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New Hampshire

HOUSE RECORD

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

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Friday, April 20, 2018

No. 16

**Contains: House Deadlines; Bills Laid on Table; House Bills Amended by Senate;
Revised Fiscal Notes; Governor's Veto Message for HB 143; Reports and Amendments;
Meetings and Notices**

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The next House session will be on **Thursday, April 26th**, at **10:00 a.m.** The House will also be in session on May 2nd, May 3rd, May 10th, May 24th (and possibly May 23rd).

Gene G. Chandler, Speaker

NOTICE

There will be a meeting of chairs and vice chairs on **Tuesday, April 24th**, at **9:15 a.m.** in Rooms 206-208 of the Legislative Office Building. (Please note time.)

Gene G. Chandler, Speaker

NOTICE

There will be a Republican caucus on **Thursday, April 26th** at **9:00 a.m.** in Representatives Hall.

Rep. Dick Hinch

NOTICE

There will be a Democratic caucus on **Thursday, April 26th** 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, April 25, 2018
Wednesday, May 2, 2018
Wednesday, May 9, 2018

AVAILABLE ON:

Friday, April 27, 2018
Friday, May 4, 2018
Friday, May 10, 2018

Paul C. Smith, Clerk of the House

2018 HOUSE DEADLINES

Thursday, April 26, 2018
Thursday, May 3, 2018
Thursday, May 10, 2018
Thursday, May 17, 2018
Thursday, May 24, 2018

Last day to report all 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

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 579-FN, relative to registration of semi-trailers. (Pending Question: Inexpedient To Legislate)
HB 1210, establishing a committee to study the effect of current use taxation on small and rural municipalities. (Pending Question: Ought To Pass with Amendment)
HB 1259, relative to passenger restraints. (Pending Question: Inexpedient To Legislate)
HB 1275, relative to the placement of minors at the Sununu Youth Drug Treatment Center. (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 1381, relative to determining the taxable value of utility property for local property taxation. (Pending Question: Ought To Pass with Amendment)
HB 1412-FN, relative to cruelty to non-captive wildlife. (Pending Question: Refer for Interim Study).
HB 1470-FN, repealing the timber tax. (Pending Question: Inexpedient To Legislate)
HB 1511-FN, relative to the death of a fetus for the purpose of certain homicide charges. (Pending Question: Refer for Interim Study)
HB 1568-FN, allowing voters to register as members of political organizations. (Pending Question: Inexpedient To Legislate)
HB 1576, creating managed asset trusts for real property. (Pending Question: Inexpedient To Legislate)
HB 1680-FN, relative to abortions after viability. (Pending Question: Ought to Pass)
HB 1701, making the Coakley Landfill Group subject to the provisions of RSA 91-A. (Pending Question: Refer for Interim Study)
HB 1702, relative to the management of the Gunstock Area. (Pending Question: Inexpedient To Legislate)
HB 1728-FN-LOCAL, removing the homestead exemption. (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)
SB 378-FN, relative to an exemption from the board of registration of medical technicians. (Pending Question: Ought To Pass)

2018 HOUSE BILLS AMENDED BY THE SENATE

HB 143, relative to recommittal of a prisoner by the parole board. (House Concurs 3/15/2018)
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. (House Nonconcurs; C of C 4/12/2018)
HB 305, clarifying lessee liability for month-to-month leases. (House Concurs 4/5/2018)
HB 252, relative to pro se litigants under the right-to-know law. (SJ 4/12/2018)
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 410, relative to the legislative youth advisory council. (House Concurs 4/12/2018)
HB 549-FN, relative to beverage vendor fees. (House Nonconcurs; C of C 3/21/2018)
HB 561-FN, (Second New Title) relative to part-time employment of a retirement system retiree by a participating employer. (House Nonconcurs; C of C 4/5/2018)
HB 1215, relative to voting on variances. (SJ 4/12/2018)
HB 1252-FN, relative to certificates of insurance. (House Concurs 4/12/2018)
HB 1273, (Second New Title) relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center. (SJ 4/5/2018)
HB 1278, (New Title) naming the rest area in Colebrook in honor of Frederick W. King, Sr. and naming a bridge in Farmington in honor of Major John W. Lawrence, Jr. (House Concurs 4/5/2018)
HB 1286, (New Title) relative to fishing and hunting licenses for permanently disabled veterans. (SJ 4/5/2018)
HB 1331, relative to incidental uses for agricultural plates. (SJ 4/5/2018)
HB 1346, (New Title) establishing a commission to study the New Hampshire veterans cemetery. (House Concurs 4/5/2018)

HB 1352-FN, (New Title) eliminating the nonresident freshwater bait dealers license and relative to hunting adventure permits. (SJ 4/5/2018)

HB 1370, relative to a school's emergency management plan. (House Concurs 3/21/2018)

HB 1564-FN, relative to sexual assault of a victim who is incarcerated in a correctional institution by a person with supervisory or disciplinary authority over the victim. (SJ 4/12/2018)

HB 1638, (New Title) declaring April 28, 2018 as tabletop gaming day in New Hampshire. (SJ 4/12/2018)

HB 1651, (New Title) establishing a committee to study the use of liquid de-icers and solid salt on roads. (SJ 4/5/2018)

HB 1697-FN, (Second New Title) relative to organizations authorized to issue decals for multi-use decal plates. (SJ 4/12/2018)

HB 1739-FN, prohibiting female genital mutilation. (SJ 4/12/2018)

GOVERNOR'S VETO MESSAGE REGARDING HOUSE BILL 143

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on March 30th, 2018, I have vetoed House Bill 143, relative to recommitment of a prisoner by the Parole Board.

Current law provides that when a prisoner who is out on parole has their parole revoked, that prisoner must be recommitted for at least 90 days. RSA 651-A:19, VII allows the Parole Board to impose a term of recommitment of less than 90 days under certain conditions, including situations where the Parole Board determines that a lesser period of recommitment will aid in the rehabilitation of the parolee. House Bill 143 would expand these conditions by allowing the Parole Board to impose a recommitment period of less than 90 days for a prisoner who enters and successfully completes a residential substance abuse treatment program deemed acceptable by the Board.

While based on good intentions, this bill will have concerning consequences. It does not distinguish between individuals who have committed a crime related to substance abuse and those who have committed an unrelated crime. The bill also does not require the Parole Board to determine that a shorter recommitment period is necessary to assist a prisoner with their recovery efforts.

I fully support efforts to reduce recidivism among those suffering from substance abuse disorders by ensuring that such individuals have access to treatment. However, current law already gives the Parole Board the option of imposing shorter recommitment periods if they determine it will aid in the parolee's rehabilitation. Importantly, those who are incarcerated have access to many of the same treatment programs as those who are not.

It is concerning that there is strong opposition to this bill by law enforcement and at the same time, there are members of the recovery community who still have questions about its impacts. This only reinforces the conclusion that more due diligence is needed before we change current law.

For the reasons stated above, I have vetoed House Bill 143.

Respectfully submitted,
Christopher T. Sununu Governor
Date: April 2, 2018

THURSDAY, APRIL 26

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

SB 479, (New Title) relative to the oversight commission on children's services and relative to the commission to review child abuse fatalities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel Itse for Children and Family Law. This bill requires that the annual report of the Office of the Child Advocate to the Commissioner of the Department of Health and Human Services be provided to the oversight commission on children's services, which oversees that office, as well. It also makes the commission to review child abuse fatalities permanent. The amendment enable any resident of the state to file a complaint with the office. It also protects confidentiality of the children from disclosure, and enables the Office of the Child Advocate to make public disclosures independent of the commissioner. **Vote 8-0.**

COMMERCE AND CONSUMER AFFAIRS

SB 91, relative to the title loan default process. **OUGHT TO PASS.**

Rep. Richard Abel for Commerce and Consumer Affairs. This bill, introduced at the request of the Banking Department, requires a title loan lender to cease accruing and collecting interest on a title loan which is in default for over 60 days. All parties agreed to this bill in the other chamber and in the House committee. **Vote 17-0.**

SB 92, relative to the consumer complaint process at the banking department. **OUGHT TO PASS.**

Rep. Elizabeth Ferreira for Commerce and Consumer Affairs. Under current law, licensees under the Banking Department's Consumer Credit Division have 60 days to respond to consumer complaints in writing, whereas state-chartered banks, credit unions, and trust companies are given 30 days. The committee agreed with the concerns raised by the Banking Department (which was the genesis of this legislation) that 60 days was too long a time frame for consumers to not have complaints resolved. Shortening the period to 30 days would be more aligned with the time frame followed by other state financial institutions. Moreover, the committee concurred that codifying the current 30-day consumer complaint process for state chartered banks, credit unions, and trust companies would result in additional consistency and clarity for both consumers and regulated entities. **Vote 17-0.**

SB 303, relative to a security freeze on a consumer's credit report. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill, as amended, contains the House-approved language requiring credit reporting agencies to offer credit report freezing and unfreezing to consumers without cost and allowing the consumer to choose the method for submitting requests, including on-line, by telephone, and by mail. There were three credit freeze bills this year, and the committee felt that the bill previously passed by the House, HB 1700, is the best implementation of the policy. **Vote 16-0.**

SB 312, clarifying the New Hampshire Foundation Act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill amends the New Hampshire Foundation Act, which was passed last year. The bill as amended consists of a number of small changes including typographical errors, mistaken RSA references, and clarifying language. No major changes to the Foundation Act are made by this bill. **Vote 19-0.**

SB 317-FN, relative to veterans' preference in public employment. **REFER FOR INTERIM STUDY.**

Rep. Edward Butler for Commerce and Consumer Affairs. Our veterans deserve all the support we can provide them. This bill would require public employers, who do not hire a prospective veteran applicant, to provide information on other public employment positions for which the veteran or disabled veteran may be qualified. The committee is concerned that, though well-intentioned, this requirement would be difficult for some public employers to comply with. **Vote 17-0.**

SB 354, relative to pharmacy claim fees and copayments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for Commerce and Consumer Affairs. This bill, as amended by the committee, prohibits what has been called "gag clauses" in health insurer and/or pharmacy benefit manager contracts with pharmacies. By prohibiting "gag clauses" in these contracts, pharmacists will be free to speak to consumers or regulators about monetary matters that could benefit the patient by lowering their costs. The committee deleted a section specific to "clawbacks" which, according to the Insurance Department, are prohibited under current regulations and thus is not needed. **Vote 19-0.**

SB 416, relative to transportation network company drivers. **OUGHT TO PASS.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill defines a set of criteria to determine whether a driver for a transportation network system (like Uber or Lyft) is an employee of the company or an independent contractor. This determination is important for tax, unemployment, insurance, and other reasons. The bill provides a strong measure of certainty for that decision, based on five specific tests. **Vote 17-0.**

SB 424, relative to property and casualty insurance. **OUGHT TO PASS.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill is a request of the Insurance Department to make a few technical changes in the property and casualty laws that provide clarity in the adjuster licensing statute, specify that notice of coverage change is provided at policy renewal, delete the failure to file a complaints report as an Unfair Trade Practice, and clarify that investigations shall be reasonable as well as prompt. **Vote 17-0.**

SB 591-FN, relative to accreditation of health care providers by pharmacy benefit managers. **OUGHT TO PASS.**

Rep. David Luneau for Commerce and Consumer Affairs. This bill is the same as the House position established under HB 1746, which prevents pharmacy benefits managers from requiring accreditation of pharmacies and pharmacists that exceed the accreditation already required by state and federal authorities. In both bills, this prohibition remains in effect until June 30, 2020. The committee supports both bills moving forward. **Vote 19-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 346, relative to requiring enhanced technology ignition interlock devices. **OUGHT TO PASS.**

Rep. David Welch for Criminal Justice and Public Safety. This bill requires that all ignition interlock devices installed after the effective date of this bill be enhanced technology devices. The device will be able to photograph the individual blowing into the device, record the date, time and the location and send it to the

manufacturer's database. Currently, the Department of Motor Vehicles has 24-hour, 7-day a week access to the database to determine if someone other than the convicted driver is attempting to start the car for the impaired operator. Currently the DMV has accessed the database only 79 times during the 2017 calendar year. The enhanced devices were meant to be used to provide data and effectuate an arrest for an impaired driver. The department has indicated that it doesn't have the manpower to constantly monitor the database. However, the department could ask the provider to email the data to the appropriate law enforcement agency for a response to the scene, thereby protecting the driving public from an impaired driver. There is no cost to this suggested fix. **Vote 15-1.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 323, relative to rehiring of laid off classified state employees. **OUGHT TO PASS.**

Rep. Dianne Schuett for Executive Departments and Administration. The intent of this bill is to give state hiring preference to classified state employees who have been laid off as a result of reorganization or downsizing. The employee must meet minimum qualifications for the position sought and the hiring may not result in a promotion. This reinstates the state practice followed for approximately fifty years and affects only the current biennium. **Vote 16-0.**

FINANCE

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. **OUGHT TO PASS.**

Rep. J. Tracy Emerick for Finance. The bill establishes the position of solicitor general in the department of justice and establishes an unclassified attorney position in the department of justice. The solicitor general is to handle appeals and effectuate department efficiencies where duplication of some efforts currently exist. The additional attorney will be responsible for prosecutorial training, including county prosecutors, so justice will be more uniform throughout the state. The positions will be funded out of the department's existing budget. **Vote 26-0.**

SB 450-FN-A, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program. **OUGHT TO PASS.**

Rep. J. Tracy Emerick for Finance. The bill as amended establishes the timing and direction for the delegation of authority of the National Pollutant Discharge Elimination System Program from the federal environmental protection agency to the state department of environmental services. Although the current system is effective, towns have requested that New Hampshire take the opportunity to establish this as a state-operated program. Toward that end, a commission was organized to provide guidance regarding staffing levels, fees for service and other implementation strategies to assist DES to perform the services currently being performed by the Boston, MA, office of the EPA for both public and private supervision. The transition from supervision by the Federal EPA to the state DES has been at the request of both businesses and municipalities in New Hampshire. This bill continues the work in this area with the expectation that the agency will be able to decide whether to go forward or not by the time budgets for the next biennium are being developed. **Vote 26-0.**

SB 531-FN, relative to the office of professional licensure and certification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Tracy Emerick for Finance. This bill is needed to allow the Office of Professional Licensure and Certification (OPLC) to collect and administer the fees collected by the occupational regulatory boards that it administers. It also standardizes administrative procedures across the boards. The bill will centralize the fee structure, revenue collection, and licensure fees for all the OPLC boards, ensuring that revenues are aligned with expenditures. The bill requires the office to set fees in coordination with each biennial budget and ensures that existing rules will remain effective until they are replaced or expire. The bill will result in an equitable license fee structure across all OPLC boards. The amendment adds the requirement that the reporting structure established in the bill will be posted to the agency website for transparency. **Vote 26-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 376-FN, relative to the sale of certain cold medications. **OUGHT TO PASS.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill implements a point of sale electronic procedure to limit the amount of pseudoephedrine one can purchase over the counter. These limits can be overridden with a physician's prescription. This is necessary, as pseudoephedrine is used to manufacture methamphetamine. Thirty-four states have already adopted this procedure. Several states reported dramatic reductions in meth labs. There is no cost to the state or to retailers to implement this system. **Vote 20-0.**

SB 380, relative to the therapeutic use of cannabis. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill as amended allows any person with a medical cannabis card, who is unable to get to the alternative treatment center, to designate two people to pick up their medical cannabis. Previously, only one designated caregiver for minors could pick up the medical cannabis. **Vote 22-1.**

SB 388, (New Title) relative to dispensary locations for therapeutic cannabis. **OUGHT TO PASS.**

Rep. Jess Edwards for Health, Human Services and Elderly Affairs. This bill is one of many that have been heard attempting to address the access issue. If passed, this bill would permit the Department of Health and Human Services (DHHS) to investigate the need for up to two additional Alternative Treatment Centers (ATCs). One may operate in Carroll, Coos, or Grafton County, and the other in Cheshire or Sullivan County. Private investors would still need to determine whether the DHHS recommendation is financially viable. If this bill results in more ATCs, it will reduce driving times and allow for transportation within NH without having to cross state lines to access high-speed routes. **Vote 23-0.**

SB 475, relative to testing for Lyme disease. **REFER FOR INTERIM STUDY.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. The committee agrees with the many people who testified that there is a significant issue regarding the diagnosis of and testing for Lyme disease. However, we feel that the solution proposed - requiring that a specific statement be passed out by all practitioners - is highly problematic. We would prefer a solution clarifying the reporting of serologic tests for Lyme disease as a mechanism to educate practitioners and the public. Therefore, we recommend Interim Study on this bill and intend to file another bill next session. **Vote 22-1.**

SB 476, establishing a committee to study reinstituting the unemployed parent program. **OUGHT TO PASS.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. The Unemployed Parent Program served families with two able-bodied parents in which the primary wage earner was unemployed or underemployed. The program was discontinued in 2011. The committee heard testimony that persons receiving assistance under this program averaged less than 5 months on assistance, far less time than the 18.5 month average for all TANF recipients. The committee determined that a study of the program and its possible reinstatement is a worthwhile endeavor. **Vote 20-0.**

SB 478, establishing an advisory council on lactation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Polly Campion for Health, Human Services and Elderly Affairs. This bill would amend and reauthorize the advisory council on lactation. This council has made large strides in providing information and services to pregnant and lactating women, as well as employers. As amended, the council membership has been clarified to include those with appropriate knowledge and experience. In addition, it has extended the time frame for the council to accomplish its work. The work of the council continues to be important in order to ensure that our state becomes a more welcoming place for young people to start and raise a family. **Vote 22-0.**

SB 483, relative to procedures for dispensing controlled drugs. **REFER FOR INTERIM STUDY.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill requires specific identification to be presented by a person picking up a prescription for controlled drugs. Most of the testimony heard by the committee was directed to the issue of how to identify whether an "authorized representative" picking up a prescription is, in fact, authorized to do so. The bill contains no provision for determining whether a person picking up a prescription for another is, in fact, duly authorized by the patient. Committee members believe Interim Study would allow for study of the extent of the problem and the best way to address it. **Vote 23-0.**

SB 486, establishing a commission to study enhancing the prescription drug donation program. **OUGHT TO PASS.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. The committee realizes that many of the regulations regarding drug donation are federal, and therefore our ability to make significant change will be limited. We also realize that there is real waste measured in thousands/millions of dollars, and it is therefore worth our consideration. **Vote 18-2.**

SB 548-FN, (Second New Title) relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome. **INEXPEDIENT TO LEGISLATE.**

Rep. Mariellen MacKay for Health, Human Services and Elderly Affairs. The committee unanimously voted to recommend the bill as Inexpedient to Legislate based on information that there was no funding to support this program, and that it would put a substantial burden on the Department of Health and Human Services. The committee was also unsure that providing these services at a clinic would be preferable to providing these services at home. **Vote 20-0.**

JUDICIARY

SB 501, relative to immunity for campground owners. **INEXPEDIENT TO LEGISLATE.**

Rep. Sandra Keans for Judiciary. This bill seeks to define camping as an inherent risk similar to skiing in the mountains of New Hampshire and requests that New Hampshire campground owners be granted immunity

from suit. Campground owners would like New Hampshire to follow Wisconsin, the only other state in the nation that has adopted this bill. The majority of the committee disagrees that this bill is for New Hampshire. The majority feels that campground owners owe a duty of reasonable care to maintain their premises to insure safety of campers, especially when they are charging a fee to campers. While testimony attempted to separate the campsite “built environment” from the “wilderness,” the bill falls short on sufficient definition of either term. This bill provides that liability could only exist when the actions of the campground owners or employees intentionally cause death or injury to campers or if campground owners’ or employees’ actions are in willful disregard or grossly negligent for the safety of another person. This bill does not limit immunity granted under RSA 21:34, Liability of Landowners, which includes camping as a “recreational activity” for which immunity is granted only if the landowner does not charge a fee or seek other consideration in exchange for allowing such use. In essence, campground owners seek to charge a fee to persons using the facility and still have no duty of care owed to that person. Campground owners want to keep their cake and eat it too. **Vote 16-0.**

