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New Hampshire

HOUSE RECORD

First Year of the 166th General Court

Calendar and Journal of the 2019 Session

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Concord, N.H.

Friday, March 15, 2019

No. 16

Contains: Bills Laid on Table; House Deadlines; Reports and Amendments;
Meetings and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on **Tuesday, March 19th at 10:00 a.m.**, **Wednesday, March 20th at 10:00 a.m.**, and **Thursday, March 21st at 10:00 a.m.** if necessary.

I would like to thank all House members and staff for your hard work in getting bills out of committee this week. With the likelihood of session on three days next week, I again urge members to organize their floor debates and be as brief and concise as possible, so we can work through this large number of bills in a timely fashion.

All House members are invited to attend the budget hearing by the House Finance Committee as noted in the box below. This hearing can be extremely helpful in understanding many of your constituents' concerns about the budget. Mileage will be paid to attending House members, but if you cannot attend, you will be able to watch via live stream on the website.

Stephen J. Shurtleff, Speaker

ANNOUNCEMENT

Sergeant-at-Arms Election
Wednesday, March 20, 2019
Representatives Hall

NOTICE

The House Finance Committee will hold the Concord Public Hearing on **HB-1A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021, and **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures in Representative's Hall on Monday, March 18th starting at 1:00 p.m. All legislators are invited to attend and are eligible for mileage reimbursement.

Mary Jane Wallner, Chairman
House Finance Committee

NOTICE

There will be a Democratic caucus on **Tuesday, March 19th at 9:00 a.m.** in Representatives Hall.
There will be a Democratic caucus on **Wednesday, March 20th at 9:00 a.m.** in Representatives Hall.
There will be a Democratic caucus on **Thursday, March 21st at 9:00 a.m.** in Representatives Hall.

Rep. Doug Ley

NOTICE

There will be a Republican caucus on **Tuesday, March 19th at 9:00 a.m.** in Rooms 301-303, LOB.
There will be a Republican caucus on **Wednesday, March 20th at 9:00 a.m.** in Rooms 301-303, LOB.
There will be a Republican caucus on **Thursday, March 21st at 9:00 a.m.** in Rooms 301-303, LOB.

Rep. Richard Hinch

NOTICE

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

CLOSES AT 3:00 p.m. ON:

Wednesday, March 20, 2019
 Wednesday, March 27, 2019
 Wednesday, April 3, 2019

AVAILABLE ON:

Friday, March 22, 2019
 Friday, March 29, 2019
 Friday, April 5, 2019

Paul C. Smith, Clerk of the House

2019 HOUSE DEADLINES

Thursday, March 21, 2019	Last day to act on HBs not in a second committee, except budget bills
Thursday, March 28, 2019, noon	Last day to report House Bills, except budget bills Last day to report list of retained HBs
Thursday, April 4, 2019	Last day to report budget bills Last day to act on House Bills, except budget bills
Thursday, April 11, 2019	BUDGET CROSSOVER – Last day to act on budget bills
Thursday, May 2, 2019, noon	Last day to report Senate Bills going to a second committee
Thursday, May 9, 2019	Last day to act on SBs going to a second committee
Thursday, May 30, 2019, noon	Last day to report all remaining SBs Last day to report list of retained SBs
Thursday, June 6, 2019	Last day to act on SBs
Thursday, June 13, 2019	Last day to form Committees of Conference
Thursday, June 20, 2019	Last day to sign Committee of Conference reports (4:00 p.m.)
Thursday, June 27, 2019	Last day to act on Committee of Conference reports

BILLS LAID ON THE TABLE

CACR 5, relating to the right to vote. Providing that 17 year olds who will be eligible to vote in the general election be permitted to vote on that election's primary election. (No Pending Question)

CACR 6, relating to elections. Providing that any inhabitant who so desires may vote by absentee ballot in primary and general elections. (No Pending Question)

CACR 11, relating to taxes. Providing that a broad-based sales tax shall be prohibited. (Pending Question: Inexpedient To Legislate)

HB 101, relative to regulating possession of firearms in a school district. (Pending Question: Inexpedient To Legislate)

HB 230, prohibiting smoking in motor vehicles when a passenger is under 16 years of age. (Pending Question: Inexpedient To Legislate)

HB 249, permitting restaurant owners to allow dogs in restaurants. (Pending Question: Inexpedient To Legislate)

HB 275, relative to school nurse certification. (Pending Question: Ought To Pass)

HB 289, relative to the recitation of the Lord's prayer in public elementary schools. (Pending Question: Inexpedient To Legislate)

HB 537, relative to the release of motor vehicle records. (Pending Question: Ought To Pass)

HB 672-FN, relative to driving to the left of an unbroken painted line. (Pending Question: Ought To Pass)

HB 688-FN, relative to transfer and inspection of animals. (No Pending Question)

HB 694-FN, establishing a take-back program for illegal controlled drugs. (Pending Question: Inexpedient To Legislate)

HB 732-FN, relative to over-sentencing and racial profiling. (No Pending Question)

HCR 1, rescinding all requests by the New Hampshire legislature for a federal constitutional convention. (Pending Question: Ought To Pass)

HJR 1, supporting efforts to develop wind power off the New Hampshire coast. (Pending Question: Ought To Pass)

HR 6, urging the United States to lead a global effort to prevent nuclear war. (Pending Question: Inexpedient To Legislate)

HR 8, affirming revenue estimates for fiscal years 2019, 2020, and 2021. (No Pending Question)

TUESDAY, MARCH 19

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 263, relative to department of health and human services family reunification practices involving convicted sex offenders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sean Morrison for Children and Family Law. This bill is necessary to ensure the safety of children in state care. As amended the bill prohibits children under state care from placement with a sex offender that has been convicted of a sex crime against a child. The committee believes this bill is consistent with the best interest of the child. **Vote 19-0.**

HB 314, relative to the submission of evidence prior to hearings in divorce cases. **INEXPEDIENT TO LEGISLATE.**

Rep. David Coursin for Children and Family Law. This bill's intent was to prevent evidence being put forward at the last minute in divorce proceedings, making it difficult to prepare a response. It proposed that new evidence could not be admitted within five days prior to the court hearing. A continuance could be requested if evidence were submitted during that five-day period. This could delay the presentation of new evidence of abuse, for example, for five days. Testimony was presented that any abuse would be obviously visible to the court, but this is not accurate. Many forms of abuse are not obviously visible, particularly in an open, public setting. Testimony was presented that a continuance could be readily rescheduled, however, the Judicial Branch representative countered this with a report that 2/3 of courts are not able to reschedule a hearing even within ninety days. Testimony was also presented describing circumstances in which a party could use the timing of the submission of evidence to delay the proceedings and control them in a destructive fashion. It was evident that this can happen under the present circumstances or by misusing the proposed time period. Proceedings are best managed on a case-by-case basis, arguing further against the proposed time period that would apply to all cases. **Vote 18-0.**

HB 330, relative to child day care monitoring visits by the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. David Coursin for Children and Family Law. This bill would reduce the effectiveness of visits performed by the Department of Health and Human Services when monitoring childcare centers licensed by the Department. It would eliminate unannounced monitoring visits and require that a childcare center be notified five days prior to any monitoring visit. The opportunity to monitor a childcare center unannounced is the most effective way to determine how the childcare center actually performs on a daily basis. Providing advance notice removes this opportunity, and produces inadequate monitoring. The committee heard testimony confirming the value of the unannounced visit. Proponents of the bill argued that it would prevent situations in which a childcare owner would have to attend to the monitoring visit rather than continue providing direct care. This could theoretically reduce available staff to a level below the minimum required to pass the evaluation. The committee heard testimony that this does not occur because the agency understands the inherent unfairness of that situation. **Vote 18-1.**

HB 386, relative to the parenting schedule for weekends and holidays. **INEXPEDIENT TO LEGISLATE.**

Rep. Elaine French for Children and Family Law. This legislation addressed inappropriate care responsibilities put on one parent. The committee felt this bill was too prescriptive. Both parties signed off on the final decree. That would have been the time to challenge its provisions. **Vote 17-0.**

HB 393, establishing a committee to study child care in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Jane Mulligan for Children and Family Law. This bill will create a study committee to study child care costs, affordability and accessibility issues in New Hampshire. Childcare is too expensive for many families. For those who can afford it, there are issues finding some place convenient. Many child care centers are struggling to stay open and the workers do not earn a living wage with benefits. The committee will be working with parents, childcare provider and the state to improve each of these points with legislation. **Vote 18-1.**

HB 427, relative to the procedure for filing a protective order on behalf of a minor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Francesca Diggs for Children and Family Law. This bill permits a parent or guardian to file a petition for a protective order on behalf of a minor. The protective order does not allow one parent to petition against the minor's other parent. The minor may file a petition for protective order on behalf of his or her ward, alleging abuse by a member of his or her family or household. **Vote 19-0.**

HB 437, establishing a commission to study parental alienation. **OUGHT TO PASS WITH AMENDMENT.** Rep. Kimberly Rice for Children and Family Law. This bill was filed at the recommendation of a study committee on parental alienation. The study committee, and our committee, felt this subject needed further study with more stake holders at the table. **Vote 19-0.**

HB 574-FN, relative to the emancipation of minors. **OUGHT TO PASS WITH AMENDMENT.** Rep. Kimberly Rice for Children and Family Law. The committee unanimously agreed that it is essential to allow limited emancipation. The bill provides strict guidelines and requirements to ensure it is in the best interest of the youth. **Vote 19-0.**

HB 583, relative to the procedures governing guardians ad litem and relative to parental rights and responsibilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Francesca Diggs for Children and Family Law. This bill makes changes to RSA 461-A, relative to parental rights and responsibilities and the role of a guardian ad litem. This would include changing the legal standard from the best interest of the child, and more narrowly define the role of guardians ad litem. **Vote 19-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 309, relative to procedures for foreclosure of a mortgage. **OUGHT TO PASS WITH AMENDMENT.** Rep. Kermit Williams for Commerce and Consumer Affairs. This bill, with the amendment, changes the notice requirements when a mortgagee exercises its power of foreclosure under the mortgage contract. The notice must be served by the sheriff in the county where the property resides, rather than by mail. It also modifies the currently-existing process by which a mortgagor can stop a foreclosure process, allowing them to file a complaint, rather than a petition, with the court. **Vote 20-0.**

HB 323, relative to signage advertising liquor or beverages. **INEXPEDIENT TO LEGISLATE.** Rep. Rebecca McBeath for Commerce and Consumer Affairs. While the majority of the committee is supportive of the promotion and sales of New Hampshire produced liquor and alcoholic beverages, this initiative would replace the current statutory framework regulating roadway advertising for liquor licensees and instead delegate this authority to local sign ordinances. The majority agreed with the testimony of the NH Liquor Commission and the NH Department of Transportation (DOT) that the repeal of state laws regarding alcohol licensees placement of signs on roadways, as well as the regulation of internally lit signs and prohibition of neon signs, would create a confusing patchwork of advertising standards across the state. In addition, concerns were raised that the adoption of this bill may create conflicts with the Federal Highway Beautification Act of 1965. The NHDOT pointed out that under existing law, businesses and specialty beverage stores are eligible to apply for an official tourist oriented directional sign, also known as “blue signs” under Tra 602.09 (e). **Vote 20-0.**

HB 348, relative to procedures for condominiums with 25 or fewer residential units. **OUGHT TO PASS.** Rep. Kermit Williams for Commerce and Consumer Affairs. This bill reduces the meeting requirements for smaller condominium associations. These associations, some as small as two units, generally operate less formally than large associations, and requiring them to operate like a big development with hundreds of units and paid staff imposes an undue burden. Nothing in the bill prohibits an association from having stricter meeting requirements in its operating documents. The bill also requires associations to have a master insurance policy to cover common areas and spells out who is responsible if damage occurs and no insurance is in place. **Vote 20-0.**

HB 389-FN, requiring the department of business and economic affairs to prepare materials for businesses relative to service dogs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Constance Van Houten for Commerce and Consumer Affairs. As amended, this bill provides for the Secretary of State, in coordination with the Governor’s Commission on Disability, to develop, prepare and make available to businesses, upon request, materials relative to service dogs. Materials include a decal for posting in the front window or on the door stating that service animals are welcome, as well as a list of permissible questions that a business owner may use in determining if an animal is a service animal and information and guidelines for compliance with the Americans with Disabilities Act. **Vote 20-0.**

HB 450, relative to examinations conducted by the banking department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Greg Indruk for Commerce and Consumer Affairs. This bill was filed at the request of the Banking Department. The bill clarifies language related to examinations by the Bank Commissioner of certain regulated entities, including where such exams will be noticed and how the department is reimbursed for costs incurred by conducting such exams. The amendment adjusts language related to exams conducted outside New Hampshire and clarifies the commissioner’s discretion with regard to intervals between exams for certain entities. **Vote 20-0.**

HB 460-FN, relative to responsibility of the consumer protection and antitrust bureau over condominium disputes. **INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would require the Attorney General's Consumer Protection and Antitrust Bureau to resolve complaints from condominium unit owners through arbitration, investigation, cease-and-desist orders, or other means. While the committee recognizes that there are a significant number of complaints lodged each year, the Consumer Protection Bureau has a small staff and a large set of responsibilities, and would be overwhelmed by the volume and complexity of this task. The committee believes that other avenues to solve these problems should be sought. **Vote 20-0.**

HB 474, relative to principal offices of trust companies and banking and trusts insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Greg Indruk for Commerce and Consumer Affairs. This bill was filed at the request of the Banking Department. It provides updates to the definitions of fidelity bonds and errors and omissions insurance for depository banks and credit unions. The bill also includes language related to the principal offices of trust companies. The amendment provides technical corrections and, for trust companies, replaces "principal office" language with provisions identifying and providing notice to executive officers directly. **Vote 20-0.**

HB 536-FN, adding biometric information to the consumer protection act. **OUGHT TO PASS.**

Rep. Edward Butler for Commerce and Consumer Affairs. This legislature has enacted several laws to provide protection for our privacy. This is yet another of those efforts and it focuses on biometric information, which is any means by which a person can be uniquely identified by evaluating one or more distinguishing biological traits. This includes traits such as imagery of the iris, retina, fingerprint, face, hand, palm patterns and the like. This bill, if passed, will restrict businesses from obtaining, using or disclosing biometric information about an individual with whom they conduct business for any purpose other than that which the individual reasonably expects. **Vote 20-0.**

HB 585, relative to the procedure for mortgage foreclosure. **INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill would automatically void foreclosure sales under certain circumstances, which would typically involve fraud. The committee felt that any foreclosure action where fraud was a concern should be handled by a court so due consideration would be given to the issues and the rights of each party. **Vote 20-0.**

HB 598, establishing a commission to study beer and wine agritourism. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. The bill creates a commission made up of stakeholders from the NH alcohol manufacturing industry and state departments to develop a plan to promote the growing interest, from both in-state and out-of-state tourists, in the New Hampshire small businesses that produce beer, wine, and spirits, and offer tours and tasting at their facilities. The commission will study ways to help tourists find these businesses, including through highway signage, maps, and advertising plans. The amendment adds two members and a requirement for the commission to develop a mechanism to allow farm-to-table dinners held at a location without an alcohol license to offer local alcohol products as part of the event. **Vote 20-0.**

HB 602, relative to rescission of a mortgage-related transaction. **INEXPEDIENT TO LEGISLATE.**

Rep. John Plumer for Commerce and Consumer Affairs. This bill provides that if a mortgage-related transaction has been validly rescinded, any foreclosure based on the transaction shall be void and unenforceable. This bill was determined to be inadequate to address outstanding issues relevant to mortgage foreclosure and therefore the prime sponsor supported the recommendation of Inexpedient to Legislate. **Vote 20-0.**

HB 619, relative to transactions exempt from consumer protection regulations. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. The exemptions under RSA 358-A, the Consumer Protection Act, have been well vetted over the years. The law exempts only 4 industry types because they are regulated by 4 state agencies that have the same power of restitution to the harmed consumer provided for the unfair trade practices of other businesses under RSA 358-A. To reverse some exemptions, as proposed in this bill, is unnecessary. **Vote 20-0.**

HB 648-FN, defining and regulating service entities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Greg Indruk for Commerce and Consumer Affairs. This bill was filed at the request of the Banking Department. The bill creates new provisions for oversight of third party "service entities" providing services or activities related to the routine operations of depository banks and credit unions. The amendment makes technical corrections and adjustments to reflect federal regulations. **Vote 19-1.**

HB 657, relative to the lowest cost option in the formulary under the managed care law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Garrett Muscatel for Commerce and Consumer Affairs. As amended, this bill provides an exception process for an individual who is on a low cost drug to continue to take that drug if it is taken off their insurance carrier's formulary. The committee heard that a fellow representative testified about an inability to stay on a low

cost drug after it was taken off their formulary. This bill addresses that concern by clarifying and expanding an existing exception process. This process will be beneficial to consumers because using lower cost drugs will help to bring down premiums. This exception process was agreed to as beneficial by the various industry groups involved. The committee believes that this bill fixes a loophole in the low cost drug approval process and allows individuals to continue to use their drugs in the event they are taken off their formulary. **Vote 20-0.**

HB 658-FN, relative to price increases of drugs under the managed care law. **INEXPEDIENT TO LEGISLATE.** Rep. Edward Butler for Commerce and Consumer Affairs. This bill required contracts between health insurance carriers or pharmacy benefit managers and pharmacies to include a provision addressing the maximum allowable cost of drugs. The committee believes that the intent of this bill is already covered in similar legislation this session and, therefore, is not needed. **Vote 20-0.**

HB 659, relative to reporting of internal pharmaceutical costs. **INEXPEDIENT TO LEGISLATE.** Rep. Edward Butler for Commerce and Consumer Affairs. The recent Commission to Study Greater Transparency in Pharmaceutical Costs and Drug Rebate Programs heard from the Department of Administrative Services (DAS) about their recent negotiation which ended with a successful contract for pharmaceutical benefits. However, no one in DAS appeared to know about what the impact on the overall cost was from issues like spread pricing, rebates or administrative or other costs. This bill ultimately became an effort to work with DAS to consider whether those details would be useful in the contracting process, but agreement could not be reached. **Vote 20-0.**

HB 670-FN, relative to the cost of prescription drugs. **OUGHT TO PASS WITH AMENDMENT.** Rep. Garrett Muscatel for Commerce and Consumer Affairs. This bill requires health carriers to have access to information about prescription drug spending for their covered members. The amendment clarifies that the data need not be kept directly on the insurer's own systems but need only be readily available and accessible. This language has also been agreed to by various industry groups involved. This bill is necessary because the Insurance Department requests this data from insurance companies in order to study changes in prescription drug spending, but the department currently does not always receive this information. By requiring this information to be accessible, the Insurance Department can ensure that it will receive timely information from carriers to better understand health care spending in our state. **Vote 20-0.**

