidelines or rules of order of any public body require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter. For the purposes of this paragraph, a business day means the hours of 8 a.m. to 5 p.m. on Monday through Friday, excluding national and state holidays.

Amendment to HB 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 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.

2018-0916h

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 1411-FN-A
(2018-0805h)**

Proposed by the Committee on Finance - c

Amend the bill by replacing section 2 with the following:

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

**Amendment to HB 1415-FN-A
(2018-0897h)**

Proposed by the Committee on Finance - r

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

(a) "Family" means the surviving spouse of the school employee; or, if there is no surviving spouse, the surviving dependent child or dependent children, of such school employee or, if there is no surviving dependent child, a surviving person qualifying as a common-law spouse pursuant to RSA 457:39, or if there is no surviving common-law spouse, the surviving adult child or adult children, or if there is no surviving adult child or adult children, the surviving parent or parents of such school employee. A surviving dependent child shall include a dependent step-child whose expenses of daily living were substantially paid for by the decedent at the time of the death.

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

(a) Such determination shall be rendered within 45 days of documented notice of the incident.

**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 1471-FN
(2018-1122h)**

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 telemedicine and establishing a committee to study health care reimbursement for telemedicine and telehealth.

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

3 Coverage for Telemedicine Services. Amend RSA 415-J:3, I to read as follows:

I. It is the intent of the general court to recognize the application of telemedicine for covered services provided within the scope of practice of a physician or other health care provider as a method of delivery of medical care by which an individual ***at an originating site*** shall receive medical services ***which are clinically appropriate for delivery through telemedicine*** from a health care provider ***at a distant site*** without in-person contact with the provider.

4 Committee Established. There is established a committee to study health care reimbursement for telemedicine and telehealth.

5 Membership and Compensation.

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

(a) Four members of the house of representatives, at least one of whom shall be a member of the commerce and consumer affairs committee and one of whom shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.

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

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

6 Duties. The committee shall study health care reimbursement for telemedicine and telehealth. The committee shall solicit information and testimony from any individual or entity the committee deems relevant to its study.

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

8 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.

9 Effective Date.

I. Sections 1-3 of this act shall take effect 60 days after its passage.

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

2018-1122h

AMENDED ANALYSIS

This bill clarifies the law relating to telemedicine services. This bill also establishes a committee to study health care reimbursement for telemedicine and telehealth.

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 1592-FN
(2018-1100h)**

Proposed by the Committee on Executive Departments and Administration - r

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4: 3 Drinking Water Rules. Amend RSA 485:3, I(b) to read as follows:

(b) *After consideration of the extent to which the contaminant is found in New Hampshire, the ability to detect the contaminant in public water systems, the ability to remove the contaminant from drinking water, and the costs and benefits to affected entities that will result from establishing the standard, a* specification for each contaminant of either:

(1) A maximum contaminant level that is acceptable in water for human consumption[~~if it is feasible to ascertain the level of such contaminant in water in public water systems~~]; or

(2) One or more treatment techniques or methods which lead to a reduction of the level of such contaminant sufficient to protect the public health, if it is not feasible to ascertain the level of such contaminant in water in the public water system; and

(3) *The commissioner shall submit a report to the house executive departments and administration committee within 60 days of proposing a specification under this subparagraph; and*

2018-1100h
AMENDED ANALYSIS

This bill requires the commissioner of the department of environmental services to review standards relative to arsenic contamination in drinking water and make new rules if he or she determines there should be new standards.

This bill also requires the commissioner of the department of environmental services to consider certain criteria before adopting specifications for contaminants in drinking water.

**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.

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.

**Floor Amendment to HB 1759-FN
(2018-0946h)**

Proposed by Rep. Kurk

Amend RSA 422-D:1, XIII as inserted by section 1 of the bill by replacing it with the following:

XIII. "Surveillance" means the willful act of tracking or following, while photographing, taking images of, listening to, or making a recording of: (a) a recognizable individual or a group of individuals, including their movements, activities, or communications, or (b) motor vehicles identifiable by their license plates. The term does not include such activities by a person on real estate in which such person has a legal interest or the consent of the person who has a legal interest.

Amend RSA 422-D:2, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The use of a drone by a government under subparagraphs II(a)(4) shall be limited to a period of 48 hours of its initial use after which a search warrant or other court order signed by a judge shall be required. The use of a drone by a government under subparagraphs II(a)(5)-(7) shall be limited to a period of 48 hours of its initial use after which reauthorization shall be required.

Amend RSA 422-D:2, II as inserted by section 1 of the bill by deleting subparagraph (d).

Amend RSA 422-D:2, III as inserted by section 1 of the bill by replacing it with the following:

III.(a) Notwithstanding the provisions of paragraph I, a government may use a drone, or obtain, receive, use, or retain information acquired by or through a drone for non-law enforcement purposes if, in an emergency, a government determines that, under particular circumstances, swift action is needed to prevent imminent harm to life or serious damage to property, or to assist in locating missing, abducted, or lost individuals or hunters or hikers, or to rescue persons in natural disasters, injured persons, or persons in need of medical assistance.