LEGISLATIVE ADMINISTRATION

SB 343, relative to legislative ethics guidelines. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman Packard for Legislative Administration. This bill clarifies that the Legislative Ethics Committee has jurisdiction over any rules that the committee adopts but not over House and Senate rules. It also clarifies that the legislative ethics statute applies to inappropriate influence by persons or organizations outside the legislative branch but does not apply to the internal administration of the General Court. The Speaker of the House or Senate President should have the ability to reimburse or pay for functions or meals for members or staff without implicating the ethics statute. The amendment removes a provision to exempt legal services provided to a legislator under specific circumstances from the definition of ‘gift.’ The committee felt that the language in this provision was over broad and unworkable and that the issue was sufficiently addressed by the Legislative Ethics Committee in Interpretive Ruling 2017-1. **Vote 13-0.**

SB 369-FN, relative to the publication of the rulemaking register. **OUGHT TO PASS.**

Rep. Robert Nigrello for Legislative Administration. The Administrative Rules Division of the Office of Legislative Services (OLS) is required to provide 7 days’ public notice of all of their hearings in a publication called the Rulemaking Register. Currently, paper copies of this weekly publication are provided free of charge to state agencies, municipalities and state legislators, if specifically requested in hard copy. Otherwise, electronic copies are provided. Any other subscriber pays a fee for a paper copy. This bill eliminates the requirement for paper copies of the document. The Director of OLS testified that this change will save up to \$6,400 each year. The committee feels that this is a logical and reasonable change. **Vote 13-0.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 368, establishing an exemption from shoreland protection permitting requirements for maintenance and repairs of existing roads and for borings and test wells. **OUGHT TO PASS.**

Rep. Linda Gould for Resources, Recreation and Development. Requested by the Department of Transportation (DOT), this bill is also supported by the Department of Environmental Services. It writes an exemption into statute so that DOT does not have to obtain a permit under the Shoreland Water Quality Protection Act for many of its projects. It is burdensome for DOT to acquire a Shoreland Permit for simple road repair activities as well as for borings and test wells when there is no permanent increase in impervious surfaces. The bill contains certain caveats requiring DOT to incorporate protective practices equivalent to those in the Shoreland Act for its more complex projects. **Vote 18-0.**

SB 410-FN, (New Title) establishing a commission to study creating a boat safe card. **OUGHT TO PASS.**

Rep. Suzanne Smith for Resources, Recreation and Development. This bill will form a commission to study whether it is feasible to establish a voluntary boat safe card to support lake and river preservation and restoration and to further support the Search and Rescue Fund. The Hike Safe Card will be used as a model. The commission will also study how a boat safe card would be sold and how funds from this card would be distributed. The Fish and Game Department testified that they annually raise \$100,000 from sales of the voluntary Hike Safe Card and administrative costs are minimal. Controlling and eradicating invasive weeds and animal species in our lakes, ponds, and rivers is costly and the weeds are spreading. A voluntary boat safe card could add revenue to lake preservation and restoration efforts as well as add monies to the Search and Rescue Fund. Members of the commission will include one Senator, one Representative, and persons representing two state agencies, the NH Lakes Association, the NH Rivers Council, campground owners, marine trades, American Whitewater, and the Appalachian Mountain Club. **Vote 18-0.**

SB 444, relative to cutting timber near certain waters and public highways. **OUGHT TO PASS.**

Rep. John Mullen for Resources, Recreation and Development. Under current law, no more than 50 percent of the basal area of trees may be cut within 150 feet of a public highway. This bill would remove that restric-

tion as it applies to Class VI highways. Class VI highways are roads that are no longer maintained. It is not unusual for a Class VI highway to have forest land on both sides, sometimes owned by the same person, and, in fact, be overgrown itself. Existing law creates a wide swath that cannot be adequately harvested. It brings into question the ability to even maintain the road itself, an unintended consequence. This bill was supported by many foresters, the Timberland Owners Association, and the Division of Forests and Lands, NH Department of Natural and Cultural Resources. **Vote 18-0.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 366, relative to members of the site evaluation committee. **OUGHT TO PASS WITH AMENDMENT.** Rep. Michael Vose for Science, Technology and Energy. The Site Evaluation Committee (SEC) was established by the legislature for the review, approval, monitoring, and enforcement of compliance in the planning, siting, construction, and operation of energy facilities. The committee is comprised of seven state department designees and two public members appointed by the Governor and Council. This bill expands the pool of public members from three to five. Since each subcommittee of the SEC must have at least one public member, the pool has been stretched by an increased number of recent certificate deliberations in a manner that negatively affects performance. Expanding the pool to five members will reduce the stress on any given public member, and will give the SEC flexibility in dealing with illness and other member absences. The amendment reorganized the statutory references to public members into one section. It also added a new requirement that all SEC members receive yearly training in the energy infrastructure site and facility statutes and the rules derived from those laws. The Attorney General's office will provide this training to ensure that all SEC members possess the requisite knowledge to correctly apply the statutory requirements and rules to site and facility applications. **Vote 21-0.**

THURSDAY, APRIL 26 REGULAR CALENDAR

COMMERCE AND CONSUMER AFFAIRS

SB 311, clarifying rules of construction under the New Hampshire Trust Code. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for the **Majority** of Commerce and Consumer Affairs. This bill amends RSA 564-B:1-112 to clarify that RSA 551:10 does not apply to trusts. RSA 551:10, which is in the “Wills” chapter of the New Hampshire statutes, provides children (and their descendants) who were inadvertently omitted from a will with the same share of the estate they would have received had there been no will. In consideration of this, drafters of wills that are intended to disinherit one of more children understand that they must include specific language to avoid any question of inadvertent omission. In 2001, in *Robbins vs. Johnson*, the NH Supreme Court was asked to extend RSA 551:10 to trusts, but declined to do so, because by its plain language the statute applies only to wills, and the court did not find “clear indication from the legislature that this is its intention...” In a recent case before the court, it is again being asked to apply RSA 551:10 to a trust. By passing this bill, the legislature will preserve the status quo, and prevent disruption for settlers, trustees and trust practitioners, by clearly indicating that RSA 551:10 was never intended to apply to trusts. **Vote 11-6.**

Rep. Kermit Williams for the **Minority** of Commerce and Consumer Affairs. The minority is concerned that a broad exemption for trusts under the rules of construction would have unintended consequences, especially for family trusts. Rules of construction require that heirs not mentioned in a trust would be entitled to be a beneficiary. If a trust declarant wishes to exclude anyone, they can do that specifically in the trust documents. Unforeseen circumstances, such as the death of a declarant prior to the birth of a child, could be addressed in probate court under rules of construction, while intentional exclusions continue to be allowed.

SB 314, (New Title) relative to regulation of mortgage bankers, brokers, servicers, and originators. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Costable for the **Majority** of Commerce and Consumer Affairs. This bill exempts from regulation as a mortgage banker, mortgage broker, mortgage servicer or mortgage originator, a person who is not regularly engaged in such activities. Current federal and state law already exempts individuals; however there is currently no definitive number of transactions. This bill clarifies no more than three transactions with in 12 consecutive months. **Vote 12-4.**

Rep. Richard Abel for the **Minority** of Commerce and Consumer Affairs. The minority of the committee believes that any individual who acts as a mortgage banker, mortgage broker, or mortgage originator should be licensed, without exemption. The minority believes this will protect consumers from unscrupulous business practices.

SB 485, (New Title) establishing a committee to study the relationship between concierge medicine and New Hampshire and federal health insurance law. **OUGHT TO PASS.**

Rep. David Luneau for Commerce and Consumer Affairs. Concierge medicine is a relationship between a physician and a patient where the patient pays an annual fee or retainer for medical services. The committee felt that much could be learned about concierge medicine and how fees for this practice could be treated as out of pocket payments applicable to a patient’s deductible in accordance with a health insurance plan. The bill establishes a committee to study this. **Vote 16-3.**

SB 546-FN, relative to purchasing alliances. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Kermit Williams for the **Majority** of Commerce and Consumer Affairs. This bill would modify the rules for purchasing alliances formed to buy group health insurance. The bill reduces the minimum size of an alliance to 250 enrollees, which would make it much more likely for that group to become financially insolvent based on large claims. There are issues with how federal law, including the Employee Retirement Income Security Act (ERISA), would apply to such purchasing alliances. The majority believes that there are too many issues with this bill, and thus recommends referring it for interim study. **Vote 14-5.**

Rep. Michael Costable for the **Minority** of Commerce and Consumer Affairs. The minority on the committee feels that this bill should be adopted. New Hampshire has the highest cost of health insurance in the nation. We have seen average annual premium increases of 50% and higher. Current law carves out 3 industry associations who (at the time the law passed) had to have at least 300 lives in order to create an alliance and purchase insurance in the group market. The minority does not believe that 3,000 lives is an absolute number for both sustainability and negotiating power. This bill simply lowers the number of lives to qualify for the group market and the opportunity to lower their insurance premiums. Efforts are underway federally to do the same thing. It is time for our state to reject the status quo mentality and pass this legislation.

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 391-FN, (New Title) establishing a sexual assault survivors' rights commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shannon Chandley for Criminal Justice and Public Safety. This bill, as originally introduced in the Senate, included language to codify the rights of survivors of sexual assault as well as provisions to create a study commission. The Senate amended the bill to create only the study commission. After hearing significant and persuasive testimony, the committee determined that the protocol regarding the rights of survivors of sexual assault should be put into statute. This bill, as amended by the committee, ensures that sexual assault survivors' rights include best practices regarding medical treatment, evidence collection, its preservation and information. These include the right to a medical examination free of charge, the right to have a sexual assault evidence collection kit preserved for a set period, the right to be informed of the results of such kit and the right to be notified and to respond if the state intends to destroy the kit before the applicable expiration date. The survivor should also be informed of his or her rights. The committee amendment does not include the commission to study survivors' rights as the members believe that passage of the statutory requirements is sufficient to render the commission unnecessary at this time. **Vote 19-0.**

SB 593-FN, relative to the penalty for capital murder. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert Renny Cushing for the **Majority** of Criminal Justice and Public Safety. This bill was the subject of a long and at times moving public hearing that included testimony from dozens of citizens who were overwhelmingly in support of repealing the death penalty. Among the witnesses supporting the bill were leaders of the faith community, former prosecutors, police and corrections officers and people who had lost members of their immediate families to murder. This bill is supported by an incredibly diverse group of lawmakers. The majority of the committee concludes that as a matter of public policy the death penalty does not work and is a distraction from addressing important criminal justice issues and should be repealed. The death penalty does not protect public safety, it does not shield our police officers, it does not meet the needs of many families of murder victims, it is not consistent with the values we hear from our religious leaders. Mistakes are made, and it costs the state more money than the alternative: a process that states simply that those who commit first degree murder will spend the rest of their lives in prison with no chance for parole. New Hampshire has not executed anyone since 1939. The majority of nations of the world recognize the death penalty is not a criminal justice sanction but a human rights violation. Over the last decade a half dozen states have repealed the death penalty. Passage of this bill is consistent with New Hampshire's long tradition of respect for human rights. It is time to repeal the death penalty. **Vote 12-6.**

Rep. Frank Sapareto for the **Minority** of Criminal Justice and Public Safety. The minority of the committee believes that a repeal of the death penalty will result in the loss of innocent lives. When a proven and convicted killer repeatedly states that they will kill again, whether its 5, 10, 25, or 50 years, they will kill again. Whether it's another inmate or a prison guard. The minority does not want to be responsible for the loss of innocent life and therefore respectfully disagrees with the majority. The minority refuses to let a killer kill again.

CRIMINAL JUSTICE AND PUBLIC SAFETY JOINT WITH JUDICIARY

CACR 22, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Berch for the **Majority** of Criminal Justice and Public Safety Joint with Judiciary. The majority of the Joint Committee of Judiciary and Criminal Justice is unable to recommend or support CACR 22 for fiscal, legal and policy reasons. All members are supportive of providing rights and services to victims of crime. The constitution exists to define and to limit government power and its use against ordinary citizens, and to protect the accused from the overwhelming authority of the state. It is not meant to include individual rights against another individual, which is what victims' rights are. New Hampshire has a strong and comprehensive victims' rights statute, which is fully enforceable and mandatory. This CACR brings no additional dollars and potentially spreads the funds currently allocated among a very large number of additional individuals and to corporations and insurance companies. CACR 22's ambiguous, contradictory and confusing language and expansive application will create numerous problems. Instead of holding public servants accountable for enforcing the law, it grants greater immunity to those failing to do so. It would jeopardize the juvenile justice system's focus on rehabilitation, and it would tilt the justice system in favor of the government by applying to class B misdemeanors - for which defendants do not even have a right to counsel. It would create impossible conflicts for prosecutors who could be asked to represent both the interests of the state and the interests of private parties. It would make the state financially responsible for unpaid restitution, be it for regular people, corporations, or insurance companies. It may require the state to pay for counsel for victims. CACR 22 is an unfunded mandate and down shifts most of the millions of additional costs to county budgets in violation

of Article 28-a. Finally, addressing victims' rights via the constitution would deprive the legislature of the ability to fix any of CACR 22's unintended consequences, as changes could only be accomplished by further constitutional amendment. **Vote 24-11.**

Rep. Shannon Chandley for the **Minority** of Criminal Justice and Public Safety Joint with Judiciary. As proposed, this CACR sought to create a victims' bill of rights within the New Hampshire constitution. After listening to hours of testimony from victims, law enforcement, advocacy organizations and other stakeholders, many members of the joint committee believe that while victims' rights should be enshrined in the constitution, CACR 22 as it came before us was somewhat unworkable. The minority heard the concerns raised by opponents and put forward an amendment to address many of these. CACR 22 with amendment seeks to provide meaningful, enforceable rights to victims of crime by including these rights in the state constitution. While New Hampshire does have a victims' bill of rights in statute, the minority believes that elevating those rights to the constitution ensures that people, who through no fault of their own, must interact with the criminal justice system can do so knowing that they have the right to be treated with fairness and respect for their dignity and safety. CACR 22 with amendment makes clear that victims would have, upon request, the right to timely and reasonable notice of proceedings and the right to be present at those proceedings. Included among the enumerated rights are the right to be heard, to reasonable protection from the accused throughout the criminal justice process and to confer with the attorney for the state about disposition of the case. Importantly, the amendment removes all reference to juvenile delinquent acts; removes the explicit right to privacy; removes the ability for a victim to refuse an unnecessary interview or deposition, and removes reference to a victim's attorney. In addition, it clarifies that a victim of crime must be a natural person and that CACR 22 does not create any new cause of action against the state. CACR 22 extends notification to all misdemeanor level crimes. Victims of all crimes should have the right to be notified of the proceedings that stem from their cases. Most police and local prosecutors do an excellent job notifying victims of misdemeanor crimes because they understand that it is critical to do so. Nevertheless, notification should not be a courtesy; it should be a right. Constitutional rights for victims of crime is not a new idea; for many decades, it has been a priority for many for people who work with victims. It is not the intention of the minority in any way to abrogate or minimize the rights of defendants in criminal cases. Victims' rights have successfully coexisted with the rights of the accused and convicted in state constitutions across the country since the late 1970's with decades of case law upholding these rights. In fact, there is not a single case that exists showing that there is any conflict between defendants' and victims' constitutional rights - perceived or otherwise. This amendment reflects a basic recognition that when a crime is perpetrated, the victim's life is significantly altered. The goal of this amendment is not to tilt the scales of justice in favor of the victim; it is to secure for victims basic, fundamental rights within the criminal justice system. This constitutional amendment is supported by the NH Coalition Against Domestic and Sexual Violence, NH Department of Justice, NH Department of Safety, NH Department of Corrections, NH Sexual Assault Nurse Examiner (SANE) Program, NH Association of Chiefs of Police, NH Troopers Association, NH Police Association, NH Sheriffs Association, Professional Firefighters of NH, NH General Federation of Women's Clubs, Business & Industry Association, Community Support Network, Inc., NH Auto Dealers Association, Response to Sexual & Domestic Violence, Turning Points Network, Crisis Center of Central NH, Starting Point: Services for Victims of Domestic & Sexual Violence, Sexual Harassment & Rape Prevention Program (SHARPP), Monadnock Center for Violence Prevention (MCVP), New Beginnings, WISE, The Support Center at Burch House, YWCA Crisis Services, Bridges: Domestic & Sexual Violence Support, Voices Against Violence, HAVEN and NH Violence Against Women College Consortium.