HB 681, requiring insurance companies writing commercial insurance to report unpaid premiums to a third party. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill would have required every insurance company writing commercial policies to report unpaid premiums to another entity set up to store this information. We believe that the intent was to prevent businesses that may have been canceled for non-payment of premium from going to a new company and starting over with a new policy before paying outstanding balances. The committee felt that this new business set up to track these older accounts was unnecessary and the record-keeping needed to stay current would be difficult and could lead to disputes for both the previous insurance carrier and any new insurance carrier. **Vote 18-1.**

HB 684-FN, relative to mediation of rent increases in manufactured housing parks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christopher Herbert for Commerce and Consumer Affairs. Current law requires manufactured housing park owners to disclose in writing all terms and conditions of tenancy including rental, utility and service charges prior to entering into a rental agreement. No increase of these charges can be made without 60 days' written notice. This bill, with the amendment, will permit tenants with the right to challenge a rent increase in mediation, if more than half the park tenants sign a petition and the rent increase exceeds \$15 per month. The park owner is required to pay for mediation. **Vote 20-0.**

HB 695, relative to transparency of nonprofit patient advocacy organizations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joyce Weston for Commerce and Consumer Affairs. As amended, this bill requires nonprofit organizations that advocate on behalf of patients to disclose any payments, donations, or subsidies from pharmaceutical manufacturers, insurance carriers, or pharmaceutical benefit managers. This report, which must be posted on the nonprofit's web site, and if they don't maintain one, to the NH Insurance Department's website, will provide transparency about the resources of the nonprofit. If, however, the nonprofit has a paid employee who is registered as a lobbyist in the state of NH, the organization shall be exempt from this section. **Vote 18-2.**

HB 740, exempting certain mortgages from the law regarding licensing of nondepository mortgage bankers, brokers, and servicers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill is a product of a language change agreed upon by the Banking Department and the NH Housing Finance Authority. The change will make it possible for the Housing Authority to provide second mortgage support for projects that it cannot currently offer. The amendment puts the new provision in a slightly different location in the statute. **Vote 19-0.**

EDUCATION

HB 375, relative to policies regarding chartered public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. David Doherty for Education. This bill was unanimously voted inexpedient to legislate by the committee as there was no testimony in favor or against the bill, except by the sponsor. There appears to be no public outcry for this bill. It appears to be a solution looking for a problem. **Vote 18-0.**

HB 380, relative to the duty of school superintendents regarding criminal history records checks. **INEXPEDIENT TO LEGISLATE.**

Rep. Sue Mullen for Education. This bill would permit a designee of the superintendent of schools to perform the duties of the superintendent regarding criminal background checks. While the committee recognizes that receiving, reviewing, and acting upon said background checks may be time consuming, it was felt that assigning a designee to perform those tasks had the potential to violate the applicant's confidentiality. In addition, the committee felt that the decision about whether or not an applicant's final offer of employment is denied should continue to be made by the superintendent. **Vote 19-0.**

HB 400-LOCAL, relative to alternative transportation of students for public school activities. **INEXPEDIENT TO LEGISLATE.**

Rep. Arthur Ellison for Education. This bill would require local school districts to adopt a series of standards for alternative transportation of students for public school activities. The committee believes that local school boards already have adopted standards for alternative transportation of students that meet the needs of each local school district. Therefore, the committee recommends that the bill is Inexpedient to Legislate. **Vote 19-0.**

HB 411, relative to equalized property valuation used to apportion expenses in cooperative school districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Vallone for Education. Given that there are over 30 cooperative school districts, and given the variety of agreements on the apportionment formulas to determine the amount to be paid by each town, it would not be appropriate to interfere with those local agreements. **Vote 19-0.**

HB 430, requiring school boards to establish conflict of interest policies. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia Cornell for Education. This bill would mandate that local school boards develop and implement a conflict of interest policy. The committee felt that the legislature should not be mandating the governing activities of local boards. The majority of the committee felt that the bill was unnecessary as dissatisfaction with members of a board can be solved through elections. **Vote 19-0.**

HB 447, relative to school calendar days. **OUGHT TO PASS.**

Rep. Rick Ladd for Education. This bill authorizes local school boards to determine opening and closing school calendar dates. There are more than 170 school districts in New Hampshire and each has its unique community profile and special needs that impact scheduling and the annual school calendar. Local school boards currently have the discretion to set the school calendar in terms of opening and closing dates, setting vacation days, and much more. In developing the annual calendar, school boards gather input from parents, local businesses, teaching staff, and various regional organizations such as career and technical education centers, the community college system and from receiving districts which often include the middle and high school levels. NH's interstate school districts must also coordinate transportation services and annual calendars with districts in neighboring states. This bill supports the development and approval of the annual school calendar; this task is a local control issue. **Vote 18-0.**

HB 448, making technical corrections in the department of education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dan Wolf for Education. This bill, as amended, provides technical corrections including authorization of designees for certain members of the Council for Teacher Education and renaming agencies to conform with current practice. **Vote 19-0.**

HB 449, relative to safe school zones and chartered public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for Education. This bill includes chartered public schools in the definition of "school" for the purposes of safe school zones. However, the statute already references "all public schools" for the purposes of safe school zones. Chartered public schools are public schools, so the committee determined this legislation is unnecessary. **Vote 18-0.**

HB 489, relative to changing a pupil's school or assignment because of a manifest educational hardship. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, revises current statutory procedures for a change of school or assignment because of a manifest educational hardship. Statutory changes include: 1) a revised section providing the superintendent and parent a well-articulated process to determine an educational placement/assignment in another public school or public academy within the district or another public school or public academy in another district when considering the best interest of the student's academic, physical, personal, and social needs; and 2) a definition of "manifest educational hardship" that means "a documented physical,

mental, or emotional condition brought on by his or her current educational placement and that such condition has a detrimental or negative impact on the student's academic achievement or growth, physical safety, or social and emotional well-being. Such condition must be severe, pervasive, or persistent so as to interfere with or limit the ability of the student to receive an education." These changes, as supported by the NH School Boards Association and NH School Administrators Association, both streamline and clarify the process available to a school administrator, school board, and parent when assisting a student having an educational hardship, such as severe bullying, in the current educational assignment. **Vote 17-2.**

HB 493, relative to adoption of cooperative school district budget. **INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for Education. This bill provides a method for a cooperative school district to place an article on the warrant for an elected budget committee. This bill also permits a cooperative school district to adopt a local tax cap and apportionment plan for tax purposes. The committee determined that the provisions in this bill are already enabled by existing statute, including the ability for members of the public to petition for such warrant articles. **Vote 19-0.**

ENVIRONMENT AND AGRICULTURE

HB 459-FN, establishing an industrial hemp pilot program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. As amended, this bill was the result of a committee to study creating an industrial hemp pilot program in New Hampshire. Under the 2014 federal Farm Bill, state pilot programs were the mechanism for allowing farmers to grow hemp despite its mixed legal status at the federal level. The 2018 Farm Bill replaced the pilot programs with the option of state or federal licensing, making the pilot program in this bill unworkable, but opening up better options for farmers who want to grow hemp. The amendment addresses this in two ways. It makes hemp, defined as cannabis sativa with a THC content of less than 0.3%, completely legal in NH, allowing our farmers to start growing it in the 2020 season under a federally issued license. It also sets up a study committee to evaluate the US Department of Agriculture's draft guidelines for state level licensing due out this summer. The committee will explore whether NH farmers would be served better by licensing through our Department of Agriculture, Markets, and Food than by federal licensing, and whether it would be feasible for the department to set up such a program. **Vote 20-0.**

HB 523, relative to integrated pest management for school grounds. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard Pearl for Environment and Agriculture. This bill was well intended but the committee found it was not necessary as many schools are already implementing Integrated Pest Management programs without mandate. **Vote 19-0.**

HB 663, relative to the definition of agriculture and existing agricultural uses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard Pearl for Environment and Agriculture. This bill, as amended, clarifies language pertaining to agricultural uses and related definitions that pertain to state statutes as a whole and those specific to local planning and zoning. Many municipalities have applications filed with their land use boards related to agricultural operations, and this clarification of language will clearly convey the legislature's position, especially as it pertains to agritourism. **Vote 20-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 229, relative to rulemaking requirements of the department of corrections. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill removes the rulemaking exemptions for the Department of Corrections and requires various policies and procedures of the agency to be adopted by rules under RSA 541-A. Legislation similar to this bill has been before the committee for the last two terms. In each case, the bill was retained because the committee recognized that, although there were legitimate concerns about excessive exemptions, as well as a very unsatisfactory rulemaking process in the Department of Corrections, the bills were both too far-reaching in their requirements and unlikely to achieve them. We determined that a collaborative oversight process, involving the ED&A Committee as a whole, to monitor and inform the Department of Corrections process would be more appropriate and productive. That is what has been underway for the last four years, and it has resulted in a significant improvement in the rulemaking process and product. The department has demonstrated a genuine commitment to remedying the above referenced deficiencies, and has created a prioritized methodology to accomplish this. Accordingly, the committee believes this bill is no longer needed and will continue to monitor progress and results at the department. **Vote 19-0.**

HB 271, relative to requirements for use of a licensed land surveyor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill, as introduced, was intended by the sponsor to solve a trespassing problem during the survey for a potential gas pipeline. The committee did not believe the bill would accomplish the sponsor's intent, and also that it could lead to many unacceptable

and unintended consequences. The committee amendment, which completely replaces the bill, clarifies two separate sections of law, as requested by the Joint Legislative Committee on Administrative Rules (JLCAR) after reviewing rules submitted by the Electricians' Board. The first part specifies that a first-year journeyman electrician may supervise one apprentice. The second part authorizes the board to certify two levels of third-party inspectors, one limited to residential installations and the other qualified for all electrical inspections. The legislation last year that ordered this certification did not consider how many electricians and inspectors were limited to residential installations. Specific legislation authorization is required before an additional tier of certification is allowed. **Vote 18-0.**

HB 468-FN-LOCAL, relative to the inclusion of attendance stipends as earnable compensation in the retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey Goley for Executive Departments and Administration. This bill as amended clarifies the definition of earnable compensation for the NH Retirement System to include annual cash payments in the form of an attendance stipend or bonus paid pursuant to a collective bargaining agreement, personnel policy, or other agreement applicable to substantially all employees, the amount of which is determined by reference to the amount of sick days an employee used in the calendar or fiscal year. The reason for clarification is that after the changes to the definition of earnable compensation in 2011, there were municipalities that believed attendance stipends should be included and, because of their interpretation, both employer and employee were paying for the benefit to the retirement system. After conducting an audit, the NH Retirement System notified the municipalities that their interpretation of the law was that annual cash payments such as attendance stipends should not be included as earnable compensation. The committee believes that this change was unintended in the 2011 revisions to RSA 100-A and this bill, with the amendment, restores these attendance stipends as earnable compensation. **Vote 19-0.**

HB 710-FN, relative to adoption of state building code and fire code amendments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill is based on the recommendations of a study committee on building code adoption. It updates the process by requiring a code to be published two years before adoption and having the Building Code Review Board (BCRB) recommend adoption by legislation that includes a summary of all significant changes, cost estimates of these changes, and documentation of the need for the change. Amendments adopted by the BCRB will need legislative approval before they are effective, as contrasted with the current process where they are effective immediately but expire if not approved in two years. This bill also requires the BCRB to maintain and publish a list of current building codes and amendments to them, including local amendments. The committee amendment deletes some provisions from the bill as introduced. It removes an erroneous reference to approving local code amendments, and only requires them to be published by the BCRB, and deletes changes to the fire code process. It also clarifies the process of appealing a building code enforcement decision. **Vote 19-0.**

FINANCE

HB 224-FN, making emergency medical technicians and rescue squad members eligible for a death benefit if killed in the line of duty. **OUGHT TO PASS.**

Rep. William Hatch for Finance. HB 224-FN expands the eligibility of a \$100,000 line-of-duty death benefit, currently for police officers and fire fighters, to emergency medical technicians or rescue squad members if killed in the line of duty. This will include any emergency medical responder whether auxiliary, intermittent, special, part-time, volunteer, call or reserve who is employed by a city, town, village district or precinct within the state of New Hampshire or any emergency medical technician who is a volunteer for, or employed by, a nonprofit corporation in New Hampshire or any New Hampshire licensed private ambulance service while in the performance of emergency care. **Vote 21-0.**

HB 225, relative to the National Guard Scholarship Fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Hatch for Finance. This bill changes and clarifies the National Guard Scholarship Fund. Original law stated all rental for National Guard Armories from non-governmental organizations would be credited to the New Hampshire National Guard Scholarship. Federal law does not permit this practice thus the bill changes this law to there may be an annual appropriation as determined by the General Court. **Vote 21-0.**

HB 357, relative to the public school infrastructure fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Werner Horn for Finance. Under this legislation the Public School Infrastructure Fund will be extended and designated non-lapsing. Testimony from the NHDOE revealed that there are school districts applying to the fund that require additional time. The amendment extends the date to June 30, 2021. **Vote 21-0.**

HB 730-FN-A, relative to funding for the CART program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Heath for Finance. This bill reestablishes the CART (Computer Aided, Realtime Translation of spoken English) provider and sign language interpreter net tuition repayment fund (CART Fund). This bill

restores the line in HB 1 state revenue to the extent the CART Fund receives grants, gifts, donations, or other funding, in FY 2020 and beyond. The bill as passed provides no funding for this program. The amendment is a technical correction relative to current usage. **Vote 20-1.**

HB 734-FN-LOCAL, relative to the annual percentage reduction in stabilization grants to school districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Werner Horn for Finance. Stabilization cuts have affected communities across New Hampshire resulting in diminished resources, eliminated positions, and curtailed curriculum. There are promising legislative options that include addressing the cuts to stabilization. The intent of this legislation will be addressed elsewhere. **Vote 21-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 16, relative to certain information provided by the commissioner of the department of employment security to the United States Department of Labor. **OUGHT TO PASS.**

Rep. Harrison Kanzler for Labor, Industrial and Rehabilitative Services. This bill will update RSA 282-A:118 to be in compliance with the U.S. Department of Labor's Performance Accountability and Customer Information Agency data collection for the 2014 Workforce Innovation and Opportunity Act. **Vote 19-0.**

MUNICIPAL AND COUNTY GOVERNMENT

CACR 4, relating to right to govern. Providing that the people of the state may enact local laws that protect health, safety, and welfare. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Josephson for Municipal and County Government. The sponsor of this resolution had asked the committee to recommend Inexpedient to Legislate due to duplication with CACR 8. The committee respects the wishes of the sponsor and recommends it be found Inexpedient to Legislate. **Vote 17-0.**

HB 409, relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees. **OUGHT TO PASS.**

Rep. Laurel Stavis for Municipal and County Government. This bill is common sense enabling legislation that will allow communities to make small but meaningful increases on their vehicle registration fees. The legislation allows communities to increase these fees to a maximum of \$10 per vehicle, up from the current \$5, an amount that has not been increased in several years. These fees will be used to fund anticipated transportation improvements, and will increase funds available for public transportation systems, enabling them to contribute more in matching funds to federal grants for which they are eligible. **Vote 20-0.**

HB 434, relative to removal of a town clerk. **INEXPEDIENT TO LEGISLATE.**

Rep. Bruce Tatro for Municipal and County Government. The intent of this bill is to allow an elected town clerk to be terminated, for violating municipal employee rules, by the board of selectmen. So if a town clerk is ordered to violate state or federal laws by the governing board the board could find the clerk insubordinate and terminate them. Clerks are governed by state laws and can only be removed for violating the state laws. **Vote 19-0.**

HB 499, relative to revenue surpluses in unincorporated towns and unorganized places. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Josephson for Municipal and County Government. The author of this bill found that its enactment would cause unintended consequences and asked that we find this bill Inexpedient to Legislate. Therefore, we find this bill Inexpedient to Legislate. **Vote 19-0.**

HB 539-FN, relating to the provision of technical assistance for municipal implementation of the One4all ballot. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Julie Gilman for Municipal and County Government. This bill as amended establishes a committee to study how to support voters with disabilities as they exercise their right to vote, by secret ballot, without assistance from another voter. Currently, the State uses a program called One4All that is required for federal elections. This is a committee to answer questions regarding implementation and prepare application procedures. **Vote 18-0.**

PUBLIC WORKS AND HIGHWAYS

HB 279, naming a bridge in the town of Bristol in honor of Mathew Seaver. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Towne for Public Works and Highways. This bridge naming bill was rejected after it was learned that the recipient to be honored by the naming actually opposes such naming, and thus the bill. **Vote 18-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 137, establishing a commission to examine the effects of wake boats in the state of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bruce Cohen for Resources, Recreation and Development. During the public hearing the committee heard from several residents and lake associations that there needs to be a balance between recreational use of wake boats and the effect on lakes and other recreational activity on or near lakes. This bill, as amended, establishes a commission to study the effects of wake boats. The commission will gather information on uses of wake boats regarding the spread of aquatic invasive species, the relationship to shoreline erosion, the impacts to private property, and the safety of swimmers and other boaters. The amendment adds members from industry and user groups to give a broader perspective to the commission. **Vote 20-0.**

HB 139, prohibiting smoking in state parks. OUGHT TO PASS WITH AMENDMENT.

Rep. Suzanne Smith for Resources, Recreation and Development. This bill, as introduced, would prohibit smoking in state parks. Testimony from the Director of the Division of Parks and Recreation stated that the bill as written does not account for the characteristics of each state park site and would make enforcement virtually impossible at some of the heavily visited parks such as the seacoast beaches. The amendment, which replaces the bill, clarifies legislative intent for administrative rule updates regarding smoking on state park property, allowing the division to take into account the characteristics of each state park site and enforcement considerations. **Vote 19-1.**

HB 192-FN-LOCAL, abolishing fluoridation in water. OUGHT TO PASS.