(b) Notwithstanding the provisions of paragraph I, a government agency, including its employees, agents, or contractors, may use a drone, or obtain, receive, use, or retain information acquired by or thorough a drone, in the normal course of business while performing the agency's duties under the law, provided the use is for non-law enforcement purposes, is in compliance with any relevant federal regulations, does not involve surveillance, and does not record except incidentally an image of an identifiable individual.

Amend RSA 422-D:6 as inserted by section 1 of the bill by replacing it with the following:

422-D:6 Construction. This chapter shall be construed to provide the greatest possible protection of the privacy of the people of this state.

**Amendment to HB 1763-FN-A
(2018-0896h)**

Proposed by the Committee on Finance - r

Amend RSA 260:32-d as inserted by section 1 of the bill by replacing it with the following:

260:32-d Road Usage Fee.

I. Except as provided by paragraph II, the owner of each New Hampshire motor vehicle which has an equivalent miles per gallon (MPG) more than 20 MPG shall be required to pay a road usage fee at the time of registration of the vehicle, other than temporary registration, with a registration agent. The road usage fee shall be based on a vehicle that travels 10,000 miles per year and averages 20 MPG. Such a base vehicle would use 500 gallons of fuel and pay \$111 per year in road toll. The road usage fee for such base vehicle is \$0. The road usage fee for all other vehicles shall be \$111 minus the New Hampshire road toll paid per year based on 10,000 miles of travel.

II. The road usage fee shall not apply to motorcycles as defined in RSA 259:63, mopeds as defined in RSA 259:57, off highway recreational vehicles as defined in RSA 259:69, and motor vehicles that are model year 1983 or older.

III. The department of safety, in conjunction with the department of transportation, shall develop and maintain a system which links the United States Environmental Protection Agency's MPG data system with the department of safety's vehicle identification number (VIN) data system, allowing registration agents to collect the road usage fee established in amounts based on the following MPG ranges:

MPG range at 10,000 miles per year

20 or less

greater than 20 to 30

greater than 30 to 40

greater than 40 to 50

greater than 50

no gasoline

IV. The registration agent may retain \$1 of each road usage fee collected in compensation for the administrative costs of collecting the fee. The remainder of the fees shall be remitted to the state treasurer for deposit, net of any "Apportionment A" allocated to the local highway aid fund for distribution under RSA 235:23, I, in the highway fund.

Amend the bill by replacing section 3 with the following:

3 Appropriation; Department of Safety. The sum of \$330,000 is hereby appropriated to the department of safety for the biennium ending June 30, 2019, for the purpose of implementing the provisions of this act. The appropriation shall be a charge against the highway fund and is in addition to any other funds appropriated to the department of safety.

2018-0896h

AMENDED ANALYSIS

This bill establishes a road usage fee for motor vehicles registered to travel on New Hampshire roads based on the equivalent miles per gallon of the vehicle. The fee is collected at the time of annual registration of the vehicle and deposited in the highway fund. The bill also makes an appropriation to the department of safety to implement the road usage fee.

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

(2018-0864h)

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 1817-FN

(2018-1067h)

Proposed by the Committee on Finance - c

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

AN ACT establishing the position of state demographer and a commission on demographic trends; requiring state agencies to prepare 10-year current services cost projections; and relative to the inclusion of a demographic analysis as part of the legislative fiscal note process.

Amend RSA 4-C:36, I and II as inserted by section 1 of the bill by replacing them with the following:

I. There is established within the office of strategic initiatives, the position of state demographer.

II. The state demographer shall be professionally competent in demography and possess demonstrated ability based on past performance. An appropriately qualified economist may hold the position.

Amend RSA 4-C:37, II(d) as inserted by section 1 of the bill by replacing it with the following:

(d) The state demographer or designee of the director of the office of strategic initiatives.

Amend the bill by replacing section 2 with the following:

2 New Sections; Budget and Appropriations; Ten-Year Current Services Cost Projections; Legislative Reporting Requirement. Amend RSA 9 by inserting after section 9:9-c the following new sections:

9:9-d Ten-Year Current Services Cost Projections.

I. Each of the following state agencies shall provide 10-year cost projections for the identified service or program:

(a) The department of administrative services: state retiree health insurance, and in conjunction with the department of revenue administration, state revenues.

(b) The state treasurer: debt service.

(c) The department of education: adequate education grants.

(d) The New Hampshire retirement system: state employer retirement contributions.

II. The cost projections shall be based on current policy, programs, and tax rates, and shall be adjusted only for demographically-induced changes in demand for public services and projected effects on state government revenues and expenditures.

9:9-e Department of Health and Human Services; Ten-Year Current Services Cost Projections.

I. The department of health and human services shall provide 10-year cost projections for the identified service or program:

(a) Uncompensated care.

(b) Medicaid care management.