FINANCE

SB 63, (Second New Title) relative to record management of abuse and neglect reports and establishing a pilot program regarding electronic storage of abuse and neglect records. **OUGHT TO PASS WITH AMENDMENT.** Rep. Erin Hennessey for Finance. This bill as amended does two things. It sets up an excess appropriation allocation account in DHHS and creates a pilot program for electronic storage of abuse and neglect records in DCYF. During the budget process, the federal payments to the state for the children's health insurance program were set lower than in prior years because of funding changes expected at the federal level. These funding changes did not occur. As a result, the state is receiving a 38 percentage point enhanced federal match. The amendment transfers these unbudgeted funds, once received by the state, into the excess appropriation allocation account. Funds remaining in this account at the end of each fiscal year will lapse to the state general fund. For the pilot program, DHHS noted they have millions of stored paper documents from outside sources (medical, legal, law enforcement, etc.) obtained during investigations that are not stored with the electronic DCYF files and are thus not easily accessible. Tapping the excess appropriation allocation account, this bill funds the pilot program to start scanning these documents, adding two full-time positions upon passage and 4 part-time positions beginning January 1, 2019. The cost is \$167,515. for the rest of the biennium. **Vote 26-0.**

SB 309-FN, (New Title) relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lynne Ober for Finance. This bill, as amended, includes the policy previously passed by a voice vote in the House. It allows the Department of Environmental Services (DES) to regulate the air emissions of perfluorinated compounds (PFCs) or their precursors in circumstances where they cause or contribute to or have the potential to cause or contribute to exceeding a groundwater or surface water standard through the deposit of such pollutants from the air. It clarifies the basis for and requires periodic review of ambient groundwater quality standards and directs the department to evaluate the ambient groundwater quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) and to set ambient groundwater quality standards for perfluorononanoic acid (PFNA) and perfluorohexanesulfonic acid (PFHxS). It establishes criteria for setting maximum contaminant limits for public drinking water systems and directs the department to set maximum contaminant limits for PFOA, PFOS, PFNA, and PFHxS. It includes a provision that requires DES to establish a plan for determining ambient groundwater standards in order to protect groundwater and drinking water. Finally, it adds and funds two positions to undertake the required work. **Vote 26-0.**

SB 534-FN, relative to the classification of certain state employee positions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Tracy Emerick for Finance. This bill revises the salaries for certain unclassified positions and adjusts salaries for additional unclassified positions for recruitment and retention purposes. In order to obtain qualified personnel for certain highly specialized state positions, e.g. medical examiners, NH must offer salaries that are competitive at going market rates. This bill authorizes the governor and council to do so. The bill also establishes the unclassified position of general counsel in the Banking Department and abolishes the replaced position per agency request. All of the personnel changes in this bill have been approved by the Joint Committee on Employee Classification and they approved approximately \$500,000 in salary increases and those funds must be found within the respective departments' budgets. The amendment requires the commissioner of the department of health and human services to conduct a review of certain unclassified positions established in RSA 94: I-a. Information from this review will be provided to the Department of Administrative Services to be handled according to established personnel protocols. This review has a two-year time frame for completion. **Vote 25-1.**

SB 555-FN-A, establishing a citizens' right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. William Hatch for Finance. This bill would establish procedures to streamline the resolution of complaints under RSA 91-A by establishing a citizen's right-to-know appeals commission and an office of the right-to-know ombudsman that would be administratively attached to the department of state. The bill calls for a volunteer 15-person commission with a paid ombudsman. The committee considered infrastructure requirements, the need for the ombudsman position, the cost to operate that office, and what is currently being done to deal with 91-A issues. The total appropriation for this office would be at least \$48,000 with savings of less than \$10,000. The bill did not include any provisions for reimbursement to volunteers for travel or time spent. Finally, there are currently only 6 to 9 cases per year that raise RSA 91-A issues. For these reasons, the majority recommends ITL. **Vote 22-4.**

SB 557-FN, establishing a board of housing development appeals. **REFER FOR INTERIM STUDY.**

Rep. Peter Leishman for Finance. The bill would create an appeals board to hear appeals of local land use board decisions. Presently, anyone who wishes to appeal a local land use board decision may appeal to the local board of adjustment or superior court. The bill would greatly interfere with local land use control. The proposed authority of this board would allow for the reversal or modification of any land use board decision (planning board, board of adjustment, historic district commission, and heritage commission). Additionally, an abutter or anyone wishing to intervene in a local land use decision would be required to "demonstrate legal standing" before being allowed to intervene in any action before this new board. The majority believes that a developer, an abutter or intervener should exhaust the local land use appeals process before bringing an appeal to a state development appeals board. The bill would allow this new appeals board to develop rules without legislative oversight. Finally, we heard no testimony on how many cases this appeals board would hear or whether the proposed \$65 filing fee would be sufficient to cover the \$768,000 yearly expense of this board. Although well intentioned by the sponsors, the majority of the committee recommends interim study to deal with these unresolved issues. **Vote 16-10.**

SB 573-FN-A, relative to the controlled drug prescription health and safety program and making an appropriation therefor. **OUGHT TO PASS.**

Rep. J. Tracy Emerick for Finance. This legislation primarily pertains to the ongoing financing of the Controlled Drug Prescription Health and Safety Program (PDMP). The program is strengthened by the more direct involvement of the medical examiner's office. It also addresses and corrects the findings of a recent audit. The committee strongly supports the policy aspects of this legislation. In addition, the bill provides additional funding from the boards that use this system to fill the financial hole that developed in the current biennium when the federal grant that funded the PDMP was smaller than anticipated. These boards have enough revenue to fully fund this valuable system. **Vote 26-0.**

FISH AND GAME AND MARINE RESOURCES

SB 451, relative to wildlife trafficking. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Jonathan Manley for the **Majority** of Fish and Game and Marine Resources. The original bill sought to protect endangered species, especially ivory bearing animals, from sale of parts and poaching. The amendment protects legal owners from retroactive enforcement. **Vote 12-1.**

Rep. Raymond Howard for the **Minority** of Fish and Game and Marine Resources. The intent of the original bill is to have state law reflect federal law on this issue, but the minority of the committee feels that this bill will have many unintended consequences. The amendment addresses some of the potential problems, but not all of them. The minority feels as Representatives of the people that we should do no harm. This bill will open the door for future restrictions on what people can own and may reduce the value of what they may already own.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 350, relative to biological products dispensed by pharmacists. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. James MacKay for the **Majority** of Health, Human Services and Elderly Affairs. This legislation relates to dispensing and substituting biological products by pharmacists which are unlikely to actually be available for at least two years. Thus, since there are questions about this legislation, it is logical that this legislation be carefully considered, which Interim Study will provide. Questions relate to the role of pharmacists in the process, including notification to the prescriber among others. **Vote 16-7.**

Rep. William Marsh for the **Minority** of Health, Human Services and Elderly Affairs. Biologics comprise a great many products, and have allowed many major advances in medical treatment. Unfortunately, they are extremely expensive and now comprise a significant portion of hospital and health system budgets. This bill allows substitution of products licensed by the Food and Drug Administration (FDA) as interchangeable biologic products – a rather high standard. It is anticipated that significant cost savings will ensue for patients, hospitals, and insurers. Many advocates for patients testified in favor of this bill. Similar laws have been passed by 41 states. The minority feels this bill ought to pass so that NH can share in these savings, and therefore recommends Ought to Pass with Amendment.

SB 481, establishing a committee to study the impact of pharmacy benefit manager operations on cost, administration, and distribution of prescription drugs. **OUGHT TO PASS.**

Rep. Jerry Knirk for Health, Human Services and Elderly Affairs. Pharmacy benefit managers (PBMs) are intermediaries between the health insurance companies and the pharmacies. They set formularies, develop the plan's network of pharmacies, and negotiate price rebates with manufacturers. There is a lack of transparency in the function of the PBMs. This bill will establish a committee which will attempt to shed light on the impact of PBMs on cost and access to medications, with the goal of developing legislation to modify New Hampshire's PBM statutes to decrease prescription drug costs. **Vote 16-4.**

JUDICIARY

SB 335, (New Title) establishing a committee to review compensation in asbestos litigation and to study ways to promote transparency, fairness, and timeliness of payment in asbestos litigation. **MAJORITY: INEXPE-DIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill seeks a committee to review the mesothelioma claims process. Mesothelioma claimants have two paths for collecting damages: through a claim against a "bankruptcy trust" (trust) established to settle all asbestos claims against most major responsible parties and through civil litigation. A claimant may pursue one or both paths, but the level of proof and the procedures differ between them. The concern is that some claimants may file a trust claim and then seek civil claims as well and the civil court may not know if or how much the claimant got from a trust claim, making judgment about the defendant's appropriate share of the claim difficult or impossible. Opponents, including the State Veterans Advisory Committee, say that any change to the current process would only delay claim payments to victims who typically have only a year or so to live when they file. We heard that there are not now and have never been any such claims in New Hampshire. Unable to see a problem in our state and concerned about victims' timely receipt of claims, the committee felt the study committee unnecessary. **Vote 12-3.**

Rep. Joseph Hagan for the **Minority** of Judiciary. According to testimony from the Department of Environmental Services, asbestos is still an issue in New Hampshire. Mesothelioma is a deadly disease caused by asbestos exposure. Nationally, states are looking at transparency reforms to promote fairness, transparency and timeliness of payment in the two compensation systems for asbestos claims. While such reforms are controversial, stakeholders including the trial attorneys, insurance companies, unions and business trade groups agreed a study would be prudent. The duties of this legislative study committee specifically highlight the impact to the veterans' community, as veterans can be disproportionately affected by asbestos exposure.

SB 387-FN, relative to liability of governmental units. **OUGHT TO PASS.**

Rep. Claire Rouillard for Judiciary. This bill is the result of a bipartisan study commission regarding aspects of governmental liability. It cleans up statutory language, defines “governmental unit,” modestly increases governmental liability, adds a “reasonable belief” standard in legality of one’s actions, and reassigns sections of our current statutes to the appropriate location. All changes clarify and bring our statutes up to date with current practices and understanding. **Vote 16-0.**

SB 497-FN, relative to breast-feeding. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Claire Rouillard for the **Majority** of Judiciary. The majority of the committee feels this bill is unnecessary. It is also unclear if an additional protected class will be added to the current State Commission for Human Rights statute, RSA 354-A. The bill would amend RSA 132:10-d, Protection for Maternity and Infancy, which currently states that breast-feeding is not an act of indecent exposure and to restrict or limit the right of a mother to breast-feed is discriminatory. The amendment seeks to expand RSA 132:10-d, to include discrimination in “employment or housing due to pregnancy or a medical condition which results from pregnancy” or for breast-feeding her child. Currently, the Human Rights Commission accepts and handles the few breast-feeding discrimination claims it receives and RSA 354-A currently provides for discrimination in employment or housing due to pregnancy or a medical condition which results from pregnancy. The proposed amendment also states that a discrimination claim may be filed with the State Commission for Human Rights under RSA 354-A or a person may seek immediate injunctive relief in Superior Court. However, both of these options are available now under NH law. Moreover, only one person testified at the hearing along with one sponsor and no written testimony was submitted. There was no testimony to support any breast-feeding discrimination in housing and one person testified to breast-feeding discrimination in employment. That single individual indicated only 10 complaints were filed over the years, and only 1 current case is pending. **Vote 8-6.**

Rep. Debra Altschiller for the **Minority** of Judiciary. This bill’s intention is to provide an umbrella to protect women experiencing discrimination in both the public and workplace domain for trying to breast-feed their child. Currently, women who experience this kind of discrimination can file a claim with the Human Rights Commission and/or the Department of Labor; however, the processing of these claims can take very long periods of time and when breast-feeding is interrupted for long periods of time, breast milk supply decreases. The American Academy of Pediatrics (AAP) recommend breast-feeding citing its role in the prevention of Sudden Infant Death Syndrome (SIDS) and the lowering of infants’ risks of developing asthma and allergies. Babies who are exclusively breast-fed for their first 6 months have fewer ear infections and respiratory illnesses. Women who choose to breast-feed their children face many obstacles in returning to the workforce, choosing to continue to breast-feed their child or lose their job should not be one of them. This bill would allow for women who experience this kind of discrimination to file for immediate injunctive relief in superior court while they wait for help from the HRC or Dept of Labor. This would help women continue to breast-feed. The committee heard testimony that while ten cases have been brought forward, only one is currently being pursued as the waiting time for help is too long and by the time a case is even heard their ability to continue breast-feeding would be over. The minority believes this legislation helps working mothers feed their children by providing an option to seek injunctive relief to continue breast-feeding while awaiting their hearing.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**SB 318**, (New Title) relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Stephen Schmidt for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill as amended provides clarification of labor law as it pertains to proportionality of inspections conducted by the Department of Labor, day of rest, employee voluntary purchase of uniforms, employee notice of changes in minimum wage, and the number of hours permitted for youth to work during school sessions. The amended legislation was developed with the concurrence of the Department of Labor. Providing clarification of the law will be helpful to the New Hampshire business community. **Vote 11-9.**

Rep. Douglas Ley for the **Minority** of Labor, Industrial and Rehabilitative Services. As amended, the bill is much improved. However the bill makes significant changes to youth employment, adding hours that 16-17 year old youths work each week. The committee and the House previously determined to ‘interim study’ on two other bills dealing with youth employment. No additional testimony or pressing policy considerations were brought forward to justify the changes proposed in this bill, hence the minority’s preference for interim study. Finally, the bill has the unintended consequence of potentially adding certain burdens to employees. Therefore, the bill is an ungainly amalgam of various policy initiatives, united only by the intention of weakening current labor regulations.

RESOURCES, RECREATION AND DEVELOPMENT

SB 172-FN, (New Title) relative to non-menace dams. **OUGHT TO PASS.**

Rep. James McConnell for Resources, Recreation and Development. This bill bars changes in the classification of certain non-menace dams, the lowest level dam hazard which pose no threat to life or significant harm to property, unless the Department of Environmental Services determines that conditions downstream have changed since the dam was classified that warrant reclassification or until such reconstruction of the dam is needed requiring a permit to reconstruct the dam. Any such dams remain subject to Dam Bureau inspection and required maintenance. **Vote 19-0.**

SB 445, designating the Warner River as a protected river. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Mullen for the **Majority** of Resources, Recreation and Development. The bill designates the Warner River as a protected river in the New Hampshire Rivers Management Protection Program. The river is a 20 mile shared resource for the Towns of Warner, Sutton, Bradford, Webster, and Hopkinton. It is one of the state's highest ranked wildlife habitats. It also provides a wide variety of recreational opportunities including boating, swimming, and fishing. It was felt by many in the region that it was necessary to protect this river to maintain its natural resources as well as protecting the rights of those living along side its waters. Thus, a local committee was formed to begin the process of applying for protected status. The local committee's cooperation with the Department of Environmental Services, the Department of Fish and Game, accompanying towns, local conservation commissions, Trout Unlimited, NH Rivers Management Advisory Committee, and many local volunteers enabled the nomination process to move forward. This committee heard numerous testimonies of strong evidence of support for the bill, with only one recorded in opposition. Based on this overwhelming support of the local towns, state agencies, and others, the committee felt the bill was worthy of support. **Vote 14-4.**

Rep. Andrew Renzullo for the **Minority** of Resources, Recreation and Development. The minority of the Resources, Recreation and Development committee opposes SB445, the act designating the Warner River as a protected stream, because we believe the procedure to get the river so designated is fundamentally flawed and runs contrary to the democratic process. The process requires public hearings, local board comments, nomination by the commissioner of DES and approval by the legislature. The flaw in the process is that nowhere is it required that there be a vote of the citizens of the towns thru which the designated portions of the river flows! Designating a river as "protected" is akin to a zoning process. It affects land use. It creates a local river management advisory committee, another layer of bureaucracy. We all know that in meetings and hearings it is the activist that speaks the loudest and usually wins. Only in the privacy of the voting booth will the true will of the people reveal itself.

TRANSPORTATION

SB 522, relative to alteration of speed limits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter Torosian for the **Majority** of Transportation. This bill would eliminate the consistent nature of local speed limits. Municipalities would no longer have a minimum speed requirement. 15 mph zones would become possible, or lower. Current law already allows speed limits as low as 25 mph year round, and lower seasonally. Nothing prevents municipalities from installing speed limiting devices such as speed tables and bumps in areas of special concern. **Vote 8-7.**

Rep. Casey Conley for the **Minority** of Transportation. The minority considers this important enabling legislation that allows, under certain circumstances, local communities to set and enforce speed limits below 25 mph, the current state minimum. The minority recognizes that not all communities will choose to take advantage of this statute. It would allow cities and towns with existing speed limits below 25 mph to enforce them.

WAYS AND MEANS

SB 540-FN, (New Title) relative to the operation of keno games in unincorporated places. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for the **Majority** of Ways and Means. The policy committee eliminated the original intent of this bill related to kindergarten funding. What remained was a provision that stated: "[a]n unincorporated place may allow the operation of keno games by majority vote of the county delegation, after a public hearing is held." Per the request of the Lottery Commission, the bill was amended by the Ways and Means Committee to add to the keno statutes that a cigar bar holding a valid liquor license under RSA 178:20-a also qualify as a type of establishment permitted to offer a game of keno. **Vote 21-2.**

Rep. Marc Abear for the **Minority** of Ways and Means. Keno will cause people to stay longer in or to enter for the first time cigar bars and increase tobacco addiction. Keno should not be used to fund full day kindergarten and now using it to extend gambling in New Hampshire too is wrong.

SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEX-
PEDIENT TO LEGISLATE.**

Rep. Bill Ohm for the **Majority** of Ways and Means. This bill, as amended, establishes a 10-year exemption from the business profits tax (BPT) and business enterprise tax (BET) for qualified regenerative manufacturing businesses. This bill also provides for a \$5 million workforce development program for such businesses, administered by the Business Finance Authority (BFA). The intent of the bill is to assist in the creation of a new industry based in NH, regenerative manufacturing. Regenerative manufacturing involves the creation of human organs, such as kidneys, from the donor's own DNA. Proponents argue that much of the science has been available for 20 years, and that no new scientific breakthroughs are needed. 3D printing has become available. Advanced robotics are available. The University of New Hampshire (UNH) has committed to workforce training. What's missing is the ability to scale up a manufacturing process from labor intensive 2D petri dishes to printed 3D human organs under US Food and Drug Administration approval. This concept is supported by \$80 million in federal Defense Advanced Research Projects Agency (DARPA) money, and over \$200 million in private funding and commitments. Nearly all states competed for these funds, and NH won the competition through the non-profit Advanced Regenerative Manufacturing Institute (ARMI), directed by Dean Kamen and located in the Manchester mills. Deciding factors were Mr. Kamen's track record of accomplishment in innovative manufacturing such as dialysis machines; his ability to form a consortium of the companies, large and small, equipped to supply the necessary technology; and the availability of suitable space for collaboration among these companies. While the funding competition has been won, the competition for scaling up the manufacturing process remains intense. Other states, anticipating a windfall in business growth from potentially successful regenerative manufacturing, are actively soliciting ARMI's relocation with offers that NH will not match. The majority of the committee feels that it's reasonable to provide limited incentives to this nascent industry that would directly benefit NH. These incentives comprise two parts. 1) A 10-year BET/BPT tax holiday on NH business organizations that have at least 75% of their business activities in regenerative manufacturing. This can include research, development, manufacturing, workforce development, and training. 2) A \$5 million student loan repayment program for NH employees in this new industry who stay for at least five years. The BFA will administer this competitive program under their existing bonding authority. Donations will be solicited to offset direct costs to NH. The committee analysis is that most of the qualified business entities will not show a profit for several years. However, in the waning years of this program, revenues may be substantial and a windfall to NH may occur after the 10-year window expires. If the program is a failure, NH only loses BET tax revenue as no profits were generated. In any event, the business activity associated with the program will be very beneficial to Manchester and much of the surrounding areas, and indeed much of the state if large tracts of land are needed for suppliers. Regarding student loan forgiveness, the committee feels it's in the best interest of NH to invest in a workforce suitable for emerging needs. The skyrocketing costs of medical care indicate that this industry of regenerative manufacturing appears to be a prime candidate. Loan donations can minimize the impact to NH. Concerns have arisen on the constitutionality of the bill, which creates special tax treatment for a designated industry. This was addressed in the committee amendment. Four different lawyers with expertise in these matters, including the Attorney General's office and a UNH professor, have unanimously agreed that the language of the amended bill is constitutional. In summary, the majority feels that the benefits of this opportunity far outweigh the costs, and consequently recommends this bill Ought to Pass with Amendment. **Vote 22-1.**

Rep. Marc Abear for the **Minority** of Ways and Means. Maintaining a healthy economy and fostering economic growth are some of the most important priorities for hardworking Granite Staters. That is political reality. The cost of everyday life is increasing. People want to be sure that their job opportunities and paychecks keep up. As policymakers, we should create a plan of action focusing on those things that increase economic opportunity, promote freedom of association, and lower barriers to entry for new businesses. Passage of this bill does not do any of those things. Regardless of whether it would be found constitutional by the judiciary, and clearly the legislation is designed to meet the tests the NH Supreme Court has laid out, this bill is not acceptable to the spirit of the state constitution. The state constitution in Part Second, Article 5, in part reads "... to impose and levy proportional and reasonable assessments, rates, and taxes, upon all inhabitants of, and residents within, the said state. . ." Yes, the NH Supreme Court has said that it is permissible for the legislature to parse the definition of the class to be taxed, but that is using weasel words to dodge the responsibility for not complying with the intent of the section when it is inconvenient. The proper function of taxation is to raise money for core functions of government. SB 564 does not do that. It is properly a spending bill. The purpose of this bill is to direct the behavior of citizens and businesses. It preys upon the hopes of the well-intended to entice them to cause the taxpayers of the state to pay more than they would otherwise have to pay so that a target group can be advantaged. It cannot pass as the spending bill it properly is, which is why it came before the tax committee as an exemption plus an unfunded education giveaway. The hope is that, in the long run, the target group will create sufficient value to produce a return on the general tax

increase; call it an investment if it makes your conscience rest easier, for those who bankrolled the gamble. And it is a gamble. Funding research and development is always a gamble. We should not be gambling with taxpayer dollars. We should not be using governmental power for picking winners and losers in the private sector, which SB 564 clearly does. This is a tax bill and we should not forget what it is. Taxation always imposes some level of burden on economic performance. That harm can be minimized if policymakers resist the temptation to use the tax code for social engineering, class warfare, and other extraneous purposes. We best help the business community by lowering the tax burden we impose upon it. With this bill, we are advantaging the few in the belief that the harm to the many is worth the price of the discrimination. That is not a sound judgment. By passing this bill, we are not being good stewards of the tax system. A principled tax system based in Granite State values is the best way to promote prosperity for Granite State residents and to advance the state's economic interests. The government should not use the tax system to unfairly shift the tax burden onto one class of citizens or off of another. The tax system is the use of governmental police power. As such, it should not be used to punish, to engage in discriminatory taxation, nor should it be used to bestow special favors on any particular group of taxpayers regardless of the good intentions. A high-quality tax system should be stable, providing certainty in taxation and in revenue flows. It should provide certainty of financial planning for individuals and businesses. Tax systems should be accountable to citizens. Taxes and tax policy should be visible and not hidden from taxpayers. Changes in tax policy should be highly publicized and open to public debate.