Rep. Rosemarie Rung for Resources, Recreation and Development. Public fluoridation of public water systems currently exists in 10 NH municipalities, serving 289,300 people. Systematic fluoridation is considered a best practice for the prevention of tooth decay and infection for children ages 0-12 years and administration of fluoride at this age period helps prevent dental problems later in life, particularly for children who do not benefit from regular dental care. However, fluoride can also be administered through fluoridated toothpastes and mouth rinses, oral supplementation, and direct contact professional treatment, methods that allow parents control of their children's fluoride intake. Controlled intake can help prevent fluorosis, which can lead to negative impacts. Beyond the health issues, public fluoridation prevents municipal water customers from opting out, unless they assume costly home filtration systems or the purchase of non-fluoridated water. The majority of the committee believes that fluoridation should not be a decision of a government body, but a decision of the individual **Vote 16-3.**

HB 199-FN, relative to exemptions from the groundwater permit application fee. INEXPEDIENT TO LEGISLATE.

Rep. Rosemarie Rung for Resources, Recreation and Development. The Department of Environmental Services (DES) operates primarily on a fee for service model. The fees charged for a groundwater management permit are \$2,000. The committee heard testimony from DES that actual costs may exceed the amount of the fee depending on the extent of groundwater contamination. The committee believes that allowing exemptions from this fee for nonprofits, of which there are over 5,000 in the state, would place an undue financial burden on DES. **Vote 19-0.**

HB 244, repealing the moorings appeals board. OUGHT TO PASS.

Rep. Rosemarie Rung for Resources, Recreation and Development. The Moorings Appeals Board exists to adjudicate disputes relating to moorings. Only one appeal has been requested in the last 12 years. All three of the appointed board members are deceased and have not been replaced. This bill will repeal the Moorings Appeal Board and transfer the responsibility for hearings to the Commissioner of the Department of Safety who presently has an established and on-going appeals hearing process. The commissioner can more efficiently and economically absorb any moorings appeals that arise in the future. **Vote 17-0.**

HB 261, requiring the commissioner of the department of environmental services to revise rules relative to arsenic contamination in drinking water. OUGHT TO PASS WITH AMENDMENT.

Rep. Chuck Grassie for Resources, Recreation and Development. The proposed amendment establishes the process for the Department of Environmental Services to adopt a standard of 5 parts per billion for arsenic in drinking water through their rulemaking process. The committee agrees that the current level of arsenic in drinking water causes an unacceptable level of cancer cases in children and the general population. The lower level has been shown to be affordable, achievable, and effective. **Vote 17-1.**

HB 296-FN, relative to animal waste cleanup in state forests and state parks. INEXPEDIENT TO LEGISLATE.

Rep. Robert Harb for Resources, Recreation and Development. This bill would require that any person who brings an animal into any parking, picnic, or camping area, or onto any road, walkway, or trail in a state park or state forest shall remove from such areas, roads, and trails all solid animal waste produced by such animal. Numerous opponents of the bill testified and the committee believes that for equestrians it is both unsafe and unreasonable to require riders to dismount and remove manure from trails. Both the Director of Parks and Recreation and the Director of Forests and Lands oppose this bill as they believe it is adequately covered in the Department of Cultural and Natural Resource's administrative rules for state reservations. **Vote 18-0.**

HB 298, relative to penalties for misrepresentation or falsification of documents by mooring field operators. **INEXPEDIENT TO LEGISLATE.**

Rep. Rosemarie Rung for Resources, Recreation and Development. Congregate moorings fields consist of four or more moorings permitted by the Marine Patrol Unit of the Division of State Police. The field operator, such as a condominium association, assigns the individual moorings within the field to its members using its own application procedure. This bill seeks to apply penalties to mooring field operators who may pass along to Marine Patrol falsified or misrepresented information they receive from applicants, regardless of the operator's awareness that the information was not accurate. The committee believes that the individual mooring assignment and its application process should continue to be the purview of the mooring field operator and not the state. **Vote 17-0.**

HB 299, relative to the sharing of moorings in a congregate mooring field. **INEXPEDIENT TO LEGISLATE.**

Rep. Wendy Thomas for Resources, Recreation and Development. This bill states that any sharing of a mooring by the permit holder within a congregate mooring field be considered a transfer subject to RSA 270:67, unless the operator had filed bylaws or usage regulations with the Division of State Police providing otherwise. Marine Patrol testified that congregate moorings are mooring permits issued to homogenous user groups and are not under the purview of the state. The committee believes that this issue would be better addressed by the association which operates the congregate mooring field. **Vote 17-0.**

HB 300, relative to the assignment of moorings in congregate mooring fields. **INEXPEDIENT TO LEGISLATE.**

Rep. Deborah Hobson for Resources, Recreation and Development. This bill states that any mooring field operator that uses a lottery to assign any of its moorings shall restrict entries in such lottery to one lottery entry per vessel. The committee felt that this was a civil matter and not something that should be covered under legislation. Marine Patrol testified that congregate moorings are mooring permits issued to homogenous user groups and are not under the purview of the state. The committee believes that this issue would be better addressed by the association which operates the congregate mooring field. **Vote 17-0.**

HB 324, relative to operation of ski craft around the marsh lands or flats in the Hampton/Seabrook estuary. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia Bushway for Resources, Recreation and Development. The bill as submitted allowed for the operation of ski craft at headway speed or below within 300 feet of any marsh or flat in the Hampton/Seabrook Estuary. The amendment prohibits the operation of personal water craft within 300 feet of any marsh or flat in the estuary without regard to tide height. The amendment also defines personal water craft for the purpose of this bill as a motor boat of 16 feet or less in length that is propelled by a jet pump, and upon which operators and riders stand, kneel, straddle, or sit. The committee believes that the amendment adequately protects salt marshes contiguous to the estuary as well as the rights of personal water craft enthusiasts. **Vote 18-0.**

HB 495, establishing a commission on drinking water. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia Bushway for Resources, Recreation and Development. The bill establishes a commission to plan for long-term goals and requirements for drinking water on the seacoast. It continues the work initiated by the Seacoast Commission on Long-term Goals and Requirements For Drinking Water, repealed on November 1, 2018. which considered issues such as, but not limited to, water quality and safety, and water availability. The amendment clarifies that the Executive Directors of the Rockingham and Strafford County planning commissions or their designees will be members of the commission. The committee agrees that the work of the previous commission should be continued. **Vote 18-0.**

HB 512, relative to dogs on hiking trails in state parks and state forests. **INEXPEDIENT TO LEGISLATE.**

Rep. Wendy Thomas for Resources, Recreation and Development. This bill would allow dogs to be off leash in state parks and state forests if the dog is able to be under the voice or physical control of the owner. The committee believes that this legislation presents too many opportunities for misinterpretation and misuse by dog owners. The committee acknowledged that there are hikers (especially young children) who may feel uncomfortable around unleashed dogs. The Division of Parks testified that NH state parks and forests already have rules in place that allow dogs to be off leash if there are not many hikers nearby. **Vote 15-2.**

HB 591, amending the laws governing OHRVs and snowmobiles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith Spang for Resources, Recreation and Development. This bill, put forward by the Fish and Game Department, provides for new regulation and detailed safety requirements for off highway road vehicles (OHRVs). The amendment was taken from another bill which is being retained by the committee. It addresses a pressing current problem of landowners who are being adversely affected by the opening of abutting roads to scores of OHRVs. Based on current land use statutes provided by the NH Municipal Association, it makes sure affected landowners are notified when their road is being considered for opening and defines a mechanism for their voices to be heard. The committee was surprised that the impact on landowners' enjoyment of their property has been so severe. This amendment provides some relief pending a much larger study through the retained bill, HB 683. **Vote 20-0.**

HB 645-FN, establishing a dock registration procedure. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Renzullo for Resources, Recreation and Development. This bill establishes a procedure for voluntarily registering docks with the Department of Environmental Services. This is valuable to the registrants in that it protects them by establishing their dock rights, especially during disputes. This registry will provide a service for docks similar to the service provided by the registry of deeds for real estate documents. Registration also allows the repair or replacement of existing legal docks from permitting requirements. The cost of registration is set at \$200. The bill was amended to provide corrective language to a section of the original bill. **Vote 20-0.**

HB 660-FN, relative to studying the economic and other impacts of OHRV use in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Smith for Resources, Recreation and Development. Since 2003 when the Department of Resources and Economic Development (now the Department of Natural and Cultural Resources) issued a study titled "A Plan for Developing New Hampshire's Statewide Trail System for ATVs and Trail Bikes 2003-2008," the use of off highway road vehicles (OHRVs) has grown exponentially. The committee heard testimony that "Ride the Wilds," a trail system which includes Jericho Mountain State Park, off-road trails, and use of town and state roads has been an economic boon to the North Country. The committee also heard from property owners who are frustrated and upset because quiet country roads are now "highways" for OHRV riders. This bill, as introduced, would require the department to study the effects of OHRV activity upon the state's economy using the best available science and conducted by independent researchers. This study, and a second one which would study effects of OHRV operations on trails and public ways already designated, would be funded by OHRV registration fees. Currently, these registration fees are used for trail maintenance and trail building. The amendment directs the department to update the 2003 study. As the study progresses, updates shall be posted on the department's internet site, and the department shall solicit and accept public comment on the plan. In addition to studying the effect of OHRV activity on the state's economy, the amendment also charges the department with preparing a master plan for an integrated network of OHRV trails in Coos County. The plan shall address locations of the trail network, costs of construction and maintenance, interest of sanctioned ATV clubs, interests and rights of private property owners. The amendment eliminates from the bill the use of any OHRV registration fees, but does direct the department to solicit and allows it to accept and expend gifts, grants or donations from any source to fund this work and to expend any available appropriations to complete the studies. **Vote 20-0.**

HB 668, relative to heating, agitating or other devices in public waters. **OUGHT TO PASS.**

Rep. Wendy Thomas for Resources, Recreation and Development. This bill addresses water agitators which are devices used near docks that agitate the water during the winter months in order to prevent freezing around the structures. The problem is that some of these devices extend the unfrozen area of the water into adjoining properties limiting access to the frozen water and in some cases creating thin ice hazards. The bill would make sure that owners use agitators that only cover their property. This bill would force owners to post thin ice warning signs where agitators are being used. The committee agreed that both of these requirements are sound actions when using water agitators. **Vote 18-0.**

HB 707, relative to settlement money from actions pertaining to the contamination of groundwater or drinking water. **OUGHT TO PASS.**

Rep. Deborah Hobson for Resources, Recreation and Development. This bill requires that Drinking Water and Groundwater Trust Fund expenditures that are recovered from parties liable for hazardous waste contamination be deposited to the Trust Fund and that the damages awarded for drinking water or groundwater pollution be deposited to the Trust Fund. **Vote 20-0.**

HB 737, establishing a commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford and Litchfield. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Smith for Resources, Recreation and Development. It was discovered in 2016 that wells of the Merrimack public water supply were contaminated due to the industrial air discharge of perfluorinated chemicals and subsequent soil disposition and leaching into groundwater. Private wells in neighboring communities of Bedford and Litchfield were also affected by this contamination, which is now the largest groundwater contamination in the state. Testing showed that levels of perfluorooctanoic acid exceeded the health advisory of the US EPA. The committee believes that establishment of this commission will gather necessary information about environmental and health impacts to these communities and will contribute to the overall understanding of perfluorinated chemical exposure occurring in other parts of the state. **Vote 20-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 205, relative to the definition of “multiple line telephone system.” **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Vincent for Science, Technology and Energy. After listening to the testimony, the committee unanimously decided not to pass this bill. This decision was based on the following. First, there is uncertainty on who will pay for the unknown costs of the 911 system changes this bill would require of businesses and municipalities. Second, not all parts of the state could be covered, since much of the North Country still does not have cellular service. During the subcommittee work sessions on the bill, the sponsor indicated that the bill was not ready for passage. **Vote 20-0.**

HB 413, relative to membership of the energy efficiency and sustainable energy board. **OUGHT TO PASS.**

Rep. John Mann for Science, Technology and Energy. This bill makes a number of changes to the membership and duties of the Energy Efficiency and Sustainable Energy Board. The new members added will be from the public, the banking industry, and not-for-profit organizations focusing on matters dealt with by the board. These members will help ensure that the board is meeting the needs and concerns of the most important stakeholders, the public. **Vote 19-1.**

HB 454, relative to site evaluation committee criteria for energy facility siting. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard Moffett for Science, Technology and Energy. The Site Evaluation Committee statute has always put the burden of proof on an applicant to show that its proposed energy facility meets each of the criteria for a certificate set out in RSA 162-H:16, IV. This bill would switch the burden of proof to individual property owners to show that the project would have an unreasonable negative effect on the value of their property (e.g. by spoiling their view), thus requiring them to pay for costly “before and after” real estate appraisals. A large bipartisan majority of the committee did not think this was a good idea. **Vote 17-2.**

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HJR 2, recommending and requesting the president of the United States and the United States Congress to exclude the state of New Hampshire from offshore oil and gas drilling and exploration activities. **OUGHT TO PASS.**

Rep. Linda Massimilla for State-Federal Relations and Veterans Affairs. With only 17 miles of coastline, NH's tourism, fishing industry, jobs, economy and environment are dependent on clean, oil-free water and beaches. The Exxon Valdez oil spill had long term consequences that were felt for decades. The request for an exclusion for NH from offshore oil and gas drilling and exploration activities is appropriate. Once a lease is given, its duration is forever. **Vote 18-0.**

TRANSPORTATION

HB 368-FN, defining the list of medically recognized disorders identified on drivers' licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura Telerski for Transportation. The committee heard testimony regarding the unique challenges faced by drivers who fall on the autism spectrum. Their disability may contribute to communication problems and physical behaviors that may be deemed suspicious by law enforcement. This bill as amended allows a driver the option to identify their disability on their license so law enforcement can be made aware of potential issues and handle the stop appropriately. **Vote 17-0.**

HB 548, relative to certain organizations that are authorized to issue decals. **OUGHT TO PASS.**

Rep. Steven Smith for Transportation. This bill adds 501(c)(8) non-profits to the list of eligible non-profit organizations who may participate in the multi-use decal program. The existing statute provides protections against political, religious, and advocacy groups participating. Each organization must still submit a bill to authorize their participation in the program. **Vote 20-0.**

HB 571, relative to confidentiality for reporting possibly medically unfit drivers. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura Telerski for Transportation. This bill provides confidentiality to a person who reports a driver suspected of being medically unfit. The committee heard testimony from the Division of Motor Vehicles (DMV) that a policy already exists for a medical practitioner or law enforcement to be contacted by a family member to initiate a report if they choose to remain anonymous. This bill would leave the determination of “malicious intent” to the DMV which the committee feels is an unfair burden. The committee believes the concern of the sponsor can be addressed within the existing statutes. **Vote 20-0.**

TUESDAY, MARCH 19 REGULAR CALENDAR

WAYS AND MEANS

CACR 12, relating to taxes. Providing that an income tax on personal income shall be prohibited. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard Ames for the **Majority** of Ways and Means. This constitutional amendment concurrent resolution would amend the NH constitution by inserting in Part II a new Article 6-c prohibiting the General Court from “adopting a tax on earned personal income.” This categorical prohibition on one ill-defined form of taxation – does “earned personal income” include, for example, the earned income of a sole proprietor that is currently taxed under our business profits tax? – would forever bind future legislatures and governors regardless of fiscal and socio-economic circumstances that cannot now be foreseen. Current constitutional limits on taxation are appropriately expressed as general standards setting limits on all forms of NH taxation. There are three provisions of the New Hampshire Constitution that are intended to work in combination to ensure fairness in taxation. First, Part I, Article 12 establishes that “[e]very member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection . . .” Article 12 requires that a given class of property be taxed at a “uniform rate” and that “taxes must be not merely proportional, but in due proportion, so that each individual’s just share, and no more, shall fall on him.” Second, Part II, Article 5 grants the Legislature authority “to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and residents within” the State. Our NH Supreme Court has affirmed that together Part I, Article 12 and Part II, Article 5 “establish equality and justice as the basis of all constitutional taxation.” [See *Smith v. N.H. Dep’t of Rev. Admin.*, 141 N.H. 681, 686 (1997)]. And third, Part II, Article 6 authorizes the legislature to “classify” property for purposes of taxation, a provision that conveys to the legislature “broad power to declare property to be taxable or non-taxable based upon a classification of the property’s kind or use, but not based upon a classification of the property’s owner.” *N. Country Envtl. Servs. V. State*, 157 N.H. 15, 19 (2008). The categorical prohibition proposed by CACR 12 does not belong in our constitution and should be rejected. **Vote 12-8.**

Rep. Patrick Abrami for the **Minority** of Ways and Means. The minority strongly opposes the Inexpedient to Legislate motion on this bill. The minority believes that the question of whether the New Hampshire Constitution should be amended to say that a personal income tax is not an appropriate form of taxation should be placed on the ballot for the citizens of NH to decide. Since our union was formed and NH became a state, we have resisted a personal income tax (not to mention a sales tax). Our ability as a state to resist the temptation of unbounded taxation and spending from such broad-based taxes has served us well for 231 years. This approach leaves it up to the taxpayer how to spend their money, resulting in an ethos that rewards hard work, self-reliance, personal responsibility, and a spirit of freedom long lost in so many near bankrupt high income tax states where there never seems to be enough revenue. Our approach has led to efficient government with minimal wasteful spending and certainly no corruption not to mention minimal fraud and abuse. Our approach has forced the legislature to make wise budget decisions every two years. Yes, they are tough decisions, but states with large progressive income taxes also always seem to have to make these same tough decisions as well. The big difference is that we rank very high on every metric of success, while these other states do not. The minority feels that the voters of NH understand this and never want to see a personal income tax. A similar CACR was approved by this legislature in 2012 resulting in a ballot question, which resulted in a 57.09% vote of the people in support of placing in our constitution that personal income taxes are not an appropriate form of taxation in our state. Although the vote fell short of the two thirds required, it certainly was a strong barometer of the sentiments of the voters that a personal income tax is not a form of taxation our citizens want. The minority says let the people speak on this once again.