(c) Medicaid-funded home and community based waiver services: Choices for Independence, Developmental Services, Acquired Brain Disorder, and Children's In Home Services.

(d) Nursing home services.

II. The cost projections required in paragraph I for years one through 5 shall be based on the best available data and information available to the department to ensure accurate and reliable information is provided to the public and the general court.

III. The cost projections required in paragraph I for years 6 through 10 shall be based on current policy, programs, and federal and state law, and shall assume economic and other external factors remain static.

IV. The department shall issue the cost projections by September 30, 2019 and shall issue new projections every 2 years thereafter, or upon notice to the department by the state demographer of demographically-induced changes in demand for public services and projected effects on state government revenues.

9:9-f Legislative Report of 10-Year Current Services Cost Projections. On or before February 1 of each budget year, prior to the transmission of the budget to the legislature under RSA 9:2, the legislative budget assistant, in consultation with the state demographer, shall provide to the house and senate finance committees, a report with the 10-year current services cost projections described in RSA 9:9-d and RSA 9:9-e and any other relevant factors identified by the legislative budget assistant or state demographer. The report also shall be posted on the general court website.

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

4 Phase-in, Funding for Position of State Demographer. The position of state demographer shall be a part-time contract position in fiscal year 2019 and a full-time position beginning in fiscal year 2020. For fiscal year 2019, appropriations to the office of strategic initiatives in 2017, 155 shall be used to fund the part-time position.

5 Effective Date.

I. Section 3 of this act shall take effect July 1, 2019.

II. The remainder of this act shall take effect July 1, 2018.

2018-1067h

AMENDED ANALYSIS

This bill establishes the position of state demographer in the office of strategic initiatives; establishes a commission on demographic trends; requires certain state agencies to prepare 10-year current services cost projections for identified programs; and requires the legislative budget assistant to include a demographic analysis as part of the fiscal note for certain legislation.

Amendment to HB 1819-FN

(2018-1053h)

Proposed by the Committee on Ways and Means - c

Amend the bill by replacing section 1 with the following:

1 Education Tax Credit; Definition; Eligible Student. Amend RSA 77-G:1, VIII(a)(1) to read as follows:

(a)(1) Who is currently attending a New Hampshire public school, including a chartered public school, and for whom the adequacy grant in the next school year would be reduced if the student were removed from the average daily membership calculation, **or who is entering kindergarten or first grade**; or
Amend the bill by replacing section 4 with the following:

4 Definition; Scholarship Receipt. Amend RSA 77-G:1, XX to read as follows:

XX. "Scholarship receipt" means a document developed by the department of revenue administration and submitted by a scholarship organization to the business organization or business enterprise and that contains at a minimum:

(a) The business organization's or business enterprise's name, address, and federal taxpayer identification number.

(b) The ~~[amount of the donations used or carried forward and the amount not used]~~ **donation amount and date received or postmarked.**

(c) **The scholarship organization's name and address.**

Amend the bill by deleting section 7 and renumbering the original sections 8-18 to read as 7-17, respectively.

Amend the bill by replacing section 9 with the following:

9 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.

AMENDMENT TO HB 1822-FN

(2018-1118h)

Proposed by the Majority of the Committee on Commerce and Consumer Affairs - r

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

4 Insurance; Group; Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 415:18-i to read as follows:

415:18-i Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Each insurer that issues or renews any group policy of accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis, **including the initial screening provided through a pharmacy pursuant to RSA 318:47-l at a rate established by contract between the pharmacy and the insurer or its pharmacy benefits manager**, and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services.

5 Insurance; Health Service Corporations; Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 420-A:17-c to read as follows:

420-A:17-c Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis, ***including the initial screening provided through a pharmacy pursuant to RSA 318:47-l at a rate established by contract between the pharmacy and the insurer or its pharmacy benefits manager***, and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each health service corporation and every other similar corporation licensed under the laws of a different state that issues or renews any group policy of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services.

6 Insurance; Health Maintenance Organizations; Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 420-B:8-gg to read as follows:

420-B:8-gg Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any policy of group health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis, ***including the initial screening provided through a pharmacy pursuant to RSA 318:47-l at a rate established by contract between the pharmacy and the insurer or its pharmacy benefits manager***, and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each health maintenance organization and every other similar corporation licensed under the laws of another state that issues or renews any group health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services.

7 New Section; Insurance; Individual; Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 415 by inserting after section 6-u the following new section:

415:6-v Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to persons covered by such insurance who are residents of this state coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis, including the initial screening provided through a pharmacy pursuant to RSA 318:47-l at a rate established by contract between the pharmacy and the insurer or its pharmacy benefits manager, and related to the use of contraceptive methods to prevent pregnancy which has been approved by the U.S. Food and Drug Administration. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration under the same terms and conditions as other prescription drugs. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services.

8 Effective Date.

I. Sections 4-7 of this act shall take effect January 1, 2019.

II. The remainder of this act shall take effect 60 days after its passage.

**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 Constitution 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.