FRIDAY, APRIL 20

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

- 9:00 a.m. Regular meeting.
- 10:00 a.m. Audits: State of New Hampshire Single Audit of Federal Financial Assistance programs for the year ended June 30, 2017.
State of New Hampshire Audit Letter year ended June 30, 2017.

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.

FINANCE - DIVISION III, Rooms 210-211, LOB

- 1:00 p.m. Division work session on **SB 549-FN-A**, relative to plans of safe care for infants affected by substance abuse or withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder.
- 2:00 p.m. Division work session on **SB 590-FN-A**, making a supplemental appropriation to the state loan repayment program and relative to emergency involuntary admissions, the child protection act, and the developmental disabilities wait list and making appropriations therefor.
- 2:05 p.m. Division work session on **SB 313-FN**, reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds.

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

- 10:00 a.m. Regular meeting.
- 10:30 a.m. Audits: State of New Hampshire Single Audit of Federal Financial Assistance Programs for the year ended June 30, 2017.
State of New Hampshire Management Letter year ended June 30, 2017.

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

- 10:00 a.m. Regular meeting.

MONDAY, APRIL 23

COMMISSION ON HISTORIC BURYING GROUNDS (RSA 227-C:12-a), Room 101, LOB

- 9:00 a.m. Regular meeting.

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND EXOTIC AQUATIC SPECIES OF WILD-LIFE IN THE STATE OF NEW HAMPSHIRE (RSA 487:30), Room 307, LOB

- 11:00 a.m. Regular meeting.

FINANCE - DIVISION III, Rooms 210-211, LOB

- 10:00 a.m. Division work session on **SB 313-FN**, reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds.

OIL FUND DISBURSEMENT BOARD (RSA 146-D:4), Room 305, LOB

9:00 a.m. Regular meeting.

TUESDAY, APRIL 24**CHILDREN'S SAVINGS ACCOUNT PROGRAM COMMISSION (RSA 195-J:1), Room 207, LOB**

10:30 a.m. Regular meeting.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

10:00 a.m. Subcommittee work session on **SB 421**, relative to insurance coverage for prescription contraceptives; **SB 502-FN**, relative to transparency and standards for acquisition transactions in health care; **SB 383**, establishing a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents.

Room 301, LOB

10:00 a.m. Subcommittee work session on **SB 566-FN**, establishing a commission to study the school bus driver shortage; **SB 415**, relative to condominium unit owners' special meetings; **SB 427**, limiting the liability of successor corporations for asbestos-related claims; **SB 537**, conferring extraterritorial financing powers on the New Hampshire business finance authority.

Room 302, LOB

1:30 p.m. Executive Session on pending legislation.

ELECTION LAW, Room 308, LOB

10:00 a.m. Executive session, if necessary, on **SB 527-FN-L**, relative to absentee voting; **SB 438**, relative to the postponement of local elections.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

8:30 a.m. Full committee work session on **SB 569-FN**, relative to animal cruelty and establishing a commission to study certain language applicable to the transfer of animals.
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

9:00 a.m. Subcommittee work session on **SB 589-FN**, relative to regulation of certified recovery support workers.
9:30 a.m. Subcommittee work session on **SB 487**, relative to license requirements for certain alcohol and other drug use professionals and establishing a state substance use disorder treatment services program.
11:00 a.m. Executive session on **SB 334-FN**, relative to temporary licenses for occupations and professions for persons from other states.

Room 308, LOB

12:50 p.m. Subcommittee work session on **SB 581-FN**, relative to compounding of drugs.
Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FINANCE - DIVISION I, Room 212, LOB

10:00 a.m. Public hearing on non-germane amendment 2018-1647h to **SB 578**, relative to unclassified positions within the department of health and human services. This amendment revises additional titles and salaries of various unclassified positions in the department of health and human services. Copies of the amendment are available in the Sergeant-at-Arms' Office, Room 318, State House.
10:10 a.m. Division work session on **SB 578-FN**, relative to unclassified positions within the department of health and human services.
10:30 a.m. Division work session on **SB 541-FN-A**, establishing a fund to reimburse costs associated with firefighters who have cancer and establishing a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.
10:45 a.m. Division work session on **SB 538-FN**, including police officers of the state office complex police force in group II of the retirement system.
11:00 a.m. Division work session on **SB 580**, relative to the creation of new class lines within the department of transportation, the department of health and human services, and the department of education, amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital, and transferring a capital budget appropriation for painting the ceiling of Representatives Hall to the legislative branch.

FINANCE - DIVISION II, Room 209, LOB

- 10:00 a.m. Division work session on **SB 565-FN**, relative to aircraft registration fees and airways tolls.
 1:00 p.m. Division work session on **SB 575-FN**, relative to electric vehicle charging stations.

FINANCE - DIVISION III, Rooms 210-211, LOB

- 9:00 a.m. Division work session on **SB 592-FN-A**, relative to the child welfare system.
 10:00 a.m. Division work session on **SB 590-FN-A**, making a supplemental appropriation to the state loan repayment program and relative to emergency involuntary admissions, the child protection act, and the developmental disabilities wait list and making appropriations therefor.
 11:00 a.m. Division work session on **SB 313-FN**, reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. Public hearing on non-germane amendment 2018-1554h to **SB 453**, relative to requirements and criteria for a competitive grant program for drinking water protection. The amendment allows a public water district to receive fluoridated water from another supplier, so long as the district fulfills notification requirements. Copies of the amendment are available in the Sergeant-at-Arms' Office, Room 318, State House.
 Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

RULES, Room 104, LOB

- 1:00 p.m. Regular meeting.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. Full committee work session on **SB 365**, relative to the use of renewable generation in default service; **SB 577**, requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy.
 11:00 a.m. Public hearing on germane amendment 2018-1645h to **SB 446**, relative to net energy metering limits for customer-generators. The amendment pertains to allowed payments or credits to those who net meter for excess generation. Copies of the amendment are available in the Sergeant-at-Arms' Office, Room 318, State House.
 1:30 p.m. Full committee work session on **SB 446**, relative to net energy metering limits for customer-generators.
 Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

TRANSPORTATION, Room 203, LOB

- 1:00 p.m. Continued executive session on **SB 398**, relative to information contained in certain motor vehicle records; **SB 512**, relative to compact sections of towns; **SB 520-FN**, relative to organizations authorized to issue decals for multi-use decal plates.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Revenue updates with department heads.

WEDNESDAY, APRIL 25**ENVIRONMENT AND AGRICULTURE, Room 303, LOB**

- 9:00 a.m. Full committee work session on **SB 569-FN**, relative to animal cruelty and establishing a commission to study certain language applicable to the transfer of animals.
 Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Executive session on **SB 193-FN**, establishing education freedom savings accounts for students; **SB 313-FN**, reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds; **SB 538-FN**, including police officers of the state office complex police force in group II of the retirement system; **SB 541-FN-A**, establishing a fund to reimburse costs associated with firefighters who have cancer and establishing a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer; **SB 549-FN-A**, relative to plans of safe care for infants affected by substance abuse or withdrawal symptoms from prenatal drug exposure

or fetal alcohol spectrum disorder; ***SB 565-FN***, relative to aircraft registration fees and airways tolls; ***SB 575-FN***, relative to electric vehicle charging stations; ***SB 578-FN***, relative to unclassified positions within the department of health and human services; ***SB 580***, relative to the creation of new class lines within the department of transportation, the department of health and human services, and the department of education, amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital, and transferring a capital budget appropriation for painting the ceiling of Representatives Hall to the legislative branch; ***SB 588-FN***, relative to inspections of laboratories and relative to loans for lead hazard remediation projects; ***SB 590-FN-A***, making a supplemental appropriation to the state loan repayment program and relative to emergency involuntary admissions, the child protection act, and the developmental disabilities wait list and making appropriations therefor; ***SB 592-FN-A***, relative to the child welfare system.

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.

FRIDAY, APRIL 27

NEW HAMPSHIRE CANADIAN TRADE COUNCIL (RSA 12-O:22), Room 100, SH

1:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

MONDAY, APRIL 30

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

1:00 p.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

10:00 a.m. Regular meeting.

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

1:00 p.m. Regular meeting.

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

1:30 p.m. Regular meeting.

TUESDAY, MAY 1

STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2), New Hampshire National Guard Regional Training Institute, 722 Riverwood Drive, Pembroke

5:00 p.m. Regular meeting.

FRIDAY, MAY 4

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

9:00 a.m. Continued meeting.

FRIDAY, MAY 11

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13), Room 205, LOB

10:00 a.m. Regular meeting.

1:00 p.m. Foster care subcommittee meeting.

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

9:30 a.m. Regular meeting.

MONDAY, MAY 14

COMMISSION TO STUDY CURRENT MENTAL HEALTH PROCEDURES FOR INVOLUNTARY COMMITMENT (RSA 135-C:63-c), Room 206, LOB

1:00 p.m. Regular meeting.

TUESDAY, MAY 15

EMERGENCY MANAGEMENT SYSTEM JOINT LEGISLATIVE OVERSIGHT COMMITTEE (RSA 21-P:51), Room 304, LOB

10:00 a.m. Regular meeting,

THURSDAY, MAY 17

COMMISSION ON POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D), Walker Building, 21 South Fruit Street, Room 100, Concord

2:30 p.m. Regular meeting.

FRIDAY, MAY 18

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

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

SUNDAY, MAY 20

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, MAY 21

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.

NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), New Hampshire Higher Education Assistance Foundation, 4 Barrell Court, Concord

10:00 a.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.

OIL FUND DISBURSEMENT BOARD (RSA 146-D:4), Room 305, LOB

9:00 a.m. Regular meeting.

WEDNESDAY, MAY 23

COUNCIL FOR YOUTHS WITH CHRONIC CONDITIONS (RSA 126-J:1), Upham-Walker House, 18 Park Street, Concord

6:00 p.m. Regular meeting.

FRIDAY, JUNE 1

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

9:00 a.m. Continued meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Due to an outbreak of the flu, the **Coös County Delegation** will meet **Friday, May 18th** to review and approved the 1st quarterly financials and to discuss the salaries of constitutional and county elected officials. The meeting will take place at the Coös County Nursing Hospital located in West Stewartstown and will begin promptly at **10:00 a.m.**

Rep. Robert L. Thériberge, Chairman

COUNTY DELEGATION NOTICE

The **Hillsborough** County Executive Committee will meet at the county complex on **Friday, April 27th** at **9:00 a.m.**

Rep. Larry Gagne, Clerk

COUNTY DELEGATION NOTICE

The Executive Committee of the **Merrimack** County Delegation will meet **on Monday, April 30th** in the lower level conference room at **10:00 a.m.** of the McDonnell Building, 4 Court Street, Concord. The purpose of the meeting is as follows: First Quarter Financial Review and Approval. Any other Business.

Rep. James MacKay, Chairman

COUNTY DELEGATION NOTICE

The **Rockingham** County Executive Committee will meet on **Friday, May 4th** at **9:30 a.m.** in the Hilton Auditorium at the Rockingham County Nursing Home in Brentwood. The purpose of the meeting is to conduct the first quarter budget review.

Rep. David A. Welch, Clerk

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 1104, 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 1697, HB 1756, HB 1762, HB 1763, HB 1764, HB 1802, HB 1814, HB 1817, HB 1819, HB 1820, SB 63, SB 165, SB 172, SB 193, SB 240, SB 332, SB 334, SB 370, SB 372, SB 390, SB 391, SB 410, SB 411, SB 446, SB 450, SB 468, SB471, SB 496, SB 497, SB 498, SB 504, SB 520, SB 525, SB 527, SB 528, SB 529, SB 531, SB 533, SB 534, SB 539, SB 541, SB 544, SB 546, SB 553, SB 555, SB 559, SB 560, SB 561, SB 565, SB 566, SB 569, SB 574, SB 575, SB 576, SB 577, SB 590, SB 592.

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

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

The State House Bicentennial Commission will be screening a film on **Tuesday, April 24th at 6:30 p.m.** in Representatives Hall on the State House Dome restoration that was created by noted New Hampshire documentarian John Gfroerer. All members and staff are invited to attend, however we would ask you to RSVP to bicentennial@leg.state.nh.us so that we may know the exact count for seating purposes.

Reps. Renny Cushing and David Welch

There will be a Libertarian caucus on **Thursday, April 26th at 9:30 a.m.** in Room 104, LOB.

Rep. Caleb Q. Dyer

On **Thursday, April 26th**, The Council for Youth with Chronic Conditions will be hosting a screening of the film Resilience, a documentary about the long term health impact of adverse childhood experiences, and a late lunch **at 2:00 p.m.** or after House session. All welcome!

Rep. Mariellen MacKay

All legislators and staff are invited to try a free acupuncture treatment sponsored by the New England Public Health Acupuncture Network on **Tuesday, May 1st from 9:00 a.m. to 4:00 p.m.** in Room 104, LOB.

Rep. Ben Baroody

On **Wednesday, May 2nd**, during the House session lunch break, lunch will be provided at St. Paul's Church. find out why Family Resource Centers are critical to NH's future health and prosperity. Presentation by Wellness & Primary Prevention Council members and Spark NH.

Rep. Joelle Martin

It's that time! The NH Oral Health Coalition invites all legislators to join us for our Annual Legislative Breakfast, "Banding Together for NH's Oral Health," on **Thursday, May 3rd from 7:30 a.m. to 9:00 a.m.** in the State House Cafeteria. A hot breakfast will be served by Elizabeth's Kitchen. As always, local community oral health providers will be there with displays and information. RSVP to: info@nhoralhealth.org or call 603-415-5550.

Rep. Tom Buco

The New Hampshire Beverage Association (NHBA) cordially invites all House and Senate members to enjoy lunch on **Thursday, May 3rd** in the State House Cafeteria. NHBA member companies will be in attendance with samples that demonstrate the options they offer in the marketplace. Please stop by for lunch and to learn more about the beverage industry's efforts to provide choice for consumers. See you there!

Reps. Richard W. Hinch and Stephen Shurtleff

The University of New Hampshire is hosting the 3rd annual University Day on the State House lawn on **Thursday, May 3rd from 11:00 a.m. to 1:00 p.m.** Enjoy a BBQ lunch provided by UNH's award-winning dining services and music by a student band. Explore a wide range of exhibits and interactive demonstrations led by world-renowned researchers, students, faculty and staff at UNH. Learn more about how the education, research, programs and activities at your state flagship university benefit the Granite State.

Rep. Marjorie Smith

All legislators and staff are invited to the Biennial Legislative Health Screening Day presented by Health Services. This event will be held on **Tuesday, May 8th** on the 3rd floor of the LOB **from 9:00 a.m. to 1:00 p.m.** There will be screenings for blood pressure, blood sugar, glaucoma, and fall prevention balance. Chair massages, nutritional counseling and many more organizations will be available. Got questions? Bring them to our participating professionals, including a dentist, pharmacists and optometrists for quick and up-to-date information. There will be door prizes and refreshments.

Reps. Richard W. Hinch and Stephen Shurtleff

In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Association cordially invites you to attend the 26th Annual New Hampshire Law Enforcement Officers Memorial Ceremony to honor the law enforcement officers throughout the state who have made the ultimate sacrifice and died in the line of duty while protecting the citizens of New Hampshire. The ceremony will be held on **Friday, May 18th** beginning promptly **at 9:45 a.m.**, at the Memorial Site in front of the Legislative Office Building. The ceremony will proceed rain or shine. A light luncheon reception will be served immediately following the ceremony. Please do not hesitate to contact Colonel Kevin Jordan at the New Hampshire Fish and Game Department at 603-271-3128 if you have any questions.

Reps. Richard W. Hinch and Stephen Shurtleff

The State House Bicentennial Commission will be hosting a briefing to members of the House and Senate on **Wednesday, May 23rd at 10:00 a.m.** in Representatives Hall. The briefing will include updates from members of the commission regarding plans for events this summer and next year, some historical perspectives, and general information about the commission and how they can be supported.

Reps. Renny Cushing and David Welch

The Legislative Youth Advisory Council is looking for recommendations of young people, ages 15-22, who would be interested in serving on the council. Created in 2006, LYAC is a statutory committee which serves as a link between young people and New Hampshire government, and advises the legislature on issues of concern to youth. Please forward any recommendations to NHLegislativeYouth@gmail.com by June 20.