HB 458-FN, repealing certain inactive dedicated funds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lisa Bunker for Ways and Means. This bill repeals various dedicated funds with no activity in the financial system for at least the most recent fiscal year and makes related statutory changes. It is the result of careful work by a bipartisan committee, as well as painstaking tweaks and double checks by a subcommittee, and involving significant input from affected agencies to make sure that the language is exactly right. It’s a good solid housekeeping bill that passed unanimously in the full committee. **Vote 17-0.**

HB 480-FN, relative to sports betting. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Ames for the **Majority** of Ways and Means. This bill, as amended, authorizes the Lottery Commission to operate a new system of sports betting in New Hampshire. The committee amendment builds on and strengthens the sports betting system proposed by the Governor in HB 2. Betting on sports events is currently illegal in the state, but we all know that many people in New Hampshire, and throughout the country, are engaging in sports betting notwithstanding its illegality. This bill will bring much of this activity to the surface

where it will be legal and regulated. Lottery Commission agents responsible for conducting sports gaming activities will be selected on the basis of factors specified in the bill, including financial stability, commitment to maximize the revenue share to be delivered to the state consistent with all other requirements of the law, and commitment to integrity in gaming. Local approval is required for the physical placement and operation of retail sports gaming operations, no more than ten of which may be in operation at any one time. Limited forms of sports wagers, not involving in-play sports or outcomes of single sports events, are also authorized within the traditional lottery system. Betting on high school sports or on most sports events involving New Hampshire collegiate teams is prohibited. All internet based wagers must be initiated and received within the state in compliance with the federal Wire Act. A new, independent Council for Responsible Gambling, with authority to promote and fund education, prevention and treatment of problem gambling, is established and funded. The Governor's budget, HB 1 and 2, anticipates \$10 million in net new revenue in FY 2021 from the sports betting system that would be enabled by this bill. **Vote 17-2.**

Rep. Jess Edwards for the **Minority** of Ways and Means. A key concern of the minority is that it continues, and significantly expands, the status quo of state reliance on potentially problematic sources of revenue (sin taxes) instead of taking on the more difficult task of redesigning the state tax structure to meet a differing set of social characteristics. The downside of gambling addiction is accepted as a cost of doing business and has birthed a new "Council for Responsible Gambling" which will compete for the already tight mental health employment sector. The other large concern is that this bill dramatically increases the level of legal state gambling from approximately \$360m to \$560m with mature sports betting in place. To support a significant increase in legal gambling, the size of the state government will grow through the creation of a five person commission and initially hiring nine state employees projected to cost approximately \$750,000. Some businesses will be encouraged to participate in a public RFP process with a set of selection criteria that is silent on factor weighting and which may have overlooked other key selection criteria. If all goes well, the state is aiming for a \$10m per year net increase in new revenues. A member requested, but did not receive; a sunset provision of 10 to 12 years in case we get this wrong and find ourselves with a well-financed thorn in the side of NH society.

HB 600-FN, adding an exception to the real estate transfer tax for certain transfers by an investment trust. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan Almy for Ways and Means. The original bill provides an exemption from payment of the real estate transfer tax for a type of financing used in recent decades by housing trusts under a Housing and Urban Development grant program for low-income housing. It adds to RSA 78-B:2, whose section XV long ago provided the same for a now-defunct financing method. The committee felt that subsidized housing in general in our state is falling into disrepair due to a decade of reduced federal funding for maintenance. Some housing trusts used a different federal financing mechanism during the great recession, and municipal housing authorities have used a range of federal and state mechanisms. The bill was amended to cover all such methods, but constrained to require long-term affordability covenants in all cases. The fiscal impact is estimated at about \$120,000 a year, to maintain and increase the housing stock for our low-income workers and retirees. **Vote 19-0.**

HB 632-FN, relative to the education tax credit. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Southworth for the **Majority** of Ways and Means. The majority of the committee believes that the Education Tax Credit (ETC) scholarship program is not an appropriate use of public funds. In the original program, businesses could get a credit of 85% of the amount contributed to ETC deducted from their state taxes. The donations would then be used by the parents of disadvantaged students for tuition primarily to non-public schools. ETC was later expanded to allow individuals to get a credit against their Interest and Dividend taxes. It should be noted that donations to ETC can also be claimed on the federal tax form. From the beginning, there were concerns about state funds going to religious schools as part of ETC. The Strafford Superior Court ruled that the practice was unconstitutional while the Supreme Court vacated the case on procedural grounds. There are currently two organizations that distribute scholarships to qualifying families. One of them sends 100% of the scholarship money to religious schools with one school receiving approximately \$150,000 in state funds. Department of Revenue Administration (DRA) records show that more than 80% of the ETC scholarships in 2017 went to religious schools. There is no curricular accountability for this program with both the Department of Education and DRA having minimal oversight. The state has much more involvement in the other tax credit programs such as Research and Development Tax Credit, the Economic Revitalization Zone Tax Credit, and the Coos County Job Creation Tax Credit. Finally, some of these schools deny admission to LGBT students or students with disabilities. A student who identifies as LGBT can be expelled immediately. Although the majority of the committee supports the idea of scholarships for disadvantaged students, we have many concerns about the ETC program. **Vote 10-9.**

Rep. Jess Edwards for the **Minority** of Ways and Means. The bill kills the NH Educational Tax Credit as of July 1, 2020. The Minority believes that allowing businesses and individuals to donate money before fil-

ing their taxes keeps those funds from ever becoming “state money.” This understanding is essential to understanding why the tax credit is unaffected by NH Constitution Article 83 which concerns itself with that “money raised by taxation.” There is a moot Superior Court decision stating otherwise; but, the NH Supreme Court vacated it without giving the law’s proponents a chance to be given direct appeal. US Supreme Court decisions have supported the concept that tax credits are not “money raised by taxation.” The tax credit is a pittance at \$1.2 million a year which saves state and local governments over \$5 million conservatively by having over 410 students currently opting for alternative education outside government expense. Even if the \$1.2 million hit the treasury, it is miniscule at less than \$3,000 per student. Parents choose and oversee the schools they select for their children and deserve the support, tolerance, and respect of the NH legislature. The schools work with the neighborhood public school to coordinate the fulfillment of IEPs in settings that make the greatest academic and economic sense. Some students testified to having fled religious and ethnic discrimination. The minority was bipartisan nature with 9 of the 19 votes being cast against killing this important educational safety valve.

HB 676-FN-A-LOCAL, repealing the collection of the state education property tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jerry Stringham for the **Majority** of Ways and Means. This bill repeals the Statewide Education Property Tax (SWEPT) in its entirety. The majority concluded that the bill provides no offsetting statewide revenue source to fund education with the elimination of the SWEPT tax, a major source of education funding. The total financial impact is substantial with no contingencies. \$363 million would have to be cut out of the budget or somehow that amount of new revenues found if this bill were to pass. **Vote 16-1.**

Rep. Thomas Schamberg for the **Minority** of Ways and Means. This bill would reduce homeowners’ and business owners’ local tax rate by an average of \$2.31 per \$1,000 of assessed value on real property. This bill repeals the current statewide education property tax (SWEPT) and would require the present state education tax to be replaced by other state revenue sources. The minority believes that supporting this bill would reduce the unsustainable tax rates that many homeowners presently face beginning July 1, 2019.

HB 700, relative to valuation of utility company assets for local property taxation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick Abrami for Ways and Means. This bill provides municipalities a standardized methodology for the assessment of utility properties utilized in the distribution of electricity, gas, and water. The methodology does not address Federal Energy Regulatory Commission (FERC) regulated transmission properties or generation. This bill will resolve a 40-year problem which has led to a significant number of lawsuits between the utilities and the municipalities each year. The reality is that property taxpayers as well as utility ratepayers are paying for these disputes to be resolved. The NH court system has been asking for years that the legislature fix this problem. The legislature began addressing this several years ago and brought this issue to the Assessing Standards Board (ASB). The legislature voted last term to form a commission to come up with a solution to this problem using the ASB recommendations as a starting point. The commission had members from the assessor profession, municipalities, the utilities, the judiciary, as well as members of the House and Senate who worked out a compromise that everyone could live with. This commission worked for four months, submitting a report on November 1, 2018. This report was the basis for this bill. The methodology for electric and gas utilities calls for the value of assets to be 70% based upon original cost and 30% on net book value, and the methodology for water utilities calls for the value of assets to be 25% based upon original cost and 75% on net book value. As for public rights of way and private distribution easements, the selectmen or assessors shall add 3 percent of the valuation to the value of the other assets. A municipalities approach to assessing a utility company’s fee-owned land, office buildings, garages, and warehouses remains the same as current practice. A provision was added for water company land parcels owned in fee for sanitary radii, retention dams, and/or water retention protection purposes, which is subject to regulation by the Department of Environmental Services to protect water quality, shall be entitled to be assessed under RSA 79-C at the value such land would have been assigned under the current use values even though the parcel is less than 10 acres. The new methodology will be phased in over a five-year period and establishes a baseline assessed value of April 1, 2018. The first year will see 20% of the assessed value based upon the new methodology and 80% based on the baseline April 1, 2018 value adjusted for new assets being added and assets being retired. These percentages change in 20% increments until year five, and going forward, in which the assessed value will be based 100% on the new methodology. The amendment to this bill was worked out in subcommittee with all stakeholders involved and agreeing to language changes. The Ways and Means Committee members overwhelmingly supported and applauded the compromise that has been reached by all parties. **Vote 19-0.**

CHILDREN AND FAMILY LAW

HB 118, requiring a child’s primary health care provider to be notified of a report of suspected abuse or neglect and relative to access to the department of health and human services case record. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Coursin for the **Majority** of Children and Family Law. An integrated, multidisciplinary treatment plan is essential to coordinate healthcare for children who have suffered abuse or neglect. A child's primary care provider is a critical contributor to that plan, but there is no statutory requirement that the provider be notified of an abuse or neglect investigation involving the child. This bill resolves that deficit by requiring that the Division of Children, Youth and Families develop a process for insuring that the child's primary care provider, when identified, be notified regarding the nature of the investigation. The majority of the committee agreed that this bill was necessary to insure that the child receive the most informed health care. **Vote 15-2.**

Rep. Linda Camarota for the **Minority** of Children and Family Law. The original bill was to direct the Department of Health and Human Services (DHHS) to develop a methodology for notifying a child's primary care provider (PCP) of a suspected report of abuse or neglect. There was to be access of DHHS case records to the PCP. There was no directing that the PCP would furnish medical records, protected by the federal HIPAA law, to the DHHS. Public testimony was heard on 2/12/19. DHHS and several PCP groups testified, among others. There was testimony that the bill did not go far enough to allow PCPs to share medical records with the government agency, DHHS. On 2/19/19, a written amendment was provided to the committee and the committee voted, the same day, 17 to 2 in favor of Ought to Pass as Amended. Careful analysis by the Minority of the amended language results in believing that giving immunity from liability to "anyone participating in good faith in the making of a report pursuant to this chapter or who provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention," may have adverse effects on such things as attorney/client privilege and may violate the federal HIPAA law protecting one's privacy rights relating to access to medical records. The NH Board of Medicine may also have concerns regarding sharing medical records, without written permission, to a government agency. Lastly, the amended bill analysis section does not address the access to medical records that the amendment appears to permit; it only notes the access to DHHS's case records by the PCP. This bill should come out of the House with an Inexpedient to Legislate determination.

HB 314, relative to the submission of evidence prior to hearings in divorce cases. **INEXPEDIENT TO LEGISLATE.**

Rep. David Coursin for Children and Family Law. This bill's intent was to prevent evidence being put forward at the last minute in divorce proceedings, making it difficult to prepare a response. It proposed that new evidence could not be admitted within five days prior to the court hearing. A continuance could be requested if evidence were submitted during that five-day period. This could delay the presentation of new evidence of abuse, for example, for five days. Testimony was presented that any abuse would be obviously visible to the court, but this is not accurate. Many forms of abuse are not obviously visible, particularly in an open, public setting. Testimony was presented that a continuance could be readily rescheduled, however, the Judicial Branch representative countered this with a report that 2/3 of courts are not able to reschedule a hearing even within ninety days. Testimony was also presented describing circumstances in which a party could use the timing of the submission of evidence to delay the proceedings and control them in a destructive fashion. It was evident that this can happen under the present circumstances or by misusing the proposed time period. Proceedings are best managed on a case-by-case basis, arguing further against the proposed time period that would apply to all cases. **Vote 18-0.**

HB 378, raising the minimum age for marriage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Cassandra Levesque for the **Majority** of Children and Family Law. As amended, this bill will allow children to wait until they are of legal age to sign a contract. Marriage is a legal contract according to New Hampshire statute. Children lack the legal capacity and can not give informed consent to enter into the contract of marriage. This bill as amended will allow children to wait until they are of age to sign a contract, will protect children from human trafficking, and will allow children to be children. Married minors are 50% are more likely to drop out of high school than their unmarried counterparts. They are often unable to access an education and work opportunities, and 17-year-olds especially are more susceptible to abuse. Those who marry before the age of 18 have a 70-80% chance of getting divorced. Divorce can be difficult for an adult, and even more so for a child. This is why the majority of the committee recommends Ought to Pass as Amended. **Vote 12-7.**

Rep. Kimberly Rice for the **Minority** of Children and Family Law. The minority believes current law on the minimum age of marriage was just put into effect in January. When that law was passed there were several safeguards put into place, including adding judicial permission for individuals aged 16 and older to marry. We also have several concerns regarding a pregnant 17-year old being able to marry a military father. We would prefer to wait, before raising the age to 18.

HB 451, relative to term and reimbursement alimony. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Erika Connors for the **Majority** of Children and Family Law. This bill would remove a judge's ability to use a different beginning date in measuring the length of marriage for purposes of determining alimony.

The majority is concerned that this bill would unfairly penalize same-sex couples, who were unable to legally marry prior to 2010, as well as parties who delayed official marriage for reasons of schooling or health related issues. **Vote 11-7.**

Rep. Debra DeSimone for the **Minority** of Children and Family Law. SB 71, which passed and took effect on January 1, 2019, allows the court to change the beginning or end date of a marriage without certain or specific criteria. This bill removes the ability to change these dates. The majority stated “let’s wait and see what happens.” The minority disagreed unanimously realizing the potential for serious problems.

COMMERCE AND CONSUMER AFFAIRS

HB 233, relative to the group and individual health insurance market. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for the **Majority** of Commerce and Consumer Affairs. Support among Americans has steadily grown since the enactment of the Affordable Care Act (ACA) and yet there have been many attempts to repeal or undo it in its entirety or in a piecemeal manner. Indeed, changes have been instituted over the past few years even without Congress adopting statutory changes. This bill will reinforce the following provisions of the ACA in state law: Essential Health Benefits; guaranteed issue and coverage no matter the pre-existing condition; geographic rating protections; premium differential protections for age and no lifetime caps among the other parameters of the Act. The ACA has extended coverage to thousands of our citizens and has been a positive step towards providing access to basic healthcare for many. Though the provisions of the ACA are still in place in the U.S., this bill will provide a ‘backstop’ and security of the tenets of the ACA for the citizens of NH, as the difficult and volatile issue of healthcare insurance roils through the federal political landscape. This also will provide a stable environment for our insurers, to know what they can expect and how to price their plans, even if pieces of the ACA fall away. As amended, the bill also protects access to pediatric dental care. **Vote 12-8.**

Rep. John Hunt for the **Minority** of Commerce and Consumer Affairs. At this time this legislation is unnecessary and actually harmful to the individual (non-group) health insurance market. If for some obscure reason the federal law was overturned or repealed, then NH would absolutely have to revisit this statute anyway and, even worse for the individual market, we would have to reenact what this bill repeals just to insure that we would have some insurance companies willing to cover individuals.

HB 277, establishing a commission to study a public option for health insurance. **OUGHT TO PASS.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill will establish a commission to study a public option for health insurance. This study was not rolled into another that has a broader universe of healthcare coverage options to consider because it is a type of coverage that could fit into our current insurance system but would be established and managed by state government. The simple question is, “Could a publicly managed insurance product provide increased competition in the marketplace and help to maintain, or even lower, healthcare costs? And how would it be created?”. The majority of the committee believes this is a worthy inquiry. **Vote 11-7.**

HB 520, relative to availability of diaper changing stations in public restrooms. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for the **Majority** of Commerce and Consumer Affairs. This bill requires public accommodations built after January 1, 2021 to install and maintain at least one diaper changing station that is accessible to all genders. It also requires a similar installation for public buildings renovated at a cost exceeding \$50,000 after January 1, 2025 (amended from \$30,000). The committee heard testimony from new and young fathers who believe that this accommodation is long overdue. The amendment also repeals the provision requiring diaper changing stations if and when the Building Code Review Board adopts, and the legislature ratifies, this provision as part of the state building code. **Vote 12-8.**

Rep. John Hunt for the **Minority** of Commerce and Consumer Affairs. The minority believes this bill is unnecessary since most businesses engaged in remodeling or new construction are already adding diaper changing stations. Testimony in committee was that the Building Code Review Board (BCRB) would be the more appropriate body to address this issue since there are other factors involved, such as insuring there is proper egress. The dollar amount is also inappropriate, because numbers can be fudged. The more appropriate threshold would be renovations involving 50% of the square footage of the building or if the bathrooms are specifically being redone. The minority would have preferred to retain this bill to see what transpired with the BCRB process.

HB 558-FN, restricting the distribution of plastic straws. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for the **Majority** of Commerce and Consumer Affairs. The committee has heard from dozens of speakers in public testimony, numerous emails from constituents and endorsements by towns and cities throughout the state about the real concerns over the proliferation of plastic straws in our environment. Plastic straws cannot be recycled, are harmful to wildlife and are one of the ubiquitous litter problems in our

waterways. It is estimated that the U.S. is using a half billion straws per day! This bill would make a small effort to reduce the distribution of plastic straws, with an exemption for any health care facility. The bill, as amended, would prohibit food service businesses from providing a single-use plastic straw to a customer unless requested. Seacoast Sustainability is an alliance which includes restaurants that voluntarily follow this practice. One restaurant reported purchasing 35,000 plastic straws in 2017 and, after implementing the request policy, they bought only 1,200 plastic straws in 2018. Their customers were surveyed and had an overwhelmingly positive response to this decision. There is no penalty included in this bill, as the sponsors felt that regulation should work lightly. This is an effort to encourage businesses to no longer automatically provide plastic straws in each glass of water, each soft drink or alcoholic drink, though, plastic straws would be available to anyone who requested one. Businesses could offer non-plastic straws such as those made from paper, pasta, sugar cane, wood or bamboo. The majority is hoping that this effort is not a partisan issue, but one that can be embraced by all who care for our environment. **Vote 12-8.**

Rep. John Hunt for the **Minority** of Commerce and Consumer Affairs. It's seems ironic that with only 18 miles of ocean frontage, NH should be on the forefront of restricting plastic straws whose greatest impact is on sea turtles. The idea that you can only get a straw if you ask for it, will now replace "Would you like fries with that?" with what every server will now have to ask every restaurant, drive through and Dunkin' customer. Live Free or Die means we are free to say "No straw, thank you" rather than "Please give me a straw because I really do not know how to drink that shake with out a straw".