Rep. Marjorie Porter

STATE HOUSE VISITATION SCHEDULE

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

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

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

DATE	TIME	GROUP	#/GRADE
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 20	12:30	Sugar Hill Retirement Community – Wolfeboro	15/Srs
April 24	9:30	School students from Goff's Falls School area	
April 24	11:00	NH DCYF Youth Voices Advisory Board	20

DATE	TIME	GROUP	#/GRADE
April 24	3:00	Roads Scholars	30/Srs
April 25	9:00	NH-4-H Citizenship Focus group	
April 25	11:30	On the Road to Wellness group	
April 26	9:30	Dublin Christian Academy	15/3&4
April 26	10:00	Rollinsford Grade School	40/4
April 26	11:00	Lakes Region Home School group	
April 27	9:30/10:30	Hanover St. School – Lebanon	90/4
April 27	10:30	Home School group – Nashua	8/3-6
April 30	10:00	Unity Elementary School	48/6-8
April 30	12:45 * 2 tours	Rundlett Middle School – Concord	95/7
May 1	8:45	Lakes Region Leadership group	40/adults
May 1	10:15	North Walpole School	35/4
May 1	12:45 * 2 tours	Rundlett Middle School – Concord	88/7
May 2	9:00	Bristol Elementary School	25/4
May 2	9:30	American Council of Young Political Leaders – Macedonia Delegation	10/adults
May 2	10:30	Woodland Heights Elementary School – Laconia	55/4
May 3	9:15	Second Start Adult Education	10/adults
May 3	9:00	Epsom Central School	45/4
May 3	9:45	Dunbarton Elementary School	34/4
May 4	9:45/11:00	Horn St. School – Dover	100/4
May 4	10:15	Peterborough Elementary School	50/4
May 4	11:30	Pine Tree School – Ctr. Conway	45/3
May 7	9:30	St. John Regional School – Concord	21/4
May 7	10:00	Rollinsford Grade School	40/4
May 7	1:00	First Agape Home School Co-Op – Auburn	15
May 8	9:00	Andover Elementary School	
May 8	10:00/11:15	Lamprey River School – Raymond	100/4
May 9	9:00	Lebanon High School – ESL	15/HS
May 9	9:30/11:00	Hillsboro-Deering Elementary School	90/4
May 9	10:00	Wentworth Elementary School	12/4
May 9	10:00	Saint Benedict Academy – Manchester	11/4
May 10	9:30/11:00 SH/HM	Gossler Park School – Manchester	70/4
May 11	9:15	Chichester Central School	41/4
May 11	10:00	Enfield Village School	49/4
May 11	11:00	Groveton Elementary School & Stratford Public School	53/3&4
May 11	3:00	York Rite Masons	
May 14	9:30/11:00 SH/HM	Epping Elementary School	72/4
May 14	10:15/11:30	Moharimet Elementary School – Lee, Madbury, Durham	100/4
May 15	9:30/11:00 SH/HM	Stratham Memorial School	95/4
May 15	11:00	Bakersville School- Manchester	55/4
May 15	10:00	World Academy – Nashua	24/4
May 15	11:30	Monadnock Waldorf School – Keene	10/4
May 15	2:00	NH Housing Fellows	13/adults
May 16	9:30	Kensington Elementary School	15/4
May 16	10:15	Harrisville Wells School	16/3&4
May 16	10:45	Holderness Central School	12/4
May 16	11:30	Mills Falls Charter School – Manchester	26/4
May 17	9:15/10:15	Hollis Brookline High School	75/HS
May 17	10:00	Strong Foundations Charter School – Pembroke	49/4
May 18	11:30	Tri City Christian Academy – Somersworth	20/4
May 18	10:00	Grantham Village School	30/4
May 18	11:00	Campton Elementary School	31/4
May 18	1:00	Tri City Christian Academy – Somersworth	20/4
May 21	9:00	Sandwich Central School	22/4
May 21	10:00	Pelham Elementary School	50/4
May 21	11:00	Sant Bani School – Sanbornton	12/4
May 22	9:00	St. Anthony's & St. Casimir Schools – Manchester	29/4
May 22	9:30/10:45 SH/HM	North Londonderry Elementary School	97/4

DATE	TIME	GROUP	#/GRADE
May 22	10:00	Pelham Elementary School	50/4
May 22	11:00	Milton Elementary School	50/4
May 23	9:30	Mount Royal Academy – Sunapee	15/4
May 23	10:00	Whitefield Elementary School	33/4
May 23	10:15/11:30 SH/HM	Grinnell Elementary School – Derry	82/4
May 23	1:00	Seacoast Leadership group	
May 24	10:00	Pelham Elementary School	50/4
May 24	10:30	Effingham Elementary School	24/4
May 24	12:15	Chesterfield School	
May 25	9:45	Florence Rideout School – Lyndeborough/Wilton	40/4
May 25	10:15	Middleton Elementary School	25/4
May 26	11:00	Benjamin Franklin Elementary School	49/4
May 25	11:30	Henniker Community School	48/4
May 29	9:00	Bridgewater Hebron School	15/4
May 29	10:15	Bernice Ray School – Hanover	58/4
May 29	11:00	Newfound Memorial School – Bristol	35/8
May 30	9:45	Sanbornton Central School	34/4
May 30	10:45	Mountain Shadows School – Dublin	8/6
May 31	9:45	Belmont Elementary School	44/4
May 31	10:00/11:30 SH/HM	Mastway School – Lee	72/4
June 1	9:45	Belmont Elementary School	44/4
June 1	10:15/11:30 SH/HM	William Allen School – Rochester	60/4
June 4	10:00/11:15 SH/HM	Main Dunstable Elementary School – Nashua	105/4
June 5	9:00	Merrimack Middle School	50/8
June 5	10:15	Salisbury & Webster Elementary Schools	30/4
June 6	9:00	Riddle Brook Elementary – Bedford	66/4
June 6	10:00	Plymouth Elementary School	48/4
June 6	11:30	John Fuller School – No. Conway	35/4
June 7	9:00	Riddle Brook Elementary – Bedford	44/4
June 7	9:45	Ed Fenn Elementary School – Gorham	20/4
June 7	11:00	Newfields Elementary School	15/4
June 8	10:00	Colebrook Elementary School	36/4
June 8	10:00/11:30 SH/HM	Auburn Village School	66/4
June 11	10:15/11:30	Symonds School – Keene	72/4
June 12	10:15	Wheelock School – Keene	35/4
June 13	9:30/10:45	Penacook Elementary School	68/4

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to CACR 22

(2018-1642h)

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

Amend the resolution by replacing paragraph I with the following:

I. That the first part of the constitution be amended by inserting after article 14 the following new article:
 [Art.] 14-a [Protection for Victims.] A victim shall have the right to be treated with fairness and respect for the victim's safety and dignity, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to confer with the attorney for the State about the disposition of the case; to be heard at any proceeding involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to timely restitution following a conviction; and to be informed of all rights under this article. A victim of crime is any natural person against whom a criminal offense is committed or who is directly or proximately harmed by the commission of the offense or act. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim or his or her lawful representative, or the attorney for the government upon request of the victim, may assert in any trial or appellate court, or before any other authority with jurisdiction over the case, and have enforced, the rights enumerated in this

article and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This article does not create any new cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.

Amend the resolution by replacing paragraph IV with the following:

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

“Are you in favor of amending the first part of the constitution by inserting after article 14 a new article to read as follows:

[Art.] 14-a [Protection for Victims.] A victim shall have the right to be treated with fairness and respect for the victim’s safety and dignity, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to confer with the attorney for the State about the disposition of the case; to be heard at any proceeding involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to timely restitution following a conviction; and to be informed of all rights under this article. A victim of crime is any natural person against whom a criminal offense is committed or who is directly or proximately harmed by the commission of the offense or act. The term “victim” does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim or his or her lawful representative, or the attorney for the government upon request of the victim, may assert in any trial or appellate court, or before any other authority with jurisdiction over the case, and have enforced, the rights enumerated in this article and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This article does not create any new cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.”

Amendment to SB 63

(2018-1649h)

Proposed by the Committee on Finance - r

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

AN ACT relative to record management of abuse and neglect reports, establishing a pilot program regarding electronic storage of abuse and neglect records, and establishing the excess appropriation allocation account in the department of health and human services.

Amend the bill by replacing all after section 4 with the following:

5 Department of Health and Human Services; Part-Time Positions Established. Four part-time positions are hereby established in the department of health and human services for the purposes of this act.

6 New Section; Department of Health and Human Services; Account Established. Amend RSA 126-A by inserting after section 74 the following new section:

126-A:75 Excess Appropriation Allocation Account. There is hereby established under the department of health and human services an excess appropriation allocation account. For the biennium ending June 30, 2019, immediately upon acceptance by the fiscal committee of any federal funds attributable to the 38 percentage point enhanced federal match for the children’s health insurance program, the commissioner of administrative services shall transfer general funds of an equal amount from account 05-95-47-470010-7948, Medicaid Care Management, into the excess appropriation allocation account. Any funds remaining unspent in the excess appropriation allocation account at the end of each fiscal year shall lapse to the state general fund.

7 Department of Health and Human Services; Funding Source for New Positions. For the biennium ending June 30, 2019, the department of health and human services may use up to \$167,515 for the purpose of funding the positions established in sections 4 and 5 of this act. Of this amount, \$103,859 shall be a charge against the account established in section 6 of this act, and \$63,656 shall be federal funds. Fiscal committee approval shall not be required for the acceptance and expenditure of federal funds authorized under this section.

8 Repeal. RSA 126-A:75, relative to the excess appropriation allocation account, is repealed.

9 Effective Date.

I. Section 5 of this act shall take effect January 1, 2019.

II. Section 8 of this act shall take effect July 1, 2019.

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

2018-1649h

AMENDED ANALYSIS

This bill:

I. Revises the record retention requirements for founded, unfounded, unfounded but with reasonable concern, and screened-out reports of abuse or neglect.

II. Establishes a pilot program regarding electronic storage of abuse and neglect records.

III. Establishes certain positions within the department of health and human services.

IV. Establishes an excess appropriation allocation account in the department of health and human services for the biennium ending June 30, 2019, and authorizes the department to use a portion of the account to fund the new positions.

Amendment to SB 303

(2018-1463h)

Proposed by the Committee on Commerce and Consumer Affairs - c

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

1 Consumer Credit Reporting; Security Freeze. RSA 359-B:23 and 359-B:24 are repealed and reenacted to read as follows:

359-B:23 Notice to Consumers. At any time that a consumer is required to receive a summary of rights required under section 609 of the federal Fair Credit Reporting Act, 15 U.S.C. section 1681g, the following notice shall be included:

Notice to New Hampshire Consumers

Right to Security Freeze on Consumer Credit Report

You have a right to place a "security freeze" on your credit report pursuant to RSA 359-B:24. Under New Hampshire law, what is commonly known as a credit report is referred to as a consumer report.

The security freeze will prohibit a consumer reporting agency from releasing any information in your consumer report without your express authorization. A security freeze can be requested in writing by first-class mail, by telephone, or electronically.

The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gains access to the personal and financial information in your consumer report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding new loans, credit, mortgage, insurance, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transactions, or other services, including an extension of credit at point of sale.

The freeze will be placed within 3 business days if you request it by mail, or within 24 hours if you request it by telephone or electronically. When you place a security freeze on your credit report, within 3 business days, you will be sent a personal identification number or a password to use when you want to remove the security freeze, temporarily lift it, or lift it with respect to a particular third party.

A freeze does not apply when you have an existing account relationship and a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control, or similar activities.

You should plan ahead and lift a freeze if you are actively seeking credit or services as a security freeze may slow your applications, as mentioned above.

You can remove a freeze, temporarily lift a freeze, or lift a freeze with respect to a particular third party by contacting the consumer reporting agency and providing all of the following:

(1) Your personal identification number or password.

(2) Proper identification to verify your identity.

(3) Proper information regarding the period of time you want your report available to users of the consumer report, or the third party with respect to which you want to lift the freeze.

A consumer reporting agency that receives a request from you to temporarily lift a freeze or to lift a freeze with respect to a particular third party on a consumer report shall comply with the request no later than 3 business days after receiving the request by mail and no later than 15 minutes after receiving a request by telephone or electronically.

A consumer reporting agency may not charge you a fee to freeze, remove a freeze, temporarily lift a freeze, or lift a freeze with respect to a particular third party.

You have a right to bring a civil action against someone who violates your rights under the credit reporting laws. The action can be brought against a consumer reporting agency or a user of your credit report.

359-B:24 Security Freeze by Consumer Reporting Agency.

I. A consumer may place a security freeze on the consumer's consumer report by making a request to a consumer reporting agency in accordance with this section. A security freeze shall prohibit, subject to exceptions in RSA 359-B:26, the consumer reporting agency from releasing the consumer's credit report or any information from it without the express authorization of the consumer. When a security freeze is in place, a consumer reporting agency may not release the consumer's credit report or information to a third party without prior express authorization from the consumer. This section does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer report, provided that the consumer reporting agency does not state or otherwise imply to the third party that the

consumer's security freeze reflects a negative credit score, history, report, or rating. A consumer reporting agency shall place a security freeze on a consumer report if the consumer requests a security freeze by any of the following methods:

- (a) First-class mail.
- (b) Telephone call.
- (c) Secure website or secure electronic mail connection.

II. A consumer reporting agency shall place a security freeze on a consumer report no later than 3 business days after receiving a written request from the consumer by mail. A consumer reporting agency that receives such a request electronically or by telephone shall comply with the request within 24 hours of receiving the request.

III. The consumer reporting agency shall send a written confirmation of the security freeze to the consumer within 3 business days of placing the freeze and at the same time shall provide the consumer with a unique personal identification number or password, other than the consumer's social security number, to be used by the consumer when providing authorization for the release of the consumer's credit report for a specific period of time, or to a specific party, or for permanently lifting the freeze.

IV. If the consumer wishes to allow the consumer report to be accessed for a specific period of time or by a specific party while a freeze is in place, the consumer shall contact the consumer reporting agency by mail, by telephone, or electronically, request that the freeze be lifted or lifted with respect to a specific party, and provide all of the following:

- (a) Proper identification.
- (b) The unique personal identification number or password provided by the consumer reporting agency pursuant to paragraph III.
- (c) The proper information regarding the third party who is authorized to receive the consumer report or the time period for which the report shall be available to users of the consumer report.

V. A consumer reporting agency that receives a request by mail from a consumer to lift a freeze on a consumer report pursuant to paragraph IV shall comply with the request no later than 3 business days after receiving the request. A consumer reporting agency that receives such a request electronically or by telephone shall comply with the request within 15 minutes of receiving the request.

VI. A consumer reporting agency shall remove, temporarily lift, or lift with respect to a specific third party a freeze placed on a consumer report only in the following cases:

- (a) Upon the consumer's request, pursuant to paragraph IV or IX.
- (b) If the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer. If a consumer reporting agency intends to remove a freeze upon a consumer report pursuant to this section, the consumer reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer report.

VII. If a third party requests access to a consumer report on which a security freeze is in effect and this request is in connection with an application for credit or any other use and the consumer does not allow the consumer's credit report to be accessed for that specific period of time, the third party may treat the application as incomplete.

VIII. If a consumer requests a security freeze pursuant to this section, the consumer reporting agency shall disclose to the consumer the process of placing and temporarily lifting a security freeze and the process for allowing access to information from the consumer report for a specific period of time or to a specific third party while the security freeze is in place.

IX. A security freeze shall remain in place until the consumer requests that the security freeze be temporarily lifted for a specific period of time or to a specific third party or removed. A consumer reporting agency shall remove a security freeze within 15 minutes of receiving an electronic request for removal from the consumer or within 3 business days of receiving a written or telephonic request for removal from the consumer, who provides all of the following:

- (a) Proper identification.
- (b) The unique personal identification number or password provided by the consumer reporting agency pursuant to paragraph III.

X. A consumer reporting agency shall require proper identification of the person making a request to place or remove a security freeze.

XI. If a security freeze is in place, a consumer reporting agency shall not change any of the following official information in a credit report without sending a written confirmation of the change to the consumer within 30 days of the change being posted to the consumer's file: name, date of birth, social security number, and address. Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and the former address.

XII. A consumer reporting agency shall not charge a fee to put a security freeze in place, remove a security freeze, or lift a security freeze for a specific period of time or to a specific third party. Nor shall a consumer reporting agency charge a consumer to issue or replace a personal identification number.

2 Repeal. RSA 359-B:25, relative to duties of consumer reporting agency if security freeze is in effect, is repealed.

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

2018-1463h

AMENDED ANALYSIS

This bill revises the procedure for placing a security freeze on a consumer's credit report.

Amendment to SB 309-FN

(2018-1580h)

Proposed by the Committee on Finance - r

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

AN ACT regulating groundwater pollution caused by polluting emissions in the air and relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.

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

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

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

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

125-C:10-e Requirements for Air Emissions of Perfluorinated Compounds Impacting Soil and Water.

I. For the purposes of this section:

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

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

(c) "Surface water quality standard" means "surface water quality standard" established in or pursuant to RSA 485-A.

(d) "Perfluorinated Compounds" or "PFCs" means the list of compounds identified in paragraph 1.1 of Environmental Protection Agency Document#: EPA/600/R-08/092 Method 537. "Determination of Selected Perfluorinated Alkyl Acids in Drinking Water by Solid Phase Extraction and Liquid Chromatography/Tandem Mass Spectrometry (LC/MS/MS)", Version 1.1 (September 2009).

(e) "Precursor" means any substance that has been shown by sound science to be transformed into a PFC under ambient conditions reasonably expected to occur in New Hampshire.

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

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

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

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

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

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

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

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

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

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

3 New Subparagraph; Statement of Purpose. Amend RSA 485:1, II by inserting after paragraph (h) the following new subparagraph:

(i) Adopt primary drinking water standards by establishing maximum contaminant limits or treatment techniques.

4 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 parties 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

5 New Subdivision; Perfluorochemicals. Amend 485 by inserting after section 16-d the following new subdivision:

Perfluorochemicals

485:16-e Perfluorochemicals. By January 1, 2019, the commissioner shall, in consultation with the commissioner of the department of health and human services and other interested parties, initiate rulemaking in accordance with RSA 541-A to adopt a maximum contaminant limit for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS).

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

485-C:6 Ambient Groundwater Quality Standards.

I. The commissioner shall establish and adopt ambient groundwater quality standards for regulated contaminants which adversely affect human health or the environment. Ambient groundwater standards shall apply to all regulated contaminants which result from human operations or activities, but do not apply to naturally occurring contaminants. ***Where state maximum contaminant levels have been adopted under RSA 485:3, I(b), ambient groundwater quality standards shall be equivalent to such standards.*** Where federal maximum contaminant level or health advisories have been promulgated under the Federal Safe Drinking Water Act or rules relevant to such act, ambient groundwater quality standards shall be [equivalent to] ***no less stringent than*** such standards. ***The commissioner may adopt standards more stringent than federal maximum contaminant levels or health advisories if, accounting for an adequate margin of safety to protect human health at all life stages, including but not limited to pre-natal development, the commissioner determines federal standards are insufficient for protection of human health.*** Where such standards are ***established*** based upon ***health advisories that address*** cancer risks, the ambient groundwater quality standards shall be equivalent to that exposure which causes a lifetime exposure risk of one cancer in 1,000,000 exposed population. Where no federal ***or state*** maximum contaminant level or health advisory has been issued, the commissioner may adopt ambient groundwater quality standards on a basis which provides for an adequate margin of safety to protect human health and safety.

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

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

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

V. By January 1, 2019, the commissioner shall, in consultation with the commissioner of the department of health and human services and interested parties, initiate rulemaking to adopt ambient groundwater quality standards for perfluorononanoic acid (PFNA) and perfluorohexanesulfonic acid (PFHxS).

VI. By January 1, 2019, the commissioner shall, in consultation with the commissioner of the department of health and human services and interested parties, conduct a review to determine whether current research warrants revising the existing ambient groundwater quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS).

7 Department of Environmental Services; Positions Established; Appropriation. There is established within the department of environmental services one classified toxicologist position and one classified human health risk assessor for the purposes of developing appropriate standards to protect groundwater and drinking water quality under RSA 485-C. The sum necessary to pay the salary, benefits, and other costs related to the positions established in this section is hereby appropriated to the department of environmental services for the biennium ending June 30, 2019. This appropriation shall be in addition to any other appropriations made to the department in the biennium. The governor is authorized to draw a warrant for said sum out of any money in treasury not otherwise appropriated.

8 Department of Environmental Services; Surface Water Quality Standards. The commissioner of environmental services shall develop a plan, including a schedule and cost estimates, to establish surface water quality standards for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) in class A and class B waters for all designated uses. The commissioner shall submit the plan upon its completion, but no later than January 1, 2020, to the house resources, recreation, and development committee and the senate energy and natural resources committee.

9 Effective Date.

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

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

2018-1580h

AMENDED ANALYSIS

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

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

III. Clarifies the basis for and requires periodic review of ambient groundwater quality standards.

IV. Directs the department to evaluate the ambient ground water quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) and set ambient groundwater quality standards for perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS).

V. Establishes the criteria for setting maximum contaminant limits for public drinking water and directs the department to set maximum contaminant limits for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS).

VI. Establishes a toxicologist position and a human health risk assessor position in the department of environmental services and makes an appropriation to fund the positions.

VII. Directs the department to, develop a plan, including a schedule and costs estimates, for to establishing surface water quality standards for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) in class A and class B waters.

Amendment to SB 312

(2018-1572h)

Proposed by the Committee on Commerce and Consumer Affairs - c

Amend RSA 564-F:2-201(u)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) Would be a distributee or permissible distributee of the foundation's property if the interests of the distributees described in subsection [(t)] **(u)**(1) terminated on that date but the termination of those interests would not cause the foundation to dissolve; or

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

4 New Hampshire Foundation Act; Definitions. Amend RSA 564-F:2-201(d) to read as follows:

(d) "Bylaws" means the bylaws adopted under RSA 564-F:7-701, as may be amended or restated in accordance with RSA ~~[564-F:7-702]~~ **564-F:7-703**.