HB 560-FN, relative to single-use carryout bags. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Greg Indruk for the **Majority** of Commerce and Consumer Affairs. This bill restricts the distribution of single-use plastic bags in certain food service and large retail establishments. The amendment adds exemptions for certain applications and removes a provision that would have allowed municipalities to enact stricter regulations, thus providing a uniform and predictable state-wide standard for businesses and consumers alike. The committee heard hours of compelling testimony in support of this bill, particularly with regard to the effect these ubiquitous plastic bags have on our environment, our health and our municipal infrastructure. We were presented with evidence of polluted fisheries, poisoned game, toxic effects on our food, water, and air, landfills stuffed to the brim, recycling facilities shuttered and municipalities struggling to deal with clogged water infrastructure and interminable waste. Still further, we heard impassioned pleas by young people to turn our attention to our shared future and to consider how unnecessary plastic consumption mistreats and degrades the world we are leaving to our children. At its root, this bill is about taking responsibility for our consumer behaviors and the lasting ill effect these practices have on our resources, our neighbors and the generations that will come after us. **Vote 11-9.**

Rep. John Hunt for the **Minority** of Commerce and Consumer Affairs. This bill, as recommended by the majority of the committee, is a fast track attempt to move New Hampshire from having no laws governing the use of plastic bags to adopting far reaching legislation that will touch every resident, tourist, restaurant, grocery store and merchant. The State of New Hampshire may benefit from a study of the experiences in states that have enacted similar legislation. The minority agrees with the majority that something should be done, but we need to proceed cautiously to identify any unintended consequences that may result from this legislation and to develop common sense solutions that are right for our state. The minority amendment establishes a study committee to address these issues.

HB 628-FN, relative to universal changing stations in certain places of public accommodation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for the **Majority** of Commerce and Consumer Affairs. This bill states that for all new construction of public buildings with foot traffic of more than 1500 people per day or of more than 40,000 square feet, at least one universal changing station will be installed in a family restroom facility for persons of either sex who have a physical disability. These changing stations will make it possible, in a way that simply does not exist currently, for people with disabilities who need assistance with changing clothing, underwear or assistance with soiled diapers or incontinence briefs, to have an accessible, private and sanitary location, with a lift that will make it possible, to tend to needed hygiene. The committee heard that such a facility with this lift will make it possible for disabled persons to get out of their homes and participate in the social life of the community in ways they cannot now do. The amendment repeals the provision requiring universal changing stations if and when the Building Code Review Board adopts, and the legislature ratifies, this provision as part of the state building code. **Vote 12-8.**

Rep. John Hunt for the **Minority** of Commerce and Consumer Affairs. The requirement to have this type of changing station is expensive and frankly does not exist anywhere in the state. In addition, there is some question about whether it is appropriate to have these lifts installed without ensuring that there is someone present who knows how to operate them. The 1,500 number, included in the bill as a threshold for the minimum capacity of a facility that must comply with this requirement, is capricious and could be unfair to a small business who can barely afford the other bathroom mandate in HB 520.

HB 654, relative to surety required on construction loans. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward Butler for the **Majority** of Commerce and Consumer Affairs. This bill is a request of the New Hampshire Housing Finance Authority (NHHFA). As amended, the bill gives NHHFA greater flexibility in working with developers to provide financial guarantees to ensure the completion of affordable rental housing construction projects. The current statute limits the type of financial surety that NHHFA can require, which in turn limits the types and number of developers who can do business with them. The bill also specifies that NHHFA is the only public housing agency in the state that can administer certain statewide contracts with the US Department of Housing and Urban Development. New Hampshire's local public housing agencies are ineligible apply for these contracts, but public housing agencies from other states could seek to do this work, which would put the administration of over 5,000 low-income rental housing units into the hands of an entity that is not accountable to the legislature. **Vote 18-2.**

Rep. Rebecca McBeath for the **Minority** of Commerce and Consumer Affairs. The minority believes that this bill needs work and should be found Inexpedient to Legislate. The minority believes that as is the bill 1) exposes the NH Housing Finance Authority (NHHFA) to unnecessary financial risk by easing the existing requirements, such as bond security from contracting parties in construction projects of 11 housing units or more (a requirement in existence since the creation of the NHHFA in 1981) and 2) it authorizes a statewide monopoly to the NHHFA as the "sole entity authorized in New Hampshire to undertake any statewide contract administration for section 8 project housing assistance issued under the United States Housing Act of 1937."

HB 656, establishing a commission to study the impact of financial initiatives for commercially insured members by drug manufacturers on prescription drug prices and health insurance premiums. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Garrett Muscatel for the **Majority** of Commerce and Consumer Affairs. This bill establishes a commission to study financial incentives between insurance companies, pharmacy benefit managers (PBMs), and pharmaceutical manufacturers on drug prices and insurance premiums. The committee heard that there is a stunning lack of transparency in how insured individuals get their prescription drugs, and it came about as a recommendation from last year's commission which studied this industry with a broader lense. With the sky rocketing costs of prescription drugs, removing the veil from this complicated system will allow us to better understand how financial incentives, ranging from rebates to PBMs from manufacturers to copay coupons for consumers at the pharmacy counter, impact these rising costs. With a better understanding of this process, this commission will be able to suggest future legislation to improve the market for prescription drugs in this state. The committee feels that more information will be incredibly valuable for improving our understanding of how financial incentives contribute to the rising cost of drugs. **Vote 12-8.**

Rep. John Hunt for the **Minority** of Commerce and Consumer Affairs. Although the previous commission on this subject had no recommendations for legislation for this session, the Commerce Committee had a dozen bills that were identified at the public hearing as stemming from the work of the Commission to Study Greater Transparency in Pharmaceutical Costs and Drug Rebate Programs. These bills left a lot to be desired, and the minority believes that the ones that are passing are lame at best. The minority, who mostly voted to support the original commission last session, feel that nothing will come from continuing a commission that will never be able to do anything about the high cost of pharmaceuticals or determine whether pharmacy benefit managers are really adhering to their responsibility to hold down pharmaceutical costs or if they are actually the problem, which the commission's "responsibilities" assumes.

HB 664-FN, relative to vehicle repair standards. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for the **Majority** of Commerce and Consumer Affairs. As amended, this bill requires automobile insurance companies to pay for the cost of accident repairs that follow the manufacturer's recommendations for repair processes. This bill was created after a study committee last year found that there was a serious concern that insurance companies were not always willing to pay for diagnostic scans and other procedures, which ensure that the embedded electronics and mechanical systems in modern vehicles that provide functions such as driver assistance and increase safe operation are returned to pre-loss functionality after a crash. The committee recognizes that mechanical and electronic components are integrated with sheet metal parts in today's vehicles, and repairers should be compensated for all necessary work to ensure a vehicle's proper and safe operation after an accident. We heard that independent body shops invested thousands of dollars into scanning equipment and training, because they are convinced of the importance of that testing for safety and correct operation. The use of after market or recycled parts was not a subject of the study committee or the original bill. A 2016 law based on the work of a previous study committee instituted a limited requirement for the use of original equipment manufacturer (OEM) parts on new, low mileage vehicles and indicated that like kind and quality parts could be used in other situations. At the request of the parts industry, this bill was amended to confirm that the 2016 law, RSA 407-D:3-a, defined the rules for parts use,

regardless of OEM recommendations. The repair or replacement of vehicle glass was also excluded from the requirements of the bill, since replacement of glass from a mobile facility requires a different process than what the manufacturer might use. **Vote 16-4.**

Rep. Michael Costable for the **Minority** of Commerce and Consumer Affairs. The minority believes that this bill will unnecessarily increase premiums for automobile insurance by mandating reimbursement from insurance companies for all such recommendations pushed by original equipment manufacturer's (OEM) that any repair shop intends to follow. The minority is further opposed to turning recommended scans and calibrations into required procedures. The minority has no issue with shops getting reimbursed for proper repairs as this bill is intended to address, but as written goes well beyond that intent. It is important to understand that there are major differences between OEM "recommendations" versus "requirements." Recommendations are not held to any standard and mostly include general indemnifying language. Required procedures are things that should or must be undertaken to ensure proper safety standards. The latter is already covered in the "pre-loss condition" standard whereby insurance companies must reimburse for all necessary and proper repairs or procedures to bring a vehicle back to its pre-loss condition, including relevant calibrations. This standard is clear and well understood by interested parties. A large concern created by this bill is uncertainty, when OEM directives explicitly say a certain software package or type of calibration equipment must be used to perform proper calibration, coupled with that recommendation now becoming a required procedure. That can be interpreted as a prohibition on third party calibration systems. To date not one OEM recommends a third party system. We heard concerns from auto recyclers over prohibitions as well. After market parts are explicitly protected while recycled parts are not. For independent shops to offer calibration services in-house and follow OEM recommendations, they would be required to buy yearly software subscriptions, hardware and tools for each manufacturer. That equates to tens of thousands of dollars per year in software subscriptions alone. This would be too cost prohibitive for most if not all shops and undoubtedly will force a large amount of non-essential calibrations to dealerships which currently already enjoy a near monopoly.

HB 703-FN, relative to providing notice of the introduction of new high-cost prescription drugs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Garrett Muscatel for the **Majority** of Commerce and Consumer Affairs. As amended, this bill requires information from pharmaceutical manufacturers relative to the introduction of new, high-cost drugs to the market. The committee heard that other states, including our neighbor Vermont, already request this information and receive it without any problems, and this information will be useful for the state as far as anticipating drug spending and understanding how the introduction of high-cost "specialty" drugs impact our state's insurance market, drug costs, and total prescription drug spending. The majority feels that the pharmaceutical industry is incredibly complex and opaque, and we still know too little about how drug prices are determined. This bill will provide additional information for policy-makers as we consider the rising cost of prescription drugs. **Vote 12-8.**

Rep. John Hunt for the **Minority** of Commerce and Consumer Affairs. The minority holds up this legislation as an example of why continuing the commission established under HB 656 is unnecessary and a waste of time. Using the NH Insurance Department website to publish new high cost drugs is an inappropriate use of their resources. California's law is under litigation and this law has already been adopted in Vermont so anyone who actually cared about what new expensive drugs are coming on the market can read up on them on the Vermont web page, or they can just go on-line and read the pharmaceuticals web page.

HB 714-FN, relative to New Hampshire products purchased and sold by the liquor commission. **OUGHT TO PASS.**

Rep. Constance Van Houten for Commerce and Consumer Affairs. This bill provides that the Liquor Commission, whenever feasible, shall purchase and list for sale in all state liquor stores, liquor and wines that are grown, made or packaged in New Hampshire. This section applies only to New Hampshire domestic manufacturers selling less than 15,000 9-liter equivalent total cases per year within the state of New Hampshire. "Grown in New Hampshire" means that at least 80 percent of the primary ingredients were grown or produced in New Hampshire and the finished product was manufactured and packaged in New Hampshire. "Made in New Hampshire" means that the finished product was packaged in New Hampshire and was at least 50 percent manufactured in New Hampshire. "Packaged in New Hampshire" means that the finished product was packaged in New Hampshire. **Vote 17-3.**

HB 717-FN, prohibiting prescription drug manufacturers from offering coupons or discounts to cover insurance copayments or deductibles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Garrett Muscatel for the **Majority** of Commerce and Consumer Affairs. The rising cost of pharmaceutical drugs harms each and every Granite Stater. There are a variety of tactics used by manufacturers to impact the insurance market which often significantly increase the cost of prescription drugs. This bill, with the amendment, prohibits coupons to cover copayments associated with commercial insurance plans when

cheaper generics are available. These coupons sound great but end up adding to the overall cost of drugs. While you as the consumer pay less for your drug at the pharmacy, your insurance company picks up the tab for an expensive, unnecessary brand name drug, increasing your, and everyone else's, premiums. That's why these coupons are already considered to be an illegal kickback by the federal government, which means Medicare and Medicaid patients already can't use them. However, these coupons are sometimes beneficial, such as in situations where there is no generic alternative or when an individual has a high deductible or coinsurance plan. That's why this bill exempts those situations from the prohibition. In addition, if a doctor determines that an individual need to take a specific drug, they can still use a coupon for it. This legislation is based on a 2017 study from Harvard, Northwestern, and UCLA which showed that copay coupons increased brand name use by 60% in New Hampshire, relative to Massachusetts, increasing overall drug costs by 4%. A 2018 study from IQVIA, a healthcare analytics firm, showed that copay coupons were used in 15% of brand name transactions when cheaper generics were available, and that overall brand name use has increased 23%. This bill is a very limited prohibition designed to only target copay coupons when they do nothing but increase costs. **Vote 12-8.**

Rep. John Hunt for the **Minority** of Commerce and Consumer Affairs. We all want to do something about the high cost of prescription drugs, but the minority believes that this bill will have no impact on drug prices in NH. We learned during the hearing and work sessions that the elimination of drug coupons and discounts will have a devastating impact on many NH residents. But several witnesses opposed this bill because of the harmful impact on our citizens— New Futures, NH Hospital Association, NH Medical Society, Dartmouth Hitchcock and patient groups like the Epilepsy Foundation, Asthma & Allergy Foundation and others all warned us that this bill will actually make many drugs more unaffordable than today. The law in Massachusetts sunsets this year and there is a true review of its impact underway. It's important to note that the Harvard study that was presented to the committee is based on outdated data from 2007-2010 when Massachusetts had a complete ban on coupons, very different from what is being proposed here. More recent data from healthcare analytics company IQVIA shows that while coupons are still used after a generic drug comes to the market, their use is very limited and represents 0.4% of total commercial market volume. The minority believes that, in other words, insurer tools like formularies and prior authorization are working, and the people who use a coupon when there is a generic are the people who really need it, as we heard at the hearing. The majority claims we must do something for escalating drug costs, but only hurting a handful of New Hampshire citizens in their time of need should not be a solution by creating barriers for NH patients who cannot afford any copay without these coupons. The minority believes the harmful consequences of this bill presented by all of the opponents override any hopeful outcome.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 109-FN, requiring background checks for commercial firearms sales. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Meuse for the **Majority** of Criminal Justice and Public Safety. Background checks protect public safety by helping to keep firearms out of the hands of felons, domestic abusers, and the dangerously mentally ill. While by themselves universal background checks won't prevent all gun violence, the majority finds that they reduce the risk of gun violence by lowering the chance that a person who should not have access to a firearm can gain access to one. By voting to take this action and requiring all commercial firearms sales to be accompanied by a background check performed through a licensed firearms dealer, the majority feels this legislation prudently protects public safety without jeopardizing the 2nd Amendment rights of our citizens. **Vote 10-9.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. The minority believes there is no problem with illegal gun sales, use or possession in New Hampshire, yet this bill will create a ban on simple transfers of firearms between friends, family and neighbors. If enacted into law, this bill will place otherwise law abiding people at risk of arrest and prosecution. Then there will be a problem. The minority further believes this bill is so narrowly drafted that a literal interpretation of the language would prohibit an instructor from loaning a gun to a student or a friend borrowing another friend's hunting rifle for the weekend. And if these friends or instructors and students are willing to visit a licensed gun dealer to affect the transfer, there is no requirement that gun dealers actually do this work, and if they do there is no limit on the amount they can charge for the service. The process would need to be reversed after the course or hunting trip so that the original owner can resume possession of his firearm.

HB 208, relative to the justified use of deadly force upon another person. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Bordenet for the **Majority** of Criminal Justice and Public Safety. This bill was an extension of the stand your ground law. However, it would have given permission to use deadly force when witnessing the commission of a felony. Some felonies do not involve violence. The majority felt the bill went too far. **Vote 12-8.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. Each year, 17,284 Americans are murdered, but there are 1.2 million violent crimes committed against Americans, according to the FBI. While many of these crimes are felony assault or felony sexual assault, most are not viewed by the courts as “deadly force,” and you would not be allowed to defend your own family, even in your own home, due to a drafting error when RSA 627:4, II(d) was enacted. “Detached reflection cannot be demanded in the presence of an uplifted knife,” Justice Oliver Wendell Holmes wrote in *Brown v. United States* (1921). Can detached reflection be demanded when another is confronted with violence? The minority feels that it is slavish and inhuman to demand that parents be forced to stand and watch as their own daughter has her face cut up in front of them by criminals with box cutters. At the hearing, opponents of the bill targeted the New Hampshire Constitution itself, which states that, “All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state.” The purpose of keeping a gun in the home is not merely for defense of self, but also to defend those within it. The state should never be used by prosecutors as a tool to help violent criminals hurt women and children, yet this is what the criminal code would leave us with if this bill does not pass and we are not able to act in defense of our own families. What message does it send to a mother or father that they are not even allowed to defend their own home and the people in it? That the public must now pay for the maintenance of a state government that merely helps violent criminals hurt innocent people? How is the defense of a child not justifiable in the eyes of the law?

HB 394-FN, relative to crop theft. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill amends RSA 539:9 by changing knowingly to recklessly as a mens rea and creating a penalty of a minimum of \$500 or up to 10 times the market value or repair cost whichever amount is higher. The Farm Bureau approves of the change and the farmers were in agreement as well. **Vote 18-2.**

HB 514-FN, imposing a waiting period between the purchase and delivery of a firearm. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ray Newman for the **Majority** of Criminal Justice and Public Safety. Suicide rates rose 48.3% in the Granite State from 1999-2016. When compared to other means of attempting suicide, guns are uniquely lethal. More than 90% of suicide attempts with a firearm result in death. Suicide attempts by jumping, in comparison, carry a 34% fatality rate, and attempts by drug poisoning only a 2% fatality rate. In other words, a person who attempts suicide by a method other than firearm is more likely to live than a person who uses a gun. This fact is incredibly important because almost all people who survive a suicide attempt go on to live out their lives and do not subsequently die by suicide. Contrary to common belief, the vast majority of suicide survivors recover and do not remain suicidal. A variety of studies confirm that most suicide survivors contemplated their actions for only a brief period of time - often less than 24 hours - before making a suicide attempt. Because of the impulsive nature of suicide, immediate access to firearms is a major mortality risk factor and one that waiting periods can help address. A majority of the committee believes postponing firearm acquisitions until after a visceral state has passed will save lives. **Vote 12-8.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. This bill will force individual gun buyers to wait up to eleven days between the purchase and delivery of a firearm after passing an instant background check at the time of purchase. The sponsors have not shown any evidence of criminals obtaining firearms from licensed dealers. However, this bill will burden licensed dealers with additional record keeping requirements that will force them to increase prices making it more expensive for law abiding people to exercise their Second Amendment rights. Furthermore, this bill also allows any law enforcement officer, without a warrant, to inspect dealer records. This deeply violates the Fourth Amendment.

HB 605-FN, relative to criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aiding in, or contributing to such fighting. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Nancy Murphy for the **Majority** of Criminal Justice and Public Safety. Law enforcement must have the ability to prosecute the serious animal cruelty issue of promoting or facilitating animal fighting. Organized animal fighting is difficult to track due to those involved changing locations and the secrecy around this violent enterprise. Law enforcement officials have documented a strong connection between animal fighting, the distribution of illegal drugs, and violence. Prosecution of animal fighting in NH is minimal, due to a lack of enforceable law, not a lack of fighting in the state. This bill would add a tool to those investigating and prosecuting animal fighting and has been endorsed by a number of animal protection agencies, including the Humane Society of the United States. **Vote 13-7.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. One of the main issues for the minority of the committee and citizens that testified against this bill was section III (b) “breaking sticks, springpoles, unprescribed veterinary medicine, treatment supplies.” Many people use these items and feel the bill does not protect them from a person that does not understand why a good dog owner would have these items and

end up calling the police on them. The bill needs a lot of work. The unintended problems will hurt good dog owners. Several dog groups are against this bill for that and many other reasons. The minority also felt the fines and penalty are too high and, again, the bill is well intended but just needs a lot more work.

EDUCATION

HB 529, prohibiting a school district employee from assisting a person convicted of sexual misconduct with a minor child. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Luneau for the **Majority** of Education. This bill prohibits a superintendent and other school district employees from providing certain support to a person convicted of sexual misconduct with a minor child. The committee understands that a school district employee may be asked to provide testimony during a criminal hearing. And the committee further understands that any action taken by a school district employee while performing their duties as an employee or while representing the school district is subject to the authority of the school board. However, this bill extends beyond an employee's actions while serving in their professional capacity and the committee determined that the state should not infringe upon an employee's right to free speech while acting on their own behalf. **Vote 14-5.**

Rep. Ralph Boehm for the **Minority** of Education. The minority agrees with Supreme Court opinions regulating freedom of speech for public employees, stating that freedom of speech is not covered under some circumstances. One instance is disharmony; if an action by a teacher or other employee promotes disharmony among other employees, then dismissal is warranted. When guidance counselors at a school testify on behalf of a person that was convicted of being a pedophile, that would certainly cause disharmony not just with other employees but with the public at large.

ENVIRONMENT AND AGRICULTURE

HB 280, designating the red-tailed hawk as the state raptor. **OUGHT TO PASS.**

Rep. Donna Ellis for Environment and Agriculture. This bill names the Red Tail Hawk as our state raptor. The male and female hawks both take care of their young and represent strong families, just as NH as a state supports strong families. They also are beautiful birds that are numerous in this part of the United States. They control pests such as chipmunks and mice. Red Tail Hawks are resilient, adaptable, intelligent, bold, and patient, which are values that NH would like to be known as having. **Vote 20-0.**

HB 494, relative to removal or containment of contaminants from the Coakley Landfill. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter Bixby for the **Majority** of Environment and Agriculture. This bill, as amended, addresses a critical environmental public health threat affecting seacoast communities. The committee heard testimony that the Coakley Landfill Group (CLG) has failed to effectively contain pollution at the Coakley Superfund dump site. In addition, new types of contaminants (PFAS, PFOA) have emerged as a threat to surface water, ground water, and drinking water that were not recognized when the Superfund consent decree was signed in the early nineties. While the CLG has provided alternative drinking water sources to abutters on a piecemeal basis when forced to by the Department of Environmental Services (DES), there has been no systematic effort to mitigate the underlying contamination problems. This bill, as amended, directs DES to pursue all remedies available under the consent decree to expedite more effective removal of contaminants entering Berry's Brook from the Coakley Landfill. The amendment removes a section of the bill that directed DES to declare an imminent hazard at the landfill to expedite cleanup of the site. Testimony from DES indicated that this demand might violate the consent decree and make future consent decree negotiations more difficult. **Vote 11-9.**

Rep. John O'Connor for the **Minority** of Environment and Agriculture. This bill requires the Department of Environmental Services (DES) to do what is already required by law. DES went to great lengths to explain to the committee the requirements for the Coakley containment site under the signed consent decree between all parties, and for other Superfund sites, in general. In NH there are over 20 sites jointly reviewed by DES, EPA, and others under consent decrees. The bill is a step in the right direction but falls short because it contains many vague statements. For example, there are multiple times in the bill that states "we" are supposed to get reports; however, who "we" are was never clarified to the committee. Under the Findings section, there are many references to past correspondence concerning the issue, but the committee had not seen them. This placed committee members in an extremely difficult position to make a decision on whether or not to pass the bill without knowing all the factual information. The minority requested additional documents and those documents were received by email over the weekend just prior to the executive session. When the committee met it was clear that the members had not had enough time to review the documents submitted by DES. Both sides agree that the situation is a serious public concern. DES has documented and has acted on all violations that concern public safety. This bill was put forth prior to DES setting new proposed water quality standards. Currently there are, as we speak, public hearings by DES throughout the state on new standards that would change the requirements of established water quality programs in the state. In addition, the committee heard

testimony by EPA stating that the agency announced on February 14 a new Superfund initiative to deal with PFAS, water quality standards, and the establishment of new programs to address contamination throughout the nation. The minority believes that this bill should have been retained in committee to monitor progress on this issue and to use it, if necessary, to take appropriate action next session.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 121-FN, relative to the regulation of massage establishments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Samantha Fox for the **Majority** of Executive Departments and Administration. This bill, with the amendment, creates a license for massage, reflexology, structural integrator and Asian bodywork therapy establishments with two or more employees. It expressly exempts sole proprietors and independent contractors. These businesses will also no longer be subject to various town or city bylaws or ordinances regulating such establishments. Beyond the public health and safety issues addressed in this bill, the language has been designed to help the state curb commercial sex and human trafficking in illicit massage businesses -- a result of work done by a task force comprised of industry stake-holders, state and local police, the Attorney General, and the Department of Homeland Security. This will facilitate cooperation between the licensing agency and law enforcement as the public reports generated by regular inspections are shared. This has not only been demonstrated to be a critical piece of the puzzle in supporting effective, survivor-centered law enforcement, but it serves to clearly distinguish those illicit activities from the good work that continues to be done by members of the massage, reflexology, structural integrator and Asian bodywork industries in our communities. **Vote 12-7.**

Rep. Carol McGuire for the **Minority** of Executive Departments and Administration. While concerned about human trafficking, the minority is not convinced that the method chosen by the majority of the committee - additional licenses and regulation of legitimate massage establishments -- is the appropriate method for controlling illicit massage parlors. The practitioners who testified, wrote to the committee and worked with the subcommittee were equally divided; many were concerned about the costs and hassles of a new license, the burden of proof for qualifying for one of the many exemptions from licensure, and new regulations that might disqualify their facilities from future operation. The minority of the committee is also concerned about the cost of the new establishment license, which is to be set in rules with no statutory limit. The fiscal note implies that the license might need to be \$500 rather than the \$50 proponents suggest. Finally, this bill allows license revocation or suspension if the licensee "Has engaged in illegal activity" which is subjective, overly broad, and does not require conviction before punishment.

HB 133-FN, repealing the licensing requirement for open-air shows and repealing the laws related to the keeping of billiard tables. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill repeals the local licensing requirement for open-air shows and repeals the laws related to the keeping of billiard tables. Although, at first blush, the bill might seem to deal with an outdated, and therefore unnecessary, statute, which ought to be repealed, in point of fact, it provides the underpinning for local control with regard to shows that might be conducted in New Hampshire, especially in our smaller communities. Repealing important sections of RSA 286, as proposed by this bill, would deprive local select-boards of their authority to license such shows, if they choose, at their discretion. The ED&A majority recognizes the value and importance of RSA 286 and recommends Inexpedient to Legislate. **Vote 14-4.**

HB 562, relative to the state building code. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill updates the definition of the state building code to include the 2015 editions of the International Building Code, the International Existing Building Code, the International Plumbing Code, the International Mechanical Code, the International Energy Conservation Code, and the International Residential Code. This bill is the culmination of an extensive and long-term effort by the ED&A Committee, NH state agencies, the Building Code Review Board (BCRB) and major stakeholders in the state's building sector, to rectify a decade-long inability to update the state building codes. All parties recognize the absolute necessity to act at this time, as further delay will result in unacceptable increases in insurance rates, which have already risen substantially, as well as long-term harm to our building sector and the people of New Hampshire from a failure to adapt to climate change and the concomitant effects on energy consumption and costs. The amendment ratifies recent amendments to the state building code adopted by the BCRB. This bipartisan bill represents a long-awaited step in the right direction. **Vote 11-8.**

HB 624, establishing a commission to study management systems and customer service of New Hampshire government agencies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for the **Majority** of Executive Departments and Administration. The objective of the commission established by this bill is to use lean, learning and other initiatives, to improve efficiency and effec-

tiveness for those utilizing NH government services. There are several ways that this can be accomplished through this commission, which is comprised primarily of state agency commissioners or their designees. The commission will study management and customer service systems to reduce duplicated activities, develop common goals between agencies where applicable, develop information technology that improves communication within and between agencies, access capabilities among agencies and examine interfaces within and among agencies. The commission will complete this work within a tight time frame and submit its report on or before November 1, 2019. **Vote 11-8.**

Rep. Reed Panasiti for the **Minority** of Executive Departments and Administration. The minority opposes the adoption of this bill, because although establishing a commission is an effective way to identify deficiencies and gaps in services, it is felt that the time allotted for this work, with a report due by November 1, 2019, is far too short to reasonably report these discrepancies and deficiencies for all the New Hampshire governmental agencies. The minority also believes that the Department of Information Technology currently has the knowledge and experience necessary to identify any deficiencies that may exist in any state agency.

HB 662, establishing a commission to study occupational licensing reforms. **INEXPEDIENT TO LEGISLATE.** Rep. Peter Schmidt for Executive Departments and Administration. While the issues raised in this bill seem unobjectionable or even worthwhile, most of them have in actuality already been the subject of an ongoing effort by the ED&A Committee over the past several terms to improve accessibility to employment and to enhance economic opportunities in New Hampshire, especially in the regulated professions. There is already an existing grant-funded study under the auspices of the Office of Professional Licensure and Certification (OPLC) to do something similar to the study proposed by this bill. A good deal of progress has already been achieved in the areas of reciprocity, portability and removal of barriers, specifically regarding veterans, current members of the military and their spouses. The OPLC itself is striving to continue and improve this process. In addition, the mission of the proposed commission is so wide-ranging and its time frame so narrow that the ED&A majority has very serious doubts as to its workability. In the view of the committee majority, this bill, establishing a commission to study occupational licensing reforms, is both unworkable and unnecessary. **Vote 13-7.**

HCR 3, relative to welcoming communities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jean Jeudy for Executive Departments and Administration. This resolution, as amended, designates September as diversity month, giving the opportunity to welcoming communities of immigrants to celebrate cultural diversity. It urges state and local government officials, small business owners, and community members to celebrate the month with appropriate events and activities. **Vote 15-4.**

FINANCE

HB 110-FN-A, relative to the cost of fiscal analysis of legislation relating to the retirement system. **OUGHT TO PASS.**

Rep. Peter Leishman for Finance. This bill requires that the administrative and professional cost of the fiscal analysis of proposed legislation that is borne by the NH Retirement System be reimbursed from general funds. Presently, legislative fiscal costs of proposed legislation are the responsibility of the NH Retirement System. The cost to the NH Retirement System for legislative fiscal analysis of proposed legislation between 2014 and 2018 was \$177,800.00. **Vote 20-0.**

HB 713-FN-LOCAL, (New Title) relative to transportation of pupils. **OUGHT TO PASS.**

Rep. Werner Horn for Finance. The requirements for transportation of pupils is addressed, extending transportation to include kindergarten through eighth graders. It further clarifies that transportation may be provided for pupils K-12 who live 2 miles or less. **Vote 20-1.**

FISH AND GAME AND MARINE RESOURCES

HB 442, relative to coyote hunting. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert L'Heureux for the **Majority** of Fish and Game and Marine Resources. This bill would have prevented the hunting of coyotes from April 1 through August 31. Coyotes are predators and hunt and kill in packs. This is the time of the year when deer, moose, and many other wild and domestic farm animals, such as cows, have their young. Deer fawns, moose calves, as well as many other animals born this time of year, are a major food source for coyotes. It is not uncommon for coyotes to attack and kill a mother deer and her fawn(s) while she is giving birth which has a huge negative impact on the NH deer herd. During committee testimony we heard from a farmer whose cow, defenseless while giving birth, was killed along with her calf, and both were devoured. There are also many reports of household cats and small dogs being attacked and killed by coyotes. The present system we have is working and is helping to keep the coyote population in check. Another negative aspect of this bill is that it would remove the authority of the Fish

and Game Department to regulate and set the hunting season and give that authority to the legislature. Who is more qualified to regulate our wildlife, the Fish and Game Department experts or state politicians?

Vote 14-6.

Rep. Ellen Read for the **Minority** of Fish and Game and Marine Resources. Coyotes are the only predator species in NH that does not have a closed season during young-rearing, and as such the biologists of the Fish and Game Department have previously recommended closing the coyote season during whelping. This would not affect property owners' rights to protect property and livestock. The department's own web site states that coyote would pose little risk to people or livestock. The minority believes that, since the legislature is the oversight body of all departments, and creates all law that governs departments, that it is incumbent upon us now to address this problem in statute, as the committee does with all bills that it passes regulating the department.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 293, relative to employee credit privacy. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Cahill for the **Majority** of Labor, Industrial and Rehabilitative Services. The majority believes that a poor credit history should not be an impediment to employment. Ironically, employment is needed in order to repay debts and repair the credit. One's credit history can be negatively impacted by inaccurate reporting, the actions of a spouse, or catastrophic medical bills, none of these should prevent employment. **Vote 12-7.**

Rep. Lino Avellani for the **Minority** of Labor, Industrial and Rehabilitative Services. While the minority is supportive of most of this legislation, the sticking point was the broad definition of retail transaction. This could lead to unintended consequences for any size retail or hospitality operations that take credit/debit cards as a method of payment. This would leave certain business segments unable to do their due diligence in hiring suitable candidates, that will handle these types of sensitive transactions. With identity theft and credit card fraud on the rise, we should not take away the employers' ability of checking a prospective employees' credit, to ensure they are reasonably qualified to handle customers credit/debit cards and/or personal financial information.

SB 1-FN, relative to family and medical leave. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Manny Espitia for the **Majority** of Labor, Industrial and Rehabilitative Services. The majority of the committee believes that family and medical leave insurance is important legislation that helps alleviate issues Granite Staters are facing. This bill is an addendum to unemployment insurance that would help with attracting young families, caring for our aging and vulnerable population, and helping fight the opioid epidemic. Young families are facing steep costs with child care and they want to spend some of the most important time bonding with their newborn. It also provides Granite Staters the opportunity to take care of ill and aging family members. The bill would also provide a respite to those struggling with addiction and allow them to avoid financial ruin as they chart a path to recovery. The insurance program would provide temporary, partial wage replacement (60% of wages) to eligible individuals for up to 12 weeks of leave annually to care for themselves or a family member. Small businesses would be able to provide a benefit to their employees, as it can be difficult for small businesses to offer a benefit of this magnitude. Medical certification demonstrating need would be required to qualify for the benefits. Employers could opt out of the program if they provide an equivalent or better benefit. Participating employers would remit insurance premium payments equal to 0.5% of wages (an average of \$5 per week) into the Family and Medical Leave Insurance Fund and be authorized as a payroll deduction. The Department of Employment Security would create a request for proposal for the implementation of the Paid Family and Medical Leave Insurance Fund. This legislation would also give the Commissioner of the Department of Employment Security the ability to adjust premiums or benefits up or down by 10% to ensure solvency of the fund. The proposed premium was set based on a New Hampshire specific actuarial analysis completed by the Institute for Women's Policy Research with support from the US Department of Labor. An overwhelming majority of Granite Staters support the establishment of Family and Medical Leave Insurance program, along with a majority of the House Labor Committee. **Vote 12-7.**

Rep. Lino Avellani for the **Minority** of Labor, Industrial and Rehabilitative Services. This Senate version of a Family and Medical Leave Insurance (FMLI) plan is a mandatory participation plan applicable to every public and private employee currently employed in the State of NH. This bill also mandates all employees participate in this social style, state run insurance plan, whether they meet the eligibility requirements to qualify for participation or not. This legislation does not explicitly exempt general fund revenues from being used to cover shortfalls or exempt employers from making up similar shortfalls of this fund. This legislation is also another burden on employers that include additional payroll costs and filings. This version also mandates employers with 20 or more employees hold their positions for them, which will increase small employer overhead costs. While employers may offer better coverage, this legislation sets a minimum standard for such

coverage under FMLI and offers no exemption process for employers who already have an existing plan in place. There are also several private insurers that now offer this type of FMLI insurance on the open market. NH small businesses do not need another layer of state intrusion in the employer/employee relationship. The minority feels this bill does just that and also increases the costs for our small businesses, which are the backbone of New Hampshire's economy.

MUNICIPAL AND COUNTY GOVERNMENT

CACR 8, relating to the right to govern. Providing that the people of the state may enact local laws that protect health. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jim Maggiore for the **Majority** of Municipal and County Government. The right of local, community self-government as intended by this resolution is, on its face, a right every community should want. However, this resolution could create a patchwork of rights based ordinances that differ from community to community. The reconciliation of different ordinances among communities with a shared interest (i.e. multiple communities responsible for an entire lake or open space) could result in additional litigation rather than the open dialog intended by the resolution. The testimony the committee heard was also from communities where business or corporations created regional impact. Regional impact can be managed at the local level without a CACR. A similar bill was introduced last year which failed in committee. **Vote 12-6.**

Rep. Timothy Josephson for the **Minority** of Municipal and County Government. The constitutional amendment levels the playing field between local governments of the state and corporate interests without negatively affecting any first or second amendment rights. This amendment recognizes legal standing to adopt local ordinances that strengthen and expand state and federal laws protecting the "health, safety, and welfare" of citizens, their communities, and natural environments from corporate encroachment. Dillon's Rule has evolved and now heavily favors large corporations with huge litigation budgets and legal staff vs. NH's small town profile with limited taxpayer budgets and no room for legal battles. All this does is guarantee a town that chooses to adopt an ordinance through a democratic process via its town meeting the codified right that their ordinance is constitutional. This amendment does not untether local governments from state or federal jurisdiction and oversight - rather, its language makes clear that citizens and local governments "shall not" weaken or constrict existing rights and protections secured by other local, state, federal, or international laws, including but not limited to federal first and second amendment rights. This resolution simply levels the playing field between corporate interests and those of a community wishing to maintain its way of life via local control.