5 New Hampshire Foundation Act; Name. Amend RSA 564-F:4-401(g) to read as follows:

(g) Any undertaking under subsection (e)[(4)] **(3)** must be made in a form satisfactory to the secretary of state and must be filed with the secretary of state.

6 New Hampshire Foundation Act; Appointment and Term. Amend RSA 564-F:10-1005(c)(1) to read as follows:

(1) In the case of a director who is an individual, the director's **incapacity**, death, resignation, or removal; or

7 New Hampshire Foundation Act; Appointment and Term. Amend RSA 564-F:12-1205(c)(2) to read as follows:

(2) In the case of protector who is an individual, the protector's **incapacity or** death; or

8 New Hampshire Foundation Act; Removal. Amend RSA 564-F:12-1207(b)(2) to read as follows:

(2) Lack of cooperation among the protectors substantially impairs **the performance of the protector's duties or** the management of the foundation's affairs;

9 New Hampshire Foundation Act; Duty of Loyalty. Amend RSA 564-F:13-1302(a) to read as follows:

(a) Unless the governing documents provide otherwise, a protector has a duty to ~~[manage the foundation and its property]~~ **exercise his, her, or its powers** solely in the interests of the foundation's purposes and the beneficiaries' interests.

10 New Hampshire Foundation Act; Duty of Impartiality. Amend RSA 564-F:13-1303 to read as follows:

564-F:13-1303 Duty of Impartiality. Unless the governing documents provide otherwise, if a foundation has two or more beneficiaries, then the protector has a duty to act impartially in ~~[managing the foundation and its property]~~ **exercising his, her, or its powers**, giving due regard to the foundation's purposes and the beneficiaries' interests.

11 New Hampshire Foundation Act; Representatives. Amend RSA 564-F:14-1402(a)(6)(B) to read as follows:

(B) A guardian of the ~~[estate]~~ **person** under subsection (a)(2)(B).

12 New Hampshire Foundation Act; Representatives. Amend RSA 564-F:14-1402(a)(7)(C) to read as follows:

(C) A guardian of the ~~[estate]~~ **person** under subsection (a)(2)(B).

13 New Hampshire Foundation Act; Representatives. Amend RSA 564-F:14-1402(d)(3) to read as follows:

(3) With respect to any matter that is the subject of ~~[the trust]~~ **a dispute involving the foundation or its affairs**, there is a conflict of interest among the persons whom the representative is appointed to represent.

14 New Hampshire Foundation Act; Enforcement of No-Contest Provision. Amend RSA 564-F:14-1404(d) (4) to read as follows:

(4) To the extent that the foundation is a charitable trust, any judicial proceeding brought by the director of charitable trusts for the interpretation or construction ~~[or interpretation]~~ of the foundation's governing documents.

15 New Hampshire Foundation Act; Rights of a Beneficiary's Creditors and Assignees. Amend the introductory paragraph of RSA 564-F:15-1503(d) to read as follows:

(d) A beneficiary's creditor or assignee may not compel a beneficiary to exercise any right or power that, in any fiduciary or nonfiduciary capacity, the beneficiary has under the ~~[terms of the trust]~~ **governing documents**, including any of the following:

16 New Hampshire Foundation Act; Nonjudicial Settlement Agreement. Amend RSA 564-F:16-1606(a)(2) to read as follows:

(2) A ~~[trust]~~ **foundation** official;

17 New Hampshire Foundation Act; Limitation of Action Against a Foundation Official. Amend RSA 564-F:18-1805(a)(2) to read as follows:

(2) Except as provided in subsection (a)(3), 3 years after the earliest of:

(A) The foundation official's removal, resignation, or death;

(B) The termination of the beneficiary's interest; ~~[or]~~

(C) The foundation's dissolution[—

~~(D)]~~ **or**

(3) If the act or omission was not discovered and could not reasonably have been discovered at the time of the act or omission, one year after the earlier of:

~~[(i)]~~ **(A)** The discovery of the act or omission; or

~~[(ii)]~~ **(B)** In the exercise of reasonable diligence, the date on which the act or omission should have been discovered.

18 New Hampshire Foundation Act; Administration Cancellation. Amend the section heading of RSA 564-F:21-2116 to read as follows:

564-F:21-2116 ~~[Administration]~~ **Administrative** Cancellation.

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

Amendment to SB 318

(2018-1433h)

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

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

AN ACT relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

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

1 New Section; Labor Commissioner; Proportionality of Inspections. Amend RSA 273 by inserting after section 9 the following new section:

273:9-a Proportionality of Inspections. All inspections performed by the commissioner shall be proportional and relative to the potential violations being inspected. "Proportional" in this section shall be determined with reference to the importance of the issues at stake in the inspection, the degree to which the alleged violation involves risk of physical injury, the potential for lost wages, the amount in controversy, the parties' relative access to relevant information, and the parties' resources.

2 Protective Legislation; Day of Rest. Amend RSA 275:33 to read as follows:

275:33 Day of Rest. No employer shall operate any such business on Sunday unless he or she has posted ~~[in a conspicuous place on the premises]~~ **and made available to employees** a schedule containing a list of employees who are required or allowed to work on Sunday and designating the day of rest for each, ~~and shall promptly file a copy of such schedule and every change therein with the labor commissioner~~. No employee shall be required ~~[or allowed]~~ to work on the day of rest designated for him **or her**. ~~[Whoever violates this section shall be fined \$50.]~~

3 Protective Legislation; Payment of Wages. Amend RSA 275:48, V(b) to read as follows:

(b) "Uniform" means a garment with a company logo or fashion of distinctive design, worn by one or more employees, and serving as a means of identification or distinction. **No employer shall require an employee to wear a uniform unless the employer provides each employee with a uniform reasonably suited for the conditions in which the employee would be required to wear one, at no cost to the employee. An employee may purchase any other company garments or items if the employee chooses.**

4 Protective Legislation; Notification, Posting and Records. Amend RSA 275:49, II to read as follows:

II. Notify his or her employees of any changes in the arrangements specified above prior to the time of such changes, **provided however that there shall be no penalty for failure to provide notification to an employee concerning changes to the minimum hourly rate pursuant to RSA 279:21;**

5 Protective Legislation; Notification, Posting, and Records. Amend RSA 275:49, VI-VII to read as follows:

VI. Make such records of the persons employed by him or her, including wage and hour records, preserve such records for ~~[such periods of time]~~ **3 years**, and make such reports therefrom to the commissioner, as ~~[the commissioner shall prescribe by regulation as necessary or appropriate]~~ **are required in statute** for the enforcement of the provisions of this subdivision; and

VII. ~~[Keep posted in a place accessible to his or her]~~ **Post and make available to his or her** employees the following: "It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor." This notice shall also include the address, phone number, and email address of department personnel to be contacted with complaints under this subdivision, as well as an Internet link to RSA 275:37.

6 Youth Employment Law; Prohibitions. Amend RSA 276-A:4, VI to read as follows:

VI.(a) **In any employer's predetermined designated work week during which school is in session for 5 days, no youth 16 or 17 years of age who is duly enrolled in school shall [be permitted to] work more than 6 consecutive days or more than 30 hours during [the school calendar week, which shall be Sunday through Saturday] that work week.**

(b) **In any employer's predetermined designated work week during which school is in session for 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 40 ¼ hours in that work week.**

(c) **In any employer's predetermined designated work week during which school is in session for more than one but less than 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 48 hours in that work week.**

7 Youth Employment Law; Enforcement. Amend RSA 276-A:6 to read as follows:

276-A:6 Enforcement. The commissioner shall have the responsibility for enforcing the provisions of this chapter. ~~[Investigators and truant officers shall visit and inspect all places of employment and cause the provisions of this chapter to be enforced as directed by the commissioner. For this purpose they shall have the power to serve warrants.]~~

8 Youth Employment Law; Notice of Hours. Amend RSA 276-A:20 to read as follows:

276-A:20 Notice of Hours. Every employer shall post ~~[in a conspicuous place in every room where youths are employed a printed]~~ **and make available to all employed youths a** notice stating the hours of work, the time allowed for dinner or other meals, and the maximum number of hours any youth is permitted to work in any one day.

9 Employer's Records; Records of Hours and Wages. Amend RSA 279:27 to read as follows:

279:27 Records of Hours and Wages. Every employer of employees shall keep a true and accurate record of the hours worked by each, wages paid to each, and classification of employment when necessary, and shall furnish to the commissioner or the commissioner's authorized representative upon demand a sworn statement of the same. **Employers shall retain such records of hours and wages for 3 years and such** records shall be open to inspection by the commissioner or the authorized representative at any reasonable time, **subject to the provisions of RSA 273:9.** Every employer subject to a statutory minimum wage shall ~~[keep]~~ **post and make available to his or her employees** a copy of such statutory minimum wage ~~[posted in a conspicuous place in every establishment in which employees are employed]~~. Employers shall be furnished copies of posters on request without charge.

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

2018-1433h

AMENDED ANALYSIS

This bill establishes criteria under which the commissioner of the department of labor may conduct a workplace inspection; amends certain notification and posting requirements; amends certain provisions of the youth employment law; and amends the requirements for employer retention of hour and wage records.

Amendment to SB 343

(2018-1424h)

Proposed by the Committee on Legislative Administration - c

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

2 Purpose. Amend RSA 14-C:1 to read as follows:

14-C:1 Purpose. The purpose of this chapter is to ensure that persons charged with carrying out the duties and activities of the legislative branch of state government do so in an atmosphere that supports the independent judgment of such persons and minimizes the opportunity for inappropriate influence by persons or organizations **outside the legislative branch** subject to or likely to become subject to or interested in any matter or action pending in the legislative branch. To that end, this chapter defines gifts that may not be given to, solicited by, or accepted by persons subject to the provisions of the chapter and establishes requirements for the reporting of honorariums, expense reimbursements, and certain other receipts. This chapter shall be liberally construed to effect this purpose. ***This chapter shall not apply to gifts, honorariums, expense reimbursements, or any other receipt made by the general court to a legislator, legislative officer, or legislative employee.***

3 Definitions; Expense Reimbursement. Amend RSA 14-C:2, III to read as follows:

III. "Expense reimbursement" shall mean any price, charge, fee, expense, or other cost which is waived, forgiven, reduced, prepaid, or reimbursed in any form for the reasonable expenses of attendance, registration, travel, meals, or lodging related to a bona fide conference, meeting, seminar, or educational, cultural, or informational program, or an event to which the recipient is invited in his or her official capacity as a representative of the senate or the house of representatives of which the recipient is a member. ***"Expense reimbursement" shall not include any expense reimbursement made by the general court to a legislator, legislative officer, or legislative employee.***

4 New Subparagraph; Definitions; Gift; Exclusions. Amend RSA 14-C:2, IV(b) by inserting after subparagraph (13) the following new subparagraph:

(14) Any gifts, honorariums, expense reimbursements, or any other receipt made by the general court to a legislator, legislative officer, or legislative employee.

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

Amendment to SB 350

(2018-1523h)

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

Amend RSA 318:47-dd, III as inserted by section 3 of the bill by replacing it with the following:

III. A pharmacist may substitute a biological product pursuant to this section only if it has been licensed by the federal Food and Drug Administration as an interchangeable biological product for the prescribed biological product.

Amend RSA 318:47-dd, V as inserted by section 3 of the bill by replacing it with the following:

V. A pharmacist shall not substitute an interchangeable biological product pursuant to this section if the prescriber indicates that substitution is not authorized by specifying on the prescription "medically necessary" on a paper prescription, or uses electronic indications when transmitted electronically, or gives instructions when transmitted orally that the biological product prescribed is medically necessary. If no instructions have been given by the prescriber, the pharmacist shall obtain and document permission from the prescriber to substitute the interchangeable biologic product prior to filling the prescription.

**Amendment to SB 354
(2018-1588h)**

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 disclosure of information relative to lower cost drugs under the managed care law.

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

1 New Paragraph; Managed Care Law; Provider Contract Standards. Amend RSA 420-J:8 by inserting after paragraph XV the following new paragraph:

XVI. No contract between an insurance carrier or pharmacy benefit manager and a contracted pharmacy shall contain a provision prohibiting divulgence to a covered person or the insurance department relative to monetary matters which would prove beneficial in lowering costs to such covered person.

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

2018-1588h

AMENDED ANALYSIS

This bill declares that a contract between an insurance carrier or pharmacy benefit manager and a contracted pharmacy shall not contain a provision prohibiting the pharmacist from providing certain information to an insured or the insurance department.

**Amendment to SB 366
(2018-1551h)**

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

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

AN ACT relative to membership and procedures of the site evaluation committee.

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

1 Energy Facility Siting; Site Evaluation Committee. Amend RSA 162-H:3 to read as follows:

162-H:3 Site Evaluation Committee Established.

I. There is hereby established a committee to be known as the New Hampshire site evaluation committee consisting of 9 members, as follows:

(a) The commissioners of the public utilities commission, the chairperson of which shall be the chairperson of the committee;

(b) The commissioner of the department of environmental services, who shall be the vice-chairperson of the committee;

(c) The commissioner of the department of business and economic affairs or designee;

(d) The commissioner of the department of transportation;

(e) The commissioner of the department of natural and cultural resources, the director of the division of historical resources, or designee; and

(f) Two members of the public, appointed by the governor, with the consent of the council, [at least one of whom shall be a member in good standing of the New Hampshire Bar Association, and both of whom shall be residents of the state of New Hampshire with expertise or experience in one or more of the following areas: public deliberative or adjudicative proceedings; business management; environmental protection; natural resource protection; energy facility design, construction, operation, or management; or community and regional planning or economic development] **in accordance with RSA 162-H:4-b, III.**

II. [The public members shall serve 4-year terms and until their successors are appointed and qualified. The initial term of one member shall be 2 years. Any public member chosen to fill a vacancy occurring other than by expiration of term shall be appointed for the unexpired term of the member who is to be succeeded.]

III. No public member nor any member of his or her family shall receive income from energy facilities within the jurisdiction of the committee. The public members shall comply with RSA 15-A and RSA 15-B.

IV.] All members, **including those who sit for a member recused under paragraph VI**, shall refrain from ex parte communications regarding any matter pending before the committee. **This prohibition shall extend to those who sit on any subcommittee formed under RSA 162-H:4-a.**

V.] **III.** Seven members of the committee shall constitute a quorum for the purpose of conducting the committee's business.

VI.] Any public member of the committee may be removed by the governor and council for inefficiency, neglect of duty, or misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard.

VII.] **IV.** The committee shall be administratively attached to the public utilities commission pursuant to RSA 21-G:10.

VIII.] ~~Repealed.~~

IX.] **V.** The chairperson shall serve as the chief executive of the committee and may:

- (a) Delegate to other members the duties of presiding officer, as appropriate.
- (b) Perform administrative actions for the committee, as may a presiding officer.
- (c) Establish, with the consent of the committee, the budgetary requirements of the committee.
- (d) Engage personnel in accordance with this chapter.
- (e) Form subcommittees pursuant to RSA 162-H:4-a.

~~[X. An alternate public member who satisfies the qualification requirements of subparagraph I(f), excluding the New Hampshire Bar membership requirement, shall be appointed by the governor, with consent of the council. The alternate public member shall only sit on the committee or a subcommittee as provided for in paragraph XI.~~

~~XI.] VI. If at any time a member must recuse himself or herself on a matter or is not otherwise available for good reason, such person, if a state employee, may designate a senior administrative employee or a staff attorney from his or her agency to sit on the committee. In the case of a public member, [the chairperson shall appoint the alternate public member, or if such member is not available, the governor and council shall appoint a replacement upon petition of the chairperson. The replacement process under this paragraph shall also be applicable to subcommittee members under RSA 162-H:4-a] *the procedure outlined in RSA 162-H:4-b, VI shall be followed.*~~

VII. All committee members shall on an annual basis complete an intensive training program on the provisions of RSA 162-H and the administrative rules adopted thereunder with respect to reviewing and evaluating applications for a certificate of site and facility. All new committee members, and any designee to a subcommittee pursuant to RSA 162-H:4-a, II or III, shall complete the training program prior to serving on, respectively, any committee or subcommittee proceeding. The training shall be conducted by the department of justice.

2 Energy Facility Siting; Site Evaluation Committee; Subcommittees. Amend RSA 162-H:4-a, II to read as follows:

II. When considering the issuance of a certificate or a petition of jurisdiction, a subcommittee shall have no fewer than 7 members. ~~[The 2]~~ **Two** public members shall serve on each subcommittee with the remaining 5 or more members selected by the chairperson from among the state agency members of the committee. Each selected **agency** member may designate a senior administrative employee or staff attorney from his or her respective agency to sit in his or her place on the subcommittee. The chairperson shall designate one member or designee to be the presiding officer who shall be an attorney whenever possible. Five members of the subcommittee shall constitute a quorum for the purpose of conducting the subcommittee's business.

3 New Section; Energy Facility Siting; Site Evaluation Committee; Public Members. Amend RSA 162-H by inserting after section 4-a the following new section:

162-H:4-b Public Members.

I. The governor, with the consent of the council, shall appoint 5 public members to serve on the committee or subcommittees as prescribed in this section. Such public members shall be residents of the state of New Hampshire with expertise or experience in one or more of the following areas: public deliberative or adjudicative proceedings; business management; environmental protection; natural resource protection; energy facility design, construction, operation, or management; community and regional planning or economic development; municipal or county government; or the governing of unincorporated places.

II. The public members shall serve 4-year terms and until their successors are appointed and qualified. Initial terms shall be staggered so that no more than 2/5 of the members' terms shall expire in the same year. Any public member chosen to fill a vacancy occurring other than by expiration of term shall be appointed for the unexpired term of the member who is succeeded.

III. At the time of appointment under paragraph I, 2 of the public members shall be designated as full committee members, as provided in RSA 162-H:3, I(f), at least one of whom shall be a member in good standing of the New Hampshire Bar Association. The terms of full members shall expire 2 years apart.

IV. All of the public members shall constitute a pool from which the chairperson of the committee shall draw for purposes of paragraphs V and VI. The chairperson may publish an impartial methodology that shall be used to determine when the chairperson may remove a public member from the pool for a particular draw based on criteria aimed at distributing the workload among public members. The development of such methodology shall not be subject to RSA 541-A.

V. When forming a subcommittee, the chairperson shall select from the pool, by a random draw, the one or 2 public members required to be on the subcommittee, as prescribed in RSA 162-H:4-a.

VI. If at any time a public member must recuse himself or herself from a matter before the committee or a subcommittee or is not otherwise available for good reason, the chairperson shall replace such member with another public member by means of a random draw from the pool of public members.

VII. No public member nor any member of his or her family shall receive income from energy facilities within the jurisdiction of the committee. The public members shall comply with RSA 15-A and RSA 15-B.

VIII. Any public member may be removed from office by the governor and council for inefficiency, neglect of duty, or misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard.

4 Energy Facility Siting; Public Hearing. Amend RSA 162-H:10, I-c to read as follows:

I-c. Within 90 days after acceptance of an application for a certificate, pursuant to RSA 162-H:7, the site evaluation committee shall hold at least one public hearing in each county in which the proposed facility is to be located and ***the applicant*** shall publish a public notice not less than 14 days before such session in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. ***Not fewer than 10 days before such session, the applicant shall provide a copy of the public notice to the presiding officer of the committee. The applicant shall arrange for a transcript of such session to be prepared.*** The public hearings shall be joint hearings, with representatives of the agencies that have permitting or other regulatory authority over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. Notwithstanding any other provision of law, the hearing shall be a joint hearing with the other state agencies and shall be in lieu of all hearings otherwise required by any of the other state agencies; provided, however, if any of such other state agencies does not otherwise have authority to conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

5 Site Evaluation Committee; Membership; Continuity of Public Members.

I. As of the effective date of this act:

(a) Any existing public member of the site evaluation committee under RSA 162-H:3, I(f) shall continue as a public member of the committee under RSA 162-H:3, I(f), with no change in term; and

(b) Any existing alternate public member shall hereafter be considered one of the 5 public members appointed under RSA 162-H:4-b, I, with no change in term.