HB 144, relative to changes in property assessments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James Belanger for the **Majority** of Municipal and County Government. This bill ensures that a property owner is not surprised by a change in property assessed values by hearing about it for the first time when a tax bill arrives. Assessors who change assessed values and record such changes in their files should not be inconvenienced by sending a post card to the owner of that property informing them of the change so that they can get more information prior to having to go through the appeal process. There are times when a gross error is made in an assessed value, like assessing 8,000 square feet of paving when it really is 800 square feet. This should be caught early without the property owner having to pay the new tax, then file an abatement application, and then wait for a refund from the municipality. Some say this is too time consuming for the assessor. How time consuming is it for the property owner? There was concern about notifications going to an entire municipality during the state mandated re-assessments that are done every 5 years. This bill exempts (1) mandated re-assessments, (2) changes due to execution of a building permit, (3) changes in current use values due to changes in a municipality's equalization ratio and (4) re-assessments of an entire section of the community due to recorded sales experiences when it is obvious the properties are either over or under assessed. **Vote 9-7.**

Rep. Donna Mombourquette for the **Minority** of Municipal and County Government. As amended this bill requires a written notice of property value changes by selectmen or assessors, except when changes are a result of an issued building permit, current use value, revaluation or due to the changes in the municipality's equalization ratio. There was no dollar value of change stated to trigger such a notice, or evidence that indicated this issue is a widespread issue in other municipalities. Remedies for changes other than those mentioned above would be best resolved through current processes in municipalities rather than imposing additional costs for notices.

HB 241-LOCAL, relative to the homestead exemption. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Josephson for Municipal and County Government. There are 85 RSA's that deal with the Homestead Exemption. Since 1991 there have been 14 bills to change the Homestead statute and only 2 have passed. These two, in 1992 and 2015 changed values to make up for inflation over time. This bill would penalize a community by doubling the exemption amount if some procedures were not followed. Although

violating standard procedures may need some form or reprimand, penalizing the entire community by reducing the amount of tax dollars collected from one homestead owner is not the way to do it. If the procedures not followed are spelled out in state statute, there exist ways to deal with that currently and this bill is not necessary. **Vote 17-1.**

HB 312, relative to municipal regulation of tiny houses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Clyde Carson for Municipal and County Government. This bill as amended forms a study committee to examine issues with state and local permitting of tiny houses, suitable for year-round occupancy. The committee will address such things as building codes, fire codes and conflicts with local land use ordinances and regulations. It shall also determine what constitutes a tiny house, both on a permanent foundation and on wheels. **Vote 17-1.**

HB 370, relative to membership on city and town planning boards. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Dargie for the **Majority** of Municipal and County Government. This bill removes the prohibition against appointed city planning board members holding other municipal office, and permits any two appointed or elected members of a city or town planning board to serve on other municipal boards or commissions, subject to certain restrictions. This bill provides city planning board members with similar authorizations as town planning board members. **Vote 11-8.**

Rep. James Belanger for the **Minority** of Municipal and County Government. This bill is an attempt to help communities who have a hard time finding volunteers to serve on committees and boards. It clearly states that members can serve on multiple committees/boards. However it clearly allows a planning board member to serve on the zoning board of adjustment (ZBA). Since the ZBA hears appeals of decisions made by the planning board, this is essentially allowing a defendant to serve on the jury. Some say the defendant can recuse him or herself, but this doesn't fly. As a member of the ZBA, one becomes acquainted with other members and forms a bond that influences decisions. The amendment only restricts membership on those two boards but continues to support volunteers serving on multiple boards/committees which addresses the issue of scarcity of volunteers. Another bill restricting this dual membership was recommitted to committee and should this bill pass as amended, that bill will no longer be necessary.

HB 415, relative to the official ballot referendum form of town meetings. **OUGHT TO PASS.**

Rep. James Belanger for Municipal and County Government. When a community adopts the "Official Ballot" (SB-2) form of government it should have a public hearing of the arguments and a vote on the subject then and there. We all are aware of the poor attendance at public hearings and budget hearings in our communities and this subject is much too important a change in government to be handled on a written ballot without benefit of an open debate. The bill would allow debate followed by the polls being open for voting for a minimum of one hour. Once SB-2 has been adopted and decisions are then based on voting via official ballot, the rescinding of SB-2 would be handled in that same method. This subject comes up in a traditional town meeting and should be voted on under traditional town meeting methods and not under the form of meeting which is contemplated to be adopted. **Vote 18-1.**

HB 423, relative to budget committee membership. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie Porter for Municipal and County Government. RSA 32:15, I specifies the membership of a municipality's budget committee to include a member from the governing body (select board or town council for example), as well as a member from the local school board, each of whom are appointed by their respective boards. This bill would amend RSA 32:15, I by requiring that the member from the governing body, and only that member, serve in a non-voting, advisory-only capacity. The bill's sponsor felt this would lead to a more responsible budget, but provided no proof of such. This is not an enabling bill, but rather requires that all municipalities with budget committees comply. As the current system works well in many communities, the majority believes this change is unnecessary and unwise. **Vote 17-3.**

HB 443, relative to municipal watering restrictions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna Mombourquette for the **Majority** of Municipal and County Government. Much thought and consideration has been given to water usage in times of drought. In consideration of the results of a commission study, RSA 41-11-d was enacted to enable municipalities to restrict residential lawn watering when the region is in a declared drought by the state or federal government. During the summer and fall of 2016, communities utilized their authority to respond to the water supply emergency caused by drought to restrict or ban residential outdoor lawn watering. As amended this bill serves to include further restriction of lawn watering to commercial properties with the exception of certain grass playing fields or agricultural fields that have economic vs. aesthetic impact. **Vote 11-8.**

Rep. Max Abramson for the **Minority** of Municipal and County Government. Many landscapers and business owners have warned that such outdoor water bans have seriously hurt their business and could result in layoffs and business closings with the next drought because of such bans. New subdivisions and commercial

projects are often required to seed or reseed, and young grass must be watered regularly or die in the soil. We were told that municipalities would eventually start adding some of these exceptions, anyway, but the minority saw the need to avoid such hassle and aggravation across 200 municipalities throughout the state and simply correct the statute once. The minority also considered better, simpler alternatives like allowing municipalities to raise water rates to discourage excessive water use and encourage gray water systems, conservation, and water recycling.

HB 540-LOCAL, relative to the issuance of bonds by the county for redevelopment districts in unincorporated places. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie Porter for Municipal and County Government. The State's unincorporated places, with their extremely small populations, do not have their own governing or legislative bodies; rather, the county commissioners and the county delegation serve in these capacities. Under current law, municipalities have the ability to create redevelopment districts within their boundaries, and to issue bonds to finance them, but unincorporated places do not. This bill, as amended, would allow the county, with the delegation's approval, to establish redevelopment districts within unincorporated places, and issue bonds for their financing. Under the provisions of the amended bill, the county would not be liable for the repayment of such bonds in any way; instead, the sole risk, liability, and responsibility for repayment rests with the developer. This enabling bill, if passed, would give Coos county another tool to use toward the completion of the Balsams redevelopment project, which will bring 400 much needed jobs to the north country. **Vote 18-0.**

HB 576, relative to municipal and district budget committees. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James Belanger for the **Majority** of Municipal and County Government. This bill would remove the long time practice of the governing body being able to transfer money from an unexpended budget line to an overextended budget line. The legislature should not micro-manage funds approved in a budget by a legislative body. It should allow the governing body to conduct the municipalities business to the best of their ability. **Vote 17-3.**

Rep. Max Abramson for the **Minority** of Municipal and County Government. The minority made no objection to having selectmen nor school boards make budgetary adjustments over the course of the year within their bottom line. We would simply like to have the budget committee members' notification and assent so that they can better prepare the subsequent town and school budgets.

HB 618-LOCAL, relative to the definition of contracts relative to official ballot default budgets. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Julie Gilman for the **Majority** of Municipal and County Government. This bill repeals RSA 40:13, IX(c), the definition of contracts in SB 2 default budgets. Under current law, any contract escalator clause cannot be included in a default budget's calculated bottom line. If the proposed budget fails and the default budget is activated then contracts are only budgeted for the same cost as the previous year, leaving the governing body to manipulate line items to pay bills. Alternatively, contracts with an escalator clause may be addressed in a warrant article, but risk failure. An example is waste management contracts. A contract is signed by the governing body at \$100 with a 3% escalator in the 2017 proposed budget. If the default budget is activated then in 2018 the contract would still be budgeted at \$100 not the \$103 increase. So where does that extra 3% come from in the 2018? Somewhere else, leaving the governing body to manipulate expenditures. For these reasons a majority of the committee recommends Ought to Pass. **Vote 11-8.**

Rep. Tom Dolan for the **Minority** of Municipal and County Government. The minority felt that this bill was not needed, as the solution for placing successive escalating contracts into municipal default budgets was already available. This solution simply required exposure to the voters in a warrant article that enumerated the escalation amounts in subsequent years. Once exposed in that manner, the escalations may be included in the default budget.

RESOURCES, RECREATION AND DEVELOPMENT

HB 204, establishing a committee to review and update the penalties for contaminating drinking water and groundwater. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Andrew Renzullo for the **Majority** of Resources, Recreation and Development. As introduced, this bill established a committee to review the penalties for contaminating the drinking water and groundwater in NH. This bill was amended to bypass the establishment of a committee and moved directly to increases in fines for violations of the provisions of the NH Safe Drinking Water Act, the Groundwater Protection Act, and the statutes governing oil spills. The committee recognizes the clear and present danger inherent in the contamination of NH's water resources. The committee feels that the Commissioner of Environmental Services, in order to effectively deal with deep pocketed entities, should have the tools available to enforce cessation and remediation of any leaks, spills, or contamination. As such, this bill gives the authority to the commissioner to seek penalties of up to 3 times those presently existing in law. **Vote 11-9.**

Rep. Rosemarie Rung for the **Minority** of Resources, Recreation and Development. This bill, as amended, creates havoc for the Department of Environmental Services as its flawed language establishes conflicts in other areas of the statutes where penalties on water contamination are referenced. Corrected language and an increase in penalties appears in HB 614, which was overwhelming passed in the Science, Technology and Energy Committee. The minority believes that if this amended bill passes the proposed fines and penalties for water pollution would be unenforceable and would revert to 1992 outdated levels.

HB 325, relative to control of marine pollution and aquatic growth. **OUGHT TO PASS.**

Rep. Chuck Grassie for Resources, Recreation and Development. This bill is enabling legislation to allow public boat access facility owners to require boaters to utilize the best technology made available to them at these access areas for the purpose of preventing the spread of invasive species. **Vote 15-4.**

HB 326, relative to the definition of prime wetland. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith Spang for the **Majority** of Resources, Recreation and Development. Prime wetlands are those few wetlands which a municipality has asked to be so designated by the state “because of their size, unspoiled character, fragile condition or other relevant factors making them of substantial significance.” Nomination by the town follows a thorough study and a vote by the town. A wetland permit application for a prime wetland receives a higher level of review by the state. Several years ago the statutes defining prime wetlands were changed so they inadvertently eliminated some of the most important parts of the wetland, the narrower portions that might connect two wetland systems or be an integral part of their water supply and wildlife habitat. This bill corrects this by allowing these significant but narrower portions to be included in the delineated prime wetland as they should be. The amendment assures that existing highway rights of way shall not be defined as prime wetlands or buffers of them. **Vote 13-7.**

Rep. Andrew Renzullo for the **Minority** of Resources, Recreation and Development. Wetlands designated as “prime” are the gold standard of wetlands. Because of their size, unspoiled character, fragile condition, and other relevant factors they are considered as being substantially significant. They are the premier wetlands in NH. In 2011, SB 19 was enacted that tightened up the regulations as to what characteristics made a wetland “prime.” Among these objective requirements were that a prime wetland must be contiguous, at least two acres in size, and have a width of at least 50 feet at its narrowest point, plus meet four of the primary wetlands functions. Any wetland missing any one of these requirements, while still being considered a wetland, could not be designated a prime wetland. This bill would allow a lesser width if it can be demonstrated that its narrower portions provide a significant contribution (a subjective determination) to the primary wetland functions of the prime wetland. This cheapens the designation of prime wetlands as it suddenly allows sub-prime wetlands, or even streams (which are not wetlands) to connect prime wetlands that do not meet the size requirements of the statute. This expansion of the prime wetlands designation will have a deleterious effect on land owners who will be subject to setback requirements on usable land presently not under such requirements.

HB 475, establishing a shoreland septic system study commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith Spang for Resources, Recreation and Development. It has long been known that failing septic systems along water bodies can be sources of water pollution. The solution to the problem is complex, involving factors such as methods of detection of pollution, private property rights, funding to replace failing systems, coordination between landowners, nonprofit groups, and state and federal agencies for helping address the problem, and incentives versus regulation. This commission assembles a wide range of scientists, septic design practitioners, nonprofits, agencies, and shoreland property owners to examine the problem of septic systems installed before 1967 when state permits were required. The amendment corrects the identification of certain commission members. **Vote 16-4.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 358, relative to combustion of wood residue at municipal waste combustors. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Wells for the **Majority** of Science, Technology and Energy. This bill protects public health by removing exceptions to the ban on incinerating construction and demolition debris (CDD). Such debris, even when cleaned to current EPA standards, may contain a mixture of grit, fines, arsenic-treated wood, and lead paint which make it unsuitable for burning. Existing statutory language allowing the lax limit of “no more than 10,000 tons per year” of CDD to be combusted is removed. Exceptions allowing pyrolysis or gasification of CDD as an alternative to combustion also were removed, as these essentially make a distinction without a difference. Burning untreated wood waste, such as branches and wood chips, and eligible biomass fuels are specifically allowed, as is the collection of methane landfill gas derived from authorized waste facilities. **Vote 11-9.**

Rep. Fred Plett for the **Minority** of Science, Technology and Energy. This bill reverses action adopted in 2016 which allowed the Wheelabrator solid waste facility the option to burn up to 10,000 tons of clean wood residue

as supplemental fuel between November 15 and April 15 of each year, if needed. Without it, Wheelabrator could potentially not have enough municipal solid waste (MSW) to maintain operations during that time period. This amount represents approximately 5 percent or less of the facility's total capacity. The Department of Environmental Services verified all emissions standards are well within established limits and frequently takes measurements to ensure proper operation. The processing of such fuels is such that it is cleaner than the MSW that is currently burned, and it provides the ReEnergy facility a market for a small portion of its conversion of wood residue. The minority finds this bill to be overly restrictive, not necessary, and potentially harmful to continued operation of the Wheelabrator solid waste facility and the ReEnergy businesses.

HB 365, relative to net energy metering limits for customer generators. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Howard Moffett for the **Majority** of Science, Technology and Energy. This bill would raise the capacity limit on renewable customers-generators eligible for net metering rates set by the Public Utilities Commission from 1 MW to 5 MW. In addition to boosting private investment in renewable energy sources, it would allow businesses, towns, school districts, and other large electric energy consumers to cut their energy bills, and it would allow participating municipalities to reduce tax rates by developing larger renewable energy projects on municipally-owned land and buildings, as Manchester, Franklin, Derry, Whitefield, Colebrook and some 30 other municipalities are hoping to do. A bipartisan majority of the committee agrees this is not just good energy and environmental policy, but good jobs and economic development policy as well. **Vote 12-6.**

Rep. Fred Plett for the **Minority** of Science, Technology and Energy. This bill would increase from 1 to 5 MW what is allowed as a behind the meter generator. To put 5 MW into perspective, a 5 MW solar array would be the size of 18 football fields and would serve load equivalent to almost two Malls of New Hampshire. The source could also be hydro or other. The bill forces the utilities to use this generation as a load reducer rather than Eversource's current practice by tariff and Public Utilities Commission rule of selling into the open market. The bill in forcing net load reduction, produces no apparent cost shift to ratepayers as a first effect. However, there are knock-on effects to consider. There is no recognition of the time or cost required to implement a tariff change or billing change, which could be substantial. If a utility as big as Eversource were to load reduce this generation, it could prompt other New England states to adopt this practice, which could increase the NH load ratio share of New England transmission, driving up costs for NH ratepayers. It also makes the load profile supplied to default service providers, after this load reduction, much more volatile, increasing risk, thereby raising consumer costs. This generation is not dispatchable by ISO New England, nor does it have any obligation to be there in tight capacity situations, so it is worth less than the 3 cents per kWh average wholesale prices, yet the generation is paid average default service rates of 9 cents per kWh. If this generation were sold at wholesale prices, it would drive down the energy prices for all New England ratepayers, including New Hampshire's, by lowering the bid stack clearing price. It is possible for up to 40 MW, collectively, of small under 5 MW hydroelectric facilities to now qualify for behind the meter treatment, raising prices for this generation from 3 cents on average to 9 cents, with the potential substantial costs to ratepayers in the millions of dollars. Some of this could lower municipal costs, but the way to reduce municipal costs is not to shift the burden to ratepayers.

HB 464, relative to the definitions of solar energy systems and wind-powered energy systems for assessed value of real estate exemptions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lee Oxenham for Science, Technology and Energy. This bill updates the definitions of solar energy and wind powered energy systems for purposes of municipal property tax exemptions. The current definitions date from 2003. The bill enables towns to include related hardware such as inverters and storage within the exemption. **Vote 12-7.**

HB 466, relative to the capacity of electricity customer generators for eligibility for net energy metering. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Howard Moffett for the **Majority** of Science, Technology and Energy. This bill will increase the net metering limit for small customer generators from the current 100 kilowatts to 500. Advancing technology and the continuing decline in cost for renewable energy systems, primarily solar, make this increase appropriate. Small customer solar has many benefits. First, it has the benefit of lowering costs for the (typically) residential user who can obtain most, and often all, of his or her electric requirements with no fuel cost. Second, expansion of solar generation can help lower the peak demand that must be met by the grid operator, ISO New England (ISO-NE). NH is the only northeastern state still seeing its peak demand rise. Solar is at its most productive when the sun is shining, and the days are long. This is precisely the time, a summer afternoon, when the peak demand occurs and is also, therefore, the time when ISO-NE must ask generators to fire up the most expensive and polluting power plants. Given the dire threat of climate change which is increased by emission of greenhouse gases, this is an important benefit. This increase in the limit for net metering can help in avoiding increases in the system peak demand and lower or avoid increased costs for all users. However, it is only the excess power not used by the customer generator from the solar array that

goes back to the distribution utility. Even with this increase in the net metering limit, this will be only a modest part of electricity supplied to the grid. Most of the power, and often all of the power, will be used by the customer generator. It is only the excess that goes back to the grid and for which the customer generator gets compensated – net metered. In setting the current net metering rate, which is modestly less than the full retail rate, the Public Utilities Commission in its Order 26,029 found that the rate they approved would not result in any meaningful cost shifting to non net metering customers. Other studies have made similar findings. **Vote 13-6.**

Rep. Fred Plett for the **Minority** of Science, Technology and Energy. This bill would increase the cap for the smaller category of net metered facilities from 100 kilowatts (kW) to 500 kW. A 500 kW facility can generate up to 55,000 kWh of energy per month, assuming it is available at 15% of full capacity. This change increases the level at which a behind the meter facility can be paid full retail prices for its production, in the range of 10-12 cents per kWh, depending on commercial rate class, as opposed to its value in the wholesale market which averages 3 cents per kWh. The seven cent per kWh difference must be passed on to all other ratepayers. This is true for the 100 kW allowed under current law and is exacerbated by the increase to 500 kW. Much of this is absorbed behind the meter, but to the extent it is sold, each such installation of a 500 kW generator could increase ratepayer costs by up to \$46,000 per year, in the case it is all sold. The increase from 100 to 500 kW accounts for \$37,000 of the \$46,000. The cumulative impact of cost shifting could easily be in the millions of dollars.