II. If a replacement public member has been appointed by the governor and council, under former RSA 162-H:3, XI, to the site evaluation committee or a subcommittee to address a certain matter, then such member shall continue to serve in that capacity until such matter is concluded.

III. The passage of this act shall not affect the membership of any existing subcommittee established under RSA 162-H:4-a.

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

2018-1551h

AMENDED ANALYSIS

This bill modifies the appointment of and procedures for service of public members of the site evaluation committee.

Amendment to SB 380

(2018-1268h)

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

Amend RSA 126-X:4, I(f) as inserted by section 1 of the bill by replacing it with the following:

(f) Name, address, and date of birth of the applicant's designated caregiver, if any. A qualifying patient shall have only one designated caregiver, ***except as follows:***

(1) If the qualifying patient is a minor, the patient may have up to 2 designated caregivers both of whom shall be the patient's parent or legal guardian.

(2) Where the court has appointed co-guardians for an adult qualifying patient, the patient may have up to 2 designated caregivers, both of whom shall be court appointed co-guardians for the patient.

Amend RSA 126-X:1, IX(a)(1) as inserted by section 3 of the bill by replacing it with the following:

[(A)] ***(1)*** Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, epilepsy, lupus, Parkinson's disease, Alzheimer's disease, ulcerative colitis, Ehlers-Danlos syndrome, or one or more injuries or conditions that has resulted in one or more qualifying symptoms under subparagraph [(B)] ***(2)***; and

Amendment to SB 391-FN

(2018-1311h)

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

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

AN ACT relative to sexual assault survivors' rights.

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

1 New Subdivision; Department of Justice; Sexual Assault Survivors' Rights. Amend RSA 21-M by inserting after section 17 the following new subdivision:

Sexual Assault Survivors' Rights

21-M:18 Sexual Assault Survivors' Rights.

I. In addition to the rights of a crime victim provided in RSA 21-M:8-k, a sexual assault survivor shall have the following rights:

(a) The right not to be prevented from, or charged for, receiving a medical examination.

(b) The right to:

(1) Have a sexual assault evidence collection kit or its probative contents preserved, without charge, for the duration of the maximum applicable statute of limitations or 20 years, whichever is shorter;

(2) Be informed of any result of a sexual assault evidence collection kit, including a DNA profile match, toxicology report, or other information collected as part of a medical forensic examination, if such disclosure would not impede or compromise an ongoing investigation; and

(3) Be informed in writing of policies governing the collection and preservation of a sexual assault evidence collection kit.

(c) The right, if the state intends to destroy or dispose of a sexual assault evidence collection kit or its probative contents before the expiration date of the maximum applicable statute of limitations, to:

(1) Upon written request, receive written notification from the prosecutor or appropriate state official with custody not later than 60 days before the date of the intended destruction or disposal; and

(2) Upon written request, be granted further preservation of the kit or its probative contents.

(d) The right to be informed of the rights under this section.

II. In this subdivision, "sexual assault survivor" includes a deceased victim of sexual assault.

21-M:19 Notification of Sexual Assault Survivors' Rights.

I. The attorney general shall provide written notice regarding sexual assault survivors' rights in RSA 21-M:18 to medical centers, hospitals, forensic examiners, sexual assault service providers, state and local law enforcement agencies, and any other state agency or department reasonably likely to serve sexual assault survivors; and shall make the information set forth in RSA 21-M:18 publicly available on the attorney general's Internet website.

II. In addition to the rights set forth in RSA 21-M:18, the attorney general shall provide written notice of the following rights to those entities listed in paragraph I:

(a) The right not to be charged fees for or otherwise prevented from pursuing a sexual assault evidence collection kit.

(b) The right to have a medical examination regardless of whether the survivor reports to or cooperates with law enforcement, and the right to have such examination at no cost pursuant to RSA 21-M:8-c.

(c) The availability of assistance from the office of victim/witness assistance pursuant to RSA 21-M:8-b.

(d) The availability of protective orders and policies related to their enforcement.

(e) Policies regarding the storage, preservation, and disposal of sexual assault evidence collection kits.

(f) The process, if any, to request preservation of sexual assault evidence collection kits or the probative evidence from such kits.

(g) The availability of victim's compensation and restitution pursuant to RSA 21-M:8-k.

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

2018-1311h

AMENDED ANALYSIS

This bill codifies the rights of sexual assault survivors.

Amendment to SB 451

(2018-1583h)

Proposed by the Majority of the Committee on Fish and Game and Marine Resources - r

Amend RSA 212-C:1, IV-V as inserted by section 1 of the bill by replacing them with the following:

IV. "Sale" or "sell" means any act of selling, trading, or bartering for monetary or nonmonetary consideration, and includes any transfer of ownership that occurs in the course of a commercial transaction, but does not include a transfer of ownership by way of gift, donation, or bequest.

V. "Total value" means the actual price paid for a covered animal species part or product.

Amend RSA 212-C:2, I as inserted by section 1 of the bill by replacing it with the following:

I. Except as provided in paragraph II, no person shall knowingly purchase, sell, offer for sale, or possess with intent to sell, any item that the person knows or should know is a covered animal species part or product.

Amend RSA 212-C:2, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) When the activity, and any sport-hunted item that is legally obtained in accordance with federal or state law, are authorized by federal or state law.

Amend RSA 212-C:2, II(d) as inserted by section 1 of the bill by replacing it with the following:

(d) When the covered animal species part or product is a fixed component of an antique, or is an antique that is wholly or primarily of the covered animal species part or product, provided that the antique status is established by the owner or seller thereof with documentation evidencing reasonable provenance and showing the covered animal species part or product to be not less than 100 years old.

Amend RSA 212-C:2, II(i) as inserted by section 1 of the bill by replacing it with the following:

(i) To a knife or firearm, or a component thereof, that contains an animal part or byproduct derived from any species listed in paragraph I if:

(1) The animal part or byproduct is a fixed or integral part of the knife or firearm, or the component thereof; and

(2) All the requirements for the sale of the knife or firearm, or the component thereof, set forth in federal and state law are met.

Amend RSA 212-C:2, III-IV as inserted by section 1 of the bill by replacing them with the following:

III. There is a presumption of possession with intent to sell a covered animal species part or product when the part or product is possessed by a retail or wholesale establishment or other forum engaged in the business of buying or selling of similar items, and a finding of intent to sell is supported by other evidence which independently establishes such intent.

IV. A person who violates this section shall be guilty of a violation. The circuit court and the superior court shall have concurrent jurisdiction to hear matters brought under this chapter. If the appraised value of the covered animal species part or product exceeds \$25,000 or if the prosecuting entity seeks relief unavailable in the circuit court, the matter shall be transferred to the superior court for adjudication.

Amend RSA 212-C:2, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The executive director of the fish and game department may adopt rules pursuant to RSA 541-A relative to:

(a) The purchase, sale, offer for sale, or possession with intent to sell, of parts or products of any covered animal species.

(b) The method and manner to be used in appraising the value of any covered animal species part or product seized by law enforcement or abandoned into the care or custody of the department.

(c) The method and manner used to determine ownership of any covered animal species part or product abandoned to its care or custody other than by order of a court of competent jurisdiction.

(d) The noncommercial disposition of covered animal species parts or products to:

(1) A legal beneficiary of an estate, trust, or other inheritance;

(2) A bona fide scientific or educational institution for scientific or educational purposes;

(3) Any enrolled member of a federally-recognized Indian tribe; or

(4) Any other person that has claimed right of ownership.

(e) The destruction of covered animal species parts or products not otherwise disposed of in accordance with this chapter.

Amend the bill by replacing section 2 with the following:

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

Amendment to SB 478

(2018-1351h)

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

Amend RSA 275:77, I as inserted by section 1 of the bill by inserting after subparagraph (r) the following new subparagraph:

(s) A registered nurse, appointed by the New Hampshire section of the Association of Women's Health, Obstetric and Neonatal Nurses.

Amend RSA 275:77, V as inserted by section 1 of the bill by replacing it with the following:

V. The advisory council shall submit an interim report on November 1, 2019, and a final report on November 1, 2020, detailing its activities and findings, together with any recommendations for proposed legislation, to the president of the senate, the speaker of the house of representatives, and the governor.

Amend paragraph I of section 4 of the bill by replacing it with the following:

I. Section 3 of this act shall take effect December 1, 2020.

Amendment to SB 479

(2018-1394h)

Proposed by the Committee on Children and Family Law - c

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-5 to read as 5-7, respectively:

3 Office of the Child Advocate; Complaint Investigation. RSA 170-G:18, III(i) is repealed and reenacted to read as follows:

(i) Upon its own initiative or upon receipt of a complaint, review and if deemed necessary, investigate actions of the division for children, youth and families, or any entity that provides services to children under

contract with and at the direction of the division, and make appropriate referrals. Findings of all investigations and responses to all complaints received shall be summarized in the annual report of the office of the child advocate.

4 New Paragraph; Office of the Child Advocate; Confidentiality of Complaints; Limited Disclosure. Amend RSA 170-G:18 by inserting after paragraph III the following new paragraph:

III-a.(a) The office of the child advocate investigations and oversight activities and the information gathered in such investigations and oversight activities, including the identity of any complainant, shall be exempt from the public disclosure provisions of RSA 91-A.

(b) The director of the office of the child advocate may disclose confidential information about a child to any individual or entity that is responsible for, or provides services to, the child. Any disclosure of confidential information shall be the minimum necessary to ensure proper care and treatment for the child or to identify, prevent, or treat the abuse or neglect of a child.

(c) The director of the office of the child advocate shall have the same authority as the commissioner of the department of health and human services to publicly release information pursuant to RSA 126-A:5, XII in furtherance of the mission and responsibilities of the office.

(d) Notwithstanding any provision of law to the contrary, if the director of the office of the child advocate determines that the health, safety, and welfare of children are at risk, the director may publicly disclose the details of investigation findings, subject to the following limitations:

(1) Names, addresses, or other identifying information of individuals who are the subject of any confidential proceeding or statutory confidential provision shall not be released to the public.

(2) Investigation findings shall not be released if there is a pending law enforcement investigation or prosecution.

2018-1394h

AMENDED ANALYSIS

This bill:

I. Requires the office of the child advocate to submit its annual report to the oversight commission on children's services, clarifies the duties of the commission, and repeals the commission's reporting requirement.

II. Revises the complaint investigation procedures and confidentiality requirements of the office of the child advocate.

III. Makes the commission to review child abuse fatalities permanent and establishes an annual reporting requirement.

Amendment to SB 497-FN

(2018-1231h)

Proposed by the Minority of the Committee on Judiciary - r

Amend RSA 132:10-d as inserted by section 1 of the bill by replacing it with the following:

132:10-d Breast-feeding. Breast-feeding a child does not constitute an act of indecent exposure and to restrict or limit the right of a mother to breast-feed her child is discriminatory. ***A person who has been discriminated against in employment or housing due to pregnancy or a medical condition which results from pregnancy or for breastfeeding her child may file a discrimination claim with the state commission for human rights under RSA 354-A or may seek immediate injunctive relief in superior court.***

2018-1231h

AMENDED ANALYSIS

This bill creates a cause of action for a person who has been discriminated against in employment or housing due to pregnancy or a medical condition which results from pregnancy or for breast feeding her child.

Amendment to SB 531-FN

(2018-1591h)

Proposed by the Committee on Finance - c

Amend RSA 310-A:1-d, II(i) as inserted by section 1 of the bill by replacing it with the following:

(i) Submitting, by November 1, to the speaker of the house of representatives, the president of the senate, the chairpersons of the house and senate executive departments and administration committees, and the governor, an annual report summarizing the transactions of the preceding fiscal year and a complete statement of the receipts and expenditures of the office of professional licensure and certification. Such report shall satisfy the requirements for any annual or biennial report imposed by statute on any board, commission, or council administered by the office of professional licensure and certification. The report shall be posted on the website of the office of professional licensure and certification immediately upon submission.

**Amendment to SB 534-FN
(2018-1592h)**

Proposed by the Committee on Finance - r

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

AN ACT relative to the classification of certain state employee positions and relative to a review of certain unclassified positions in the department of health and human services.

Amend the bill by replacing all after section 4 with the following:

5 Position Abolished. The following position is hereby abolished, effective at the close of business on June 30, 2018:

Banking Department 02-072-072-720510-2043 42404

6 Compensation of Certain State Officers; Health and Human Services Review; Certain Unclassified Employees. Amend RSA 94 by inserting after section 1-e the following new section:

94:1-f Health and Human Services Review; Certain Unclassified Employees.

I. The commissioner of the department of health and human services shall submit a list of names of incumbents and identify all current unclassified position titles and associated job responsibilities for positions established pursuant to 1995, 310 to the department of administrative services. The commissioner of the department of health and human services shall provide information pursuant to any requests from the department of administrative services to comply with the requirements of this section. The department of administrative services may review and change any existing position title to accurately reflect the current position responsibilities and recommend such change directly to the joint committee established in RSA 14:14-c to update RSA 94:1-a.

II. The commissioner of the department of administrative services shall submit the information to an outside consultant retained for the purpose of assessing the appropriate letter grade of unclassified state officers for those positions where the position title does not accurately reflect the job responsibilities. The consultant shall assess the recommended allocation, recommend an alternate allocation, if necessary, and include the reasoning for such allocation in its report. The commissioner shall submit the consultant's report to the joint committee established in RSA 14:14-c, for its review and temporary letter grade allocation. The department of health and human services shall make a contribution from salary line appropriations to the salary adjustment fund pursuant to RSA 99:4 to reimburse for the cost associated with the review of each position.

III. Any reclassification of salary shall not apply to any incumbent occupying the position unless the reclassification is to a higher salary grade designation. If such reclassification results in a lower salary grade designation, such designation shall occur when the incumbent vacates the position.

IV. Upon completion of the review process, subsequent vacancies of the positions shall be filled in accordance with RSA 94:6 and RSA 94:1-a.

V. All titles listed in RSA 94:1-a shall be subject to the requirements of this section, with the exception of the following positions: commissioner, deputy commissioner, associate commissioners, and chief operating officer for New Hampshire hospital. The joint committee may decline to review or exclude any other title from review as it deems necessary.

VI. All reviews and recommendations shall be completed no later than 2 years from the effective date of this section. The commissioner of the department of health and human services shall issue a progress report every 6 months from the effective date of this section to the fiscal committee of the general court until the process is completed.

7 Effective Date.

I. Sections 1-4 of this act shall take effect 60 days after its passage.

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

2018-1592h
AMENDED ANALYSIS

This bill:

I. Revises the salaries for certain unclassified positions and adjusts salaries for recruitment and retention purposes.

II. Establishes the position of general counsel in the banking department.

III. Requires the commissioner of the department of health and human services to conduct a review of certain unclassified positions.

**Amendment to SB 318
(2018-1433h)**

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

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

AN ACT relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

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

1 New Section; Labor Commissioner; Proportionality of Inspections. Amend RSA 273 by inserting after section 9 the following new section:

273:9-a Proportionality of Inspections. All inspections performed by the commissioner shall be proportional and relative to the potential violations being inspected. "Proportional" in this section shall be determined with reference to the importance of the issues at stake in the inspection, the degree to which the alleged violation involves risk of physical injury, the potential for lost wages, the amount in controversy, the parties' relative access to relevant information, and the parties' resources.

2 Protective Legislation; Day of Rest. Amend RSA 275:33 to read as follows:

275:33 Day of Rest. No employer shall operate any such business on Sunday unless he or she has posted ~~[in a conspicuous place on the premises]~~ **and made available to employees** a schedule containing a list of employees who are required or allowed to work on Sunday and designating the day of rest for each ~~[-, and shall promptly file a copy of such schedule and every change therein with the labor commissioner]~~. No employee shall be required ~~[or allowed]~~ to work on the day of rest designated for him **or her**. ~~[Whoever violates this section shall be fined \$50.]~~

3 Protective Legislation; Payment of Wages. Amend RSA 275:48, V(b) to read as follows:

(b) "Uniform" means a garment with a company logo or fashion of distinctive design, worn by one or more employees, and serving as a means of identification or distinction. **No employer shall require an employee to wear a uniform unless the employer provides each employee with a uniform reasonably suited for the conditions in which the employee would be required to wear one, at no cost to the employee. An employee may purchase any other company garments or items if the employee chooses.**

4 Protective Legislation; Notification, Posting and Records. Amend RSA 275:49, II to read as follows:

II. Notify his or her employees of any changes in the arrangements specified above prior to the time of such changes, **provided however that there shall be no penalty for failure to provide notification to an employee concerning changes to the minimum hourly rate pursuant to RSA 279:21;**

5 Protective Legislation; Notification, Posting, and Records. Amend RSA 275:49, VI-VII to read as follows:

VI. Make such records of the persons employed by him or her, including wage and hour records, preserve such records for ~~[such periods of time]~~ **3 years**, and make such reports therefrom to the commissioner, as ~~[the commissioner shall prescribe by regulation as necessary or appropriate]~~ **are required in statute** for the enforcement of the provisions of this subdivision; and

VII. ~~[Keep posted in a place accessible to his or her]~~ **Post and make available to his or her** employees the following: "It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor." This notice shall also include the address, phone number, and email address of department personnel to be contacted with complaints under this subdivision, as well as an Internet link to RSA 275:37.

6 Youth Employment Law; Prohibitions. Amend RSA 276-A:4, VI to read as follows:

VI.(a) **In any employer's predetermined designated work week during which school is in session for 5 days**, no youth 16 or 17 years of age who is duly enrolled in school shall ~~[be permitted to]~~ work more than 6 consecutive days or more than 30 hours during ~~[the school calendar week, which shall be Sunday through Saturday]~~ **that work week.**

(b) **In any employer's predetermined designated work week during which school is in session for 4 days**, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 40 ¼ hours in that work week.

(c) **In any employer's predetermined designated work week during which school is in session for more than one but less than 4 days**, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 48 hours in that work week.

7 Youth Employment Law; Enforcement. Amend RSA 276-A:6 to read as follows:

276-A:6 Enforcement. The commissioner shall have the responsibility for enforcing the provisions of this chapter. ~~[Investigators and truant officers shall visit and inspect all places of employment and cause the provisions of this chapter to be enforced as directed by the commissioner. For this purpose they shall have the power to serve warrants.]~~

8 Youth Employment Law; Notice of Hours. Amend RSA 276-A:20 to read as follows:

276-A:20 Notice of Hours. Every employer shall post ~~[in a conspicuous place in every room where youths are employed a printed]~~ **and make available to all employed youths a** notice stating the hours of work, the time allowed for dinner or other meals, and the maximum number of hours any youth is permitted to work in any one day.

9 Employer's Records; Records of Hours and Wages. Amend RSA 279:27 to read as follows:

279:27 Records of Hours and Wages. Every employer of employees shall keep a true and accurate record of the hours worked by each, wages paid to each, and classification of employment when necessary, and shall

furnish to the commissioner or the commissioner's authorized representative upon demand a sworn statement of the same. ***Employers shall retain such records of hours and wages for 3 years and such*** records shall be open to inspection by the commissioner or the authorized representative at any reasonable time, ***subject to the provisions of RSA 273:9***. Every employer subject to a statutory minimum wage shall ~~[keep]~~ ***post and make available to his or her employees*** a copy of such statutory minimum wage ~~[posted in a conspicuous place in every establishment in which employees are employed]~~. Employers shall be furnished copies of posters on request without charge.

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

2018-1433h

AMENDED ANALYSIS

This bill establishes criteria under which the commissioner of the department of labor may conduct a workplace inspection; amends certain notification and posting requirements; amends certain provisions of the youth employment law; and amends the requirements for employer retention of hour and wage records.

Amendment to SB 318

(2018-1433h)

Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services - r
Amend the title of the bill by replacing it with the following:

AN ACT relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

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

1 New Section; Labor Commissioner; Proportionality of Inspections. Amend RSA 273 by inserting after section 9 the following new section:

273:9-a Proportionality of Inspections. All inspections performed by the commissioner shall be proportional and relative to the potential violations being inspected. "Proportional" in this section shall be determined with reference to the importance of the issues at stake in the inspection, the degree to which the alleged violation involves risk of physical injury, the potential for lost wages, the amount in controversy, the parties' relative access to relevant information, and the parties' resources.

2 Protective Legislation; Day of Rest. Amend RSA 275:33 to read as follows:

275:33 Day of Rest. No employer shall operate any such business on Sunday unless he or she has posted ~~[in a conspicuous place on the premises]~~ ***and made available to employees*** a schedule containing a list of employees who are required or allowed to work on Sunday and designating the day of rest for each~~[- and shall promptly file a copy of such schedule and every change therein with the labor commissioner]~~. No employee shall be required ~~[or allowed]~~ to work on the day of rest designated for him ***or her***. ~~[Whoever violates this section shall be fined \$50.]~~

3 Protective Legislation; Payment of Wages. Amend RSA 275:48, V(b) to read as follows:

(b) "Uniform" means a garment with a company logo or fashion of distinctive design, worn by one or more employees, and serving as a means of identification or distinction. ***No employer shall require an employee to wear a uniform unless the employer provides each employee with a uniform reasonably suited for the conditions in which the employee would be required to wear one, at no cost to the employee. An employee may purchase any other company garments or items if the employee chooses.***

4 Protective Legislation; Notification, Posting and Records. Amend RSA 275:49, II to read as follows:

II. Notify his or her employees of any changes in the arrangements specified above prior to the time of such changes, ***provided however that there shall be no penalty for failure to provide notification to an employee concerning changes to the minimum hourly rate pursuant to RSA 279:21;***

5 Protective Legislation; Notification, Posting, and Records. Amend RSA 275:49, VI-VII to read as follows:

VI. Make such records of the persons employed by him or her, including wage and hour records, preserve such records for ~~[such periods of time]~~ ***3 years***, and make such reports therefrom to the commissioner, as ~~[the commissioner shall prescribe by regulation as necessary or appropriate]~~ ***are required in statute*** for the enforcement of the provisions of this subdivision; and

VII. ~~[Keep posted in a place accessible to his or her]~~ ***Post and make available to his or her*** employees the following: "It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor." This notice shall also include the address, phone number, and email address of department personnel to be contacted with complaints under this subdivision, as well as an Internet link to RSA 275:37.

6 Youth Employment Law; Prohibitions. Amend RSA 276-A:4, VI to read as follows:

VI.(a) ***In any employer's predetermined designated work week during which school is in session for 5 days***, no youth 16 or 17 years of age who is duly enrolled in school shall ~~[be permitted to]~~ work more than 6 consecutive days or more than 30 hours during ~~[the school calendar week, which shall be Sunday through Saturday]~~ ***that work week***.

(b) In any employer's predetermined designated work week during which school is in session for 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 40 ¼ hours in that work week.

(c) In any employer's predetermined designated work week during which school is in session for more than one but less than 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 48 hours in that work week.

7 Youth Employment Law; Enforcement. Amend RSA 276-A:6 to read as follows:

276-A:6 Enforcement. The commissioner shall have the responsibility for enforcing the provisions of this chapter. ~~[Investigators and truant officers shall visit and inspect all places of employment and cause the provisions of this chapter to be enforced as directed by the commissioner. For this purpose they shall have the power to serve warrants.]~~

8 Youth Employment Law; Notice of Hours. Amend RSA 276-A:20 to read as follows:

276-A:20 Notice of Hours. Every employer shall post ~~[in a conspicuous place in every room where youths are employed a printed]~~ **and make available to all employed youths a** notice stating the hours of work, the time allowed for dinner or other meals, and the maximum number of hours any youth is permitted to work in any one day.

9 Employer's Records; Records of Hours and Wages. Amend RSA 279:27 to read as follows:

279:27 Records of Hours and Wages. Every employer of employees shall keep a true and accurate record of the hours worked by each, wages paid to each, and classification of employment when necessary, and shall furnish to the commissioner or the commissioner's authorized representative upon demand a sworn statement of the same. **Employers shall retain such records of hours and wages for 3 years and such** records shall be open to inspection by the commissioner or the authorized representative at any reasonable time, **subject to the provisions of RSA 273:9.** Every employer subject to a statutory minimum wage shall ~~[keep]~~ **post and make available to his or her employees** a copy of such statutory minimum wage ~~[posted in a conspicuous place in every establishment in which employees are employed]~~. Employers shall be furnished copies of posters on request without charge.

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

2018-1433h

AMENDED ANALYSIS

This bill establishes criteria under which the commissioner of the department of labor may conduct a workplace inspection; amends certain notification and posting requirements; amends certain provisions of the youth employment law; and amends the requirements for employer retention of hour and wage records.

Amendment to SB 540-FN

(2018-1518h)

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 operation of keno games in unincorporated places and permitting keno games in cigar bars.

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

2 New Subparagraph; Keno; License Applications. Amend RSA 284:45, VI(a) by inserting after subparagraph (8) the following new subparagraph:

(9) A cigar bar holding a valid liquor license under RSA 178:20-a.

3 Liquor Licenses and Fees; On-Premises Cigar, Beverage, and Liquor Licenses. Amend RSA 178:20-a, II(a) to read as follows:

(a) Generates 60 percent or more of its quarterly gross revenue from the sale of cigar-related products, which is limited to cigars, humidors, cigar cutters, cigar cases, lighters, and ashtrays. **Revenue from keno**, mail order and Internet sales, as well as revenue generated from other tobacco sales in store, including cigarettes and loose tobacco sales, shall not be used to determine whether an establishment satisfies the definition of a cigar bar.

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

2018-1518h

AMENDED ANALYSIS

This bill provides that unincorporated places may permit the operation of keno games by a majority vote of the county delegation. This bill also permits the operation of keno games in cigar bars.

Amendment to SB 318

(2018-1433h)

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

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

AN ACT relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

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

1 New Section; Labor Commissioner; Proportionality of Inspections. Amend RSA 273 by inserting after section 9 the following new section:

273:9-a Proportionality of Inspections. All inspections performed by the commissioner shall be proportional and relative to the potential violations being inspected. "Proportional" in this section shall be determined with reference to the importance of the issues at stake in the inspection, the degree to which the alleged violation involves risk of physical injury, the potential for lost wages, the amount in controversy, the parties' relative access to relevant information, and the parties' resources.

2 Protective Legislation; Day of Rest. Amend RSA 275:33 to read as follows:

275:33 Day of Rest. No employer shall operate any such business on Sunday unless he or she has posted ~~[in a conspicuous place on the premises]~~ **and made available to employees** a schedule containing a list of employees who are required or allowed to work on Sunday and designating the day of rest for each~~[, and shall promptly file a copy of such schedule and every change therein with the labor commissioner]~~. No employee shall be required ~~[or allowed]~~ to work on the day of rest designated for him **or her**. ~~[Whoever violates this section shall be fined \$50.]~~

3 Protective Legislation; Payment of Wages. Amend RSA 275:48, V(b) to read as follows:

(b) "Uniform" means a garment with a company logo or fashion of distinctive design, worn by one or more employees, and serving as a means of identification or distinction. **No employer shall require an employee to wear a uniform unless the employer provides each employee with a uniform reasonably suited for the conditions in which the employee would be required to wear one, at no cost to the employee. An employee may purchase any other company garments or items if the employee chooses.**

4 Protective Legislation; Notification, Posting and Records. Amend RSA 275:49, II to read as follows:

II. Notify his or her employees of any changes in the arrangements specified above prior to the time of such changes, **provided however that there shall be no penalty for failure to provide notification to an employee concerning changes to the minimum hourly rate pursuant to RSA 279:21;**

5 Protective Legislation; Notification, Posting, and Records. Amend RSA 275:49, VI-VII to read as follows:

VI. Make such records of the persons employed by him or her, including wage and hour records, preserve such records for ~~[such periods of time]~~ **3 years**, and make such reports therefrom to the commissioner, as ~~[the commissioner shall prescribe by regulation as necessary or appropriate]~~ **are required in statute** for the enforcement of the provisions of this subdivision; and

VII. ~~[Keep posted in a place accessible to his or her]~~ **Post and make available to his or her** employees the following: "It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor." This notice shall also include the address, phone number, and email address of department personnel to be contacted with complaints under this subdivision, as well as an Internet link to RSA 275:37.

6 Youth Employment Law; Prohibitions. Amend RSA 276-A:4, VI to read as follows:

VI.(a) **In any employer's predetermined designated work week during which school is in session for 5 days, no youth 16 or 17 years of age who is duly enrolled in school shall [be permitted to] work more than 6 consecutive days or more than 30 hours during [the school calendar week, which shall be Sunday through Saturday] that work week.**

(b) **In any employer's predetermined designated work week during which school is in session for 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 40 ¼ hours in that work week.**

(c) **In any employer's predetermined designated work week during which school is in session for more than one but less than 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 48 hours in that work week.**

7 Youth Employment Law; Enforcement. Amend RSA 276-A:6 to read as follows:

276-A:6 Enforcement. The commissioner shall have the responsibility for enforcing the provisions of this chapter. ~~[Investigators and truant officers shall visit and inspect all places of employment and cause the provisions of this chapter to be enforced as directed by the commissioner. For this purpose they shall have the power to serve warrants.]~~

8 Youth Employment Law; Notice of Hours. Amend RSA 276-A:20 to read as follows:

276-A:20 Notice of Hours. Every employer shall post ~~[in a conspicuous place in every room where youths are employed a printed]~~ **and make available to all employed youths a** notice stating the hours of work, the time allowed for dinner or other meals, and the maximum number of hours any youth is permitted to work in any one day.

9 Employer's Records; Records of Hours and Wages. Amend RSA 279:27 to read as follows:

279:27 Records of Hours and Wages. Every employer of employees shall keep a true and accurate record of the hours worked by each, wages paid to each, and classification of employment when necessary, and shall furnish to the commissioner or the commissioner's authorized representative upon demand a sworn statement of the same. ***Employers shall retain such records of hours and wages for 3 years and such*** records shall be open to inspection by the commissioner or the authorized representative at any reasonable time, ***subject to the provisions of RSA 273:9.*** Every employer subject to a statutory minimum wage shall ~~[keep]~~ ***post and make available to his or her employees*** a copy of such statutory minimum wage ~~[posted in a conspicuous place in every establishment in which employees are employed]~~. Employers shall be furnished copies of posters on request without charge.

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

2018-1433h

AMENDED ANALYSIS

This bill establishes criteria under which the commissioner of the department of labor may conduct a workplace inspection; amends certain notification and posting requirements; amends certain provisions of the youth employment law; and amends the requirements for employer retention of hour and wage records.

Amendment to SB 318

(2018-1433h)

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

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

AN ACT relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

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

1 New Section; Labor Commissioner; Proportionality of Inspections. Amend RSA 273 by inserting after section 9 the following new section:

273:9-a Proportionality of Inspections. All inspections performed by the commissioner shall be proportional and relative to the potential violations being inspected. "Proportional" in this section shall be determined with reference to the importance of the issues at stake in the inspection, the degree to which the alleged violation involves risk of physical injury, the potential for lost wages, the amount in controversy, the parties' relative access to relevant information, and the parties' resources.

2 Protective Legislation; Day of Rest. Amend RSA 275:33 to read as follows:

275:33 Day of Rest. No employer shall operate any such business on Sunday unless he or she has posted ~~[in a conspicuous place on the premises]~~ ***and made available to employees*** a schedule containing a list of employees who are required or allowed to work on Sunday and designating the day of rest for each ~~[, and shall promptly file a copy of such schedule and every change therein with the labor commissioner]~~. No employee shall be required ~~[or allowed]~~ to work on the day of rest designated for him ***or her***. ~~[Whoever violates this section shall be fined \$50.]~~

3 Protective Legislation; Payment of Wages. Amend RSA 275:48, V(b) to read as follows:

(b) "Uniform" means a garment with a company logo or fashion of distinctive design, worn by one or more employees, and serving as a means of identification or distinction. ***No employer shall require an employee to wear a uniform unless the employer provides each employee with a uniform reasonably suited for the conditions in which the employee would be required to wear one, at no cost to the employee. An employee may purchase any other company garments or items if the employee chooses.***

4 Protective Legislation; Notification, Posting and Records. Amend RSA 275:49, II to read as follows:

II. Notify his or her employees of any changes in the arrangements specified above prior to the time of such changes, ***provided however that there shall be no penalty for failure to provide notification to an employee concerning changes to the minimum hourly rate pursuant to RSA 279:21;***

5 Protective Legislation; Notification, Posting, and Records. Amend RSA 275:49, VI-VII to read as follows:

VI. Make such records of the persons employed by him or her, including wage and hour records, preserve such records for ~~[such periods of time]~~ ***3 years***, and make such reports therefrom to the commissioner, as ~~[the commissioner shall prescribe by regulation as necessary or appropriate]~~ ***are required in statute*** for the enforcement of the provisions of this subdivision; and

VII. ~~[Keep posted in a place accessible to his or her]~~ ***Post and make available to his or her*** employees the following: "It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor." This notice shall also include the address, phone number, and email address of department personnel to be contacted with complaints under this subdivision, as well as an Internet link to RSA 275:37.

6 Youth Employment Law; Prohibitions. Amend RSA 276-A:4, VI to read as follows:

VI.(a) In any employer's predetermined designated work week during which school is in session for 5 days, no youth 16 or 17 years of age who is duly enrolled in school shall ~~[be permitted to]~~ work more than 6 consecutive days or more than 30 hours during ~~[the school calendar week, which shall be Sunday through Saturday]~~ that work week.

(b) In any employer's predetermined designated work week during which school is in session for 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 40 ¼ hours in that work week.

(c) In any employer's predetermined designated work week during which school is in session for more than one but less than 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 48 hours in that work week.

7 Youth Employment Law; Enforcement. Amend RSA 276-A:6 to read as follows:

276-A:6 Enforcement. The commissioner shall have the responsibility for enforcing the provisions of this chapter. ~~[Investigators and truant officers shall visit and inspect all places of employment and cause the provisions of this chapter to be enforced as directed by the commissioner. For this purpose they shall have the power to serve warrants.]~~

8 Youth Employment Law; Notice of Hours. Amend RSA 276-A:20 to read as follows:

276-A:20 Notice of Hours. Every employer shall post ~~[in a conspicuous place in every room where youths are employed a printed]~~ **and make available to all employed youths a** notice stating the hours of work, the time allowed for dinner or other meals, and the maximum number of hours any youth is permitted to work in any one day.

9 Employer's Records; Records of Hours and Wages. Amend RSA 279:27 to read as follows:

279:27 Records of Hours and Wages. Every employer of employees shall keep a true and accurate record of the hours worked by each, wages paid to each, and classification of employment when necessary, and shall furnish to the commissioner or the commissioner's authorized representative upon demand a sworn statement of the same. **Employers shall retain such records of hours and wages for 3 years and such** records shall be open to inspection by the commissioner or the authorized representative at any reasonable time, **subject to the provisions of RSA 273:9.** Every employer subject to a statutory minimum wage shall ~~[keep]~~ **post and make available to his or her employees** a copy of such statutory minimum wage ~~[posted in a conspicuous place in every establishment in which employees are employed]~~. Employers shall be furnished copies of posters on request without charge.

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

2018-1433h

AMENDED ANALYSIS

This bill establishes criteria under which the commissioner of the department of labor may conduct a workplace inspection; amends certain notification and posting requirements; amends certain provisions of the youth employment law; and amends the requirements for employer retention of hour and wage records.

Amendment to SB 564-FN-A

(2018-1535h)

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

Amend RSA 77-A:1, XXX as inserted by section 2 of the bill by replacing it with the following:

XXX.(a) "Qualified regenerative manufacturing company" means any business organization which meets each of the following requirements at all times during the entire taxable year:

(1) It files with its return for the taxable year an election to be a qualified regenerative manufacturing company in accordance with RSA 77-A:5-c or has made such election for a previous taxable year; and

(2) At least 75 percent of its business activities over the course of the tax year meet the requirements for an active regenerative manufacturing business, or, in the case of a subsidiary located in New Hampshire, 75 percent of that subsidiary's business activities meet the requirements for an active regenerative manufacturing business.

(b) For purposes of this paragraph, the term "regenerative manufacturing" means any aspect of the manufacturing of blood, tissues, tissue constructs, and organs for the purpose of researching, diagnosing, treating, or curing any disease or injury, such as (1) cell collection, culture and scale-up, (2) biomaterial selection and scale-up, (3) tissue process automation and monitoring, (4) tissue maturing, and (5) tissue preservation and transport.

(c) For purposes of this paragraph, the term "active regenerative manufacturing business" means the conduct of any business activity the primary focus of which is any one or more of the following areas:

(1) Performing research relating to regenerative manufacturing;

(2) Performing regenerative manufacturing activities;

(3) Researching, developing, manufacturing, or supplying technical services in support of regenerative manufacturing, such as process engineering, automation, facility set-up, and distribution services;

(4) Researching, developing, manufacturing, or supplying technologies utilized in regenerative manufacturing, such as cellular and non-cellular source materials, tools, equipment, reagents, and other supplies; and

(5) Performing any activity necessary to bring a product created through regenerative manufacturing to market, including but not limited to seeking patents, regulatory approval, performing clinical trials, and sales.

Amend RSA 162-S as inserted by section 7 of the bill by inserting after RSA 162-S:4 the following new RSA section:

162-S:5 Reporting and Approval Regarding Workforce Development Program. The business finance authority shall undertake to design the terms, conditions, and provisions of the regenerative manufacturing workforce development program authorized by this chapter. The authority shall deliver to the fiscal committee of the general court a report on the progress of its efforts to develop such terms, conditions, and provisions every 6-month period following the effective date of this chapter. Prior to taking any action to implement a final workforce program pursuant to this chapter, the authority shall first present the program to the fiscal committee of the general court and receive the approval of such committee.

Amend the bill by inserting after section 7 the following and renumbering the original sections 8 and 9 to read as 9 and 10, respectively:

8 Tax Expenditure Reports; Regenerative Manufacturing Added. Amend RSA 71-C:2 to read as follows:

71-C:2 Tax Expenditures Specified. Tax expenditures include, but may not be limited to, the community development finance authority investment tax credit as computed in RSA 162-L:10; the economic revitalization zone tax credit as computed in RSA 162-N:6; the research and development tax credit under RSA 77-A:5, XIII; the Coos county job creation tax credit under RSA 77-E:3-c; the education tax credit as computed in RSA 77-G:4; ~~and~~ the weighted apportionment factors under RSA 77-A:3, II(a); **and the exemption for qualified regenerative manufacturing companies allowed under RSA 77-A:1, I and RSA 77-E:1, III.**