HB 568, relative to the New Hampshire energy strategy. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Mann for the **Majority** of Science, Technology and Energy. This bill, as amended, adds climate change to the concerns that the state energy strategy is required to address. Thus, the bill requires that the Strategy must consider energy use not just in electricity generation, but also in transportation and for heating and cooling buildings, and potentially anywhere. **Vote 12-7.**

Rep. Michael Harrington for the **Minority** of Science, Technology and Energy. The Governor's Office of Strategic Initiatives issued an energy plan last year which addressed climate change, so this bill is simply not necessary.

HB 582-FN, relative to the regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Mann for the **Majority** of Science, Technology and Energy. This bill, as amended, makes a number of changes to strengthen funding for energy efficiency programs while reducing electricity charges for commercial and industrial customers. First, it dedicates a larger portion of the revenues from the Regional Greenhouse Gas Initiative (RGGI) to energy efficiency programs for residential customers of the electric utilities, while rebating the portion collected from commercial customers through reductions in their bills. It returns to the Energy Efficiency and Sustainable Energy Board its original role in monitoring and supporting energy efficiency programs. In view of the urgency of addressing climate change through reductions in CO2 emissions (which was and is the objective of RGGI), the bill, as amended, forbids use of the funds for any other purpose, requires that any amounts remaining from one year be retained for later use, and finally removes the evidently pointless contingent repeal of RGGI participation. A well-run energy efficiency program can lower our electric rates, attract significant financial contributions from residents interested in improving their homes, reduce CO2 emissions, and recover some of the wealth now draining out of our economy to import fossil fuels. **Vote 11-8.**

Rep. Douglas Thomas for the **Minority** of Science, Technology and Energy. The minority feels this bill is skewed against the residential ratepayers and should not pass. First, it strips all rebates from the residential ratepayers, but continues those to commercial and industrial entities. The reason stated was that giving rebates back to residents was not warranted and that commercial and industrial entities could make better use of the money on their own. Second, it repeals the contingency established in 2012 by the legislature. This contingency was an automatic "failsafe" component to have the state drop out in the event other states were to leave the RGGI consortium. This is an unwise and unnecessary repeal. This bill also gives more power to the Energy Efficiency and Sustainable Energy Board to influence the Public Utilities Commission on energy efficiency and renewable energy funds. Residential ratepayers pay into the RGGI program on their monthly electric bills and would now get nothing back in return in terms of directly lowering their electric bill. For these reasons, the minority believes ITL is highly warranted.

HB 614-FN, increasing penalties for air pollution. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kat McGhee for the **Majority** of Science, Technology and Energy. This bill would amend various parts of statute to give the Department of Environmental Services (DES) the ability to impose enhanced fines on air and water polluters in keeping with current rates of inflation. Updating these penalty provisions seems

highly appropriate in light of increasing pollution related health concerns due to violations in, among other places, the Town of Merrimack. There has not been an increase in fines in over 20 years. Some of the attendant language in the statute was updated with the help of the Attorney General's Office, and is contained in the amendment, to give DES a greater ability to intervene with meaningful penalties if a polluter is unresponsive or unwilling to take swift action where the public health is a risk. **Vote 16-3.**

Rep. Michael Harrington for the **Minority** of Science, Technology and Energy. This bill does two things. It doubles the amount of fines for certain pollution violations and it allows the fines to be charged on a daily basis, resulting in each day of violation being subject to the new doubled fine. The majority states the fines have not been updated for inflation which is true, but doubling the fines combined with charging the fines for each day of violation clearly exceeds the inflation rate. The federal Clean Air Act states that the fine should be charged on a daily basis and changing NH law to match this makes sense, and this is what the Department of Environmental Services (DES) requested. Doubling the fines, however, was not requested by DES and is not necessary to enforce our pollution laws.

HB 715-FN, relative to electrical energy storage. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lee Oxenham for the **Majority** of Science, Technology and Energy. Energy storage is an innovative technology which can increase renewable energy usage, diversify fuel sources, increase grid resiliency and reliability – all at a lower cost to ratepayers. By reducing fossil fuel use, it cuts air pollution, increasing both public health and environmental quality. Its unique capacity to cut electricity demand during periods of peak usage can save ratepayers millions of dollars, as the “peaks” disproportionately drive energy costs. Until now, costly transmission and distribution system upgrades were continually added to meet these peaks, resulting in ratepayers paying for system upgrades that lay idle over 90% of the year. NH's outdated statutes hinder our ability to move forward, while MA and VT are racing to deploy significant storage assets and reap the benefits. As amended, this bill takes a two-pronged approach to tearing down the artificial barriers blocking large-scale energy storage. First, it establishes a modest target for storage deployment by 2022, the equivalent of a 2% reduction of peak usage, followed by a Public Utilities Commission (PUC) proceeding to determine the efficacy of the program. After proving its cost cutting capabilities, minimum annual reductions equivalent to 1% of peak would follow. Larger reductions would be permitted should the PUC determine that even greater reductions would produce even greater gains at lower costs, with a cap of 15% by 2030. The bill's second prong introduces measures to open up electricity markets and level the playing field between the monopoly utilities and NH's privately-owned, competitive energy producers - further lowering costs to the benefit of ratepayers. **Vote 10-8.**

Rep. Michael Harrington for the **Minority** of Science, Technology and Energy. This bill would enact an energy storage mandate. While the increased use of storage may be a good idea, this bill creates a 2% of peak storage mandate without any regard for the cost. It was not that long ago that this House passed a bill mandating a scrubber at the Merrimack coal plant without specifying a cost cap. The original estimate was \$250 million, but the actual cost was \$457 million, and the ratepayers are still paying for this mistake. Additionally, this bill makes major changes to how resources are compensated for potential future transmission and distribution costs that they reduce. Now resources like energy efficiency and demand response receive no compensation for this, but this bill would provide compensation to energy storage resources. Lastly, this bill states “Nothing in this section shall give the utility the right ... to otherwise participate in wholesale electric markets.” The utilities presently participate in the Forward Capacity Market mostly through bidding in energy efficiency into that market and preventing them from continuing to do so would cost the ratepayers a substantial amount of money. When asked about this in committee, the sponsor stated this issue had not been looked at.

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 7, urging the president and congress to adopt a policy renouncing the first use of nuclear weapons. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joshua Adjutant for the **Majority** of State-Federal Relations and Veterans Affairs. A no first use policy is not new, both internationally and domestically. In the build up to the war in Iraq in 2003, even when we were convinced that Saddam Hussein had weapons of mass destruction and the Bush Doctrine called for preemptive war, the Bush administration still didn't order a nuclear strike on Saddam. This should be a bi-partisan issue, because the Heritage Foundation has congratulated Republican presidents for their efforts on non proliferation. **Vote 10-8.**

Rep. Al Baldasaro for the **Minority** of State-Federal Relations and Veterans Affairs. The minority believes that this resolution is not ready for prime time and should be found Inexpedient to Legislate. In our opinion it is an empty political attack on the Executive Branch that throws no weight, and makes it look like we think we know better than the Federal Government. Per our Constitution, it is our Commander-in-Chief that has the responsibility for the safety of our country. It is not the job of the NH majority to second guess the person

we elect as President in terms of how they comply with their constitutional duties to protect the American military. Many of us who served in Desert Shield and Desert Storm understand how our nuclear weapons were a deterrent that prevented Iraq from using chemical weapons on our troops in the theater of operations. This feel good resolution does nothing to protect the military on the ground. We understand that Russia clearly resents the constraints of the Intermediate-Range Nuclear Forces (INF) Treaty. Russia is violating the INF agreement by fielding the 9M729 cruise missile from land-based launchers. The United States insisted that they return to compliance by early February; because they did not, our President has given notice that our country will withdraw from the treaty. There are other countries that do not comply with any treaties, such as North Korea, China, Iran and Pakistan, and that threaten us in their use of nuclear, biological or chemical weapons. There are many steps in the process, through the Executive Branch, when it comes to using nuclear weapons. By maintaining our nuclear weapons, and being prepared to use them, they act as a deterrent in the best interests of the United States. This resolution is not a preventive measure that will ensure global security, and does nothing to look out for the interests of our country, when under threat.

TRANSPORTATION

HB 321-FN, relative to authorized organizations producing multiple decal designs in the multi-use decal number plates program. **OUGHT TO PASS.**

Rep. Casey Conley for Transportation. Non-profit organizations must receive legislative approval to issue license plate decals. This bill would allow those approved organizations to issue more than one decal design. **Vote 20-0.**

HB 395, relative to number plates for motor vehicles. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laura Telerski for the **Majority** of Transportation. This bill would allow vehicles to display only one number plate; on the rear of a vehicle. Passage of this bill could affect toll collection because we only have front readers on many toll booths. The ability to identify vehicles by public safety officials for criminal activity and amber alerts is enhanced when two plates are displayed. There is no significant environmental advantage by eliminating one plate. The Department of Transportation and State Police were opposed to this bill. **Vote 13-7.** Rep. Steven Smith for the **Minority** of Transportation. Currently, twenty states do not require number plates to be displayed front and rear. Today's cars look similar to each other because they are designed to strict aerodynamic standards to meet federal economy ratings. The cars are wind tunnel tested without the optional front plate, which lowers the cars' efficiency. There is also something unnerving about paying \$30,000 or more for your new car and then watching a dealer technician use an impact driver to run lag bolts through your pristine new bumper. Sometimes, the plate must be installed in such a way that it partially blocks a cooling vent, decreasing the life of your engine. Lastly, passage of this bill would mean that the state would only have to produce half of the plates that they do now which would conserve resources and increase net revenue. The opposition arguments are "safety." Law enforcement prefers to be able to see your number from the front. This is only possible during the day and at low speed. It also does not apply to all the NH towns celebrating their 250th birthdays. They are permitted by current law to replace the front plate with a commemorative one for one year. NH law enforcement officials were asked to support their concerns by getting data or at least anecdotal evidence from Vermont which went to one rear plate over 5 years ago, towns with the special front plate, or any of the 40% of US states that do not require a front plate. This was not provided. In the absence of any evidence supporting safety concerns, and the fact that installing the brackets damages vehicles, we find that this bill Ought to Pass.

HB 397-FN, relative to drivers' licenses for New Hampshire residents who do not possess a social security card. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Casey Conley for the **Majority** of Transportation. Under current law, undocumented people - some of whom were brought to this country at a very young age - cannot obtain a driver's license. In NH, the driver's license conveys the holder has demonstrated knowledge of our state's driving laws and proficiency operating a motor vehicle. There is no immigration connection whatsoever to a driver's license. This bill is intended to give the 15,000 undocumented people already in the state a chance to demonstrate their driving proficiency, which could, in turn, improve public safety on our roadways. Finally, possession of a driver's license would allow these people to register their vehicle and obtain insurance. Provisions in existing law will provide reasonable protection for the undocumented people who obtain licenses from enforcement action by federal authorities. The amendment replaces the substance of the bill and removes identifying documents approved in the Director of Motor Vehicles' discretion from the list of acceptable documentation, re-affirms privacy provisions, and changes the penalty clause to a class B misdemeanor. **Vote 11-7.**

Rep. Steven Smith for the **Minority** of Transportation. This bill establishes new criteria for obtaining a NH driver's license. It states that, among other documents, you can bring your expired alien registration card. The person will also sign a form attesting to everything they presented. While the bill has a penalty section for disclosing this, it also refers to all the exceptions under which it can be disclosed pursuant to RSA 260:14.

It is bad policy for the state to create the impression that the information is secure when it is not. This bill has far reaching implications with the federal government. None of this was discussed. The committee had a public hearing on March 6 and an executive session on the bill five short days later, with no research or work sessions. The minority believes that the bill exposes undocumented people to prosecution and that the bill needs more work.

HB 471-FN, relative to indicating citizenship on drivers' licenses and nondrivers identification cards. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura Telerski for Transportation. The sponsor states the intent of this bill was to make registering to vote easier, but the bill has far-reaching ramifications that would label citizens and non-citizens on drivers' licenses. A driver's license indicates a person safely passed testing and can legally drive as determined by the Division of Motor Vehicles. Legal immigrants are one of the fastest growing groups of new residents in New Hampshire. They work and contribute to our economy and this bill would discriminate against them. Labeling a license with citizenship opens up the possibility of profiling and discrimination in the many places a license is used. **Vote 13-7.**

HB 498-FN, prohibiting OHRV operation on class V ways. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Nicole Klein-Knight for the **Majority** of Transportation. This bill would infringe on local town authority to police their own roads. If this bill were to pass, it would be a huge detriment to the off highway recreational vehicle (OHRV) industry which contributes a major income source to the various regions. **Vote 16-3.**

Rep. Skip Cleaver for the **Minority** of Transportation. Off highway recreational vehicles (OHRVs) should not be driven on public highways. The very name and definition of these vehicles is "off highway" and they should be limited to established trails. This is a safety issue, and driving these vehicles in the midst of highway traffic is inviting accidents. In some towns, OHRV traffic is out of control. Having them on roadways also often takes them into residential neighborhoods; this creates a noise nuisance in addition to safety issues. They are difficult to see, and the speed differential heightens the problem.

HB 507-FN-A-LOCAL, relative to registration of commercial motor vehicles and operator's/drivers' licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Casey Conley for Transportation. This bill would effectively repeal the driver's license requirement for non-commercial vehicles. It also would eliminate the requirement to register a vehicle and inspect a vehicle. This would result in a loss of more than \$300 million in state and local revenue. The Division of Motor Vehicles also would need a major software overhaul costing another \$300,000. These issues say nothing about the radical changes in state law and potential safety issues arising therein. **Vote 19-0.**

HB 549-FN, relative to gold star number plates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian Chirichiello for Transportation. This bill with amendment allows Gold Star Families to proudly display that a family member has paid the ultimate sacrifice for our country. Using the newly created decal plate program, this bill not only allows multiple family members to have the decals to display, it also raises money for Veterans Services. The committee has voted unanimously to support our Gold Star Families. **Vote 20-0.**

HB 669-FN, relative to gender identity information included on drivers' licenses and nondrivers' identification cards. **OUGHT TO PASS.**

Rep. Cecilia Rich for Transportation. This bill allows non-binary residents to opt for an X gender identifier, rather than M (male) or F (female), on their driver's license, commercial driver's license, or nondriver identification card and allows them an equal measure of dignity. This bill is continued support of the transgender protections signed into law last year. Currently seven countries, nine states, and Native Americans recognize non-binary individuals. **Vote 15-3.**

FRIDAY, MARCH 15

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

9:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

FINANCE - DIVISION I, Room 212, LOB

10:00 a.m. Budget work session - Department of Revenue Administration.

11:00 a.m. Budget work session - Department of Information Technology.

1:00 p.m. Budget work session - Retirement System.

1:30 p.m. Budget work session - Public Utilities Commission.

2:00 p.m. Budget work session - Department of Labor.

Continued budget work sessions throughout the day, as needed.

FINANCE - DIVISION II, Room 209, LOB

10:00 a.m. Budget work session - University System of New Hampshire.

1:30 p.m. Budget work session - Community College System of New Hampshire.
Continued budget work sessions throughout the day, as needed.

FINANCE - DIVISION III, Room 210-211, LOB

9:30 a.m. Budget work session - Division of Children, Youth and Family Services.

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

1:00 p.m. Regular meeting.

OVERSIGHT COMMISSION ON CHILDREN'S SERVICES (RSA 170-G:19), Room 303, LOB

****Please Note Room Change**

8:30 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

Presentations:

10:00 a.m. Department of Natural and Cultural Resources

10:15 a.m. Adjutant General Department

10:30 a.m. Department of Corrections

10:45 a.m. Department of Administrative Services

11:15 a.m. Department of Environmental Services

1:00 p.m. Community College System of New Hampshire

1:15 p.m. Department of Education

1:30 p.m. Veteran's Home

1:45 p.m. Department of Health and Human Services

2:30 p.m. Department of Information Technology

2:45 p.m. Liquor Commission

3:00 p.m. Department of Safety

3:15 p.m. Department of Transportation

MONDAY, MARCH 18**COASTAL MARINE NATURAL RESOURCES AND ENVIRONMENT COMMISSION (RSA 485-G:1), New Hampshire Department of Environmental Services, 222 International Drive, Pease Tradeport, Suite 175, Portsmouth**

9:00 a.m. Regular meeting.

FINANCE, Representatives Hall, SH

1:00 p.m. **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021; **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

FINANCE - DIVISION I, Room 212, LOB

10:00 a.m. Budget work session - Department of Business and Economic Affairs.

10:30 a.m. Budget work session - Liquor Commission.

FINANCE - DIVISION II, Room 209, LOB

10:00 a.m. Continued budget work, as needed.

FINANCE - DIVISION III, Rooms 210-211, LOB

9:30 a.m. Budget work session - Division of Long-Term Supports and Services.

PUBLIC WATER ACCESS ADVISORY BOARD (RSA 233-A:2, I), New Hampshire Fish and Game Headquarters, First Floor Conference Room, 11 Hazen Drive, Concord

9:00 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Executive session on **HB 594-FN**, establishing a committee to study the installation of rumble strips on state roads and highways; **HB 727-FN-A**, relative to boat ramp and parking improvements at Mount Sunapee state park beach and making an appropriation therefor.

10:00 a.m. Presentation: University System of New Hampshire

11:00 a.m. Full committee work session on **HB 25-A**, making appropriations for capital improvements.

THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD (RSA 170-G:6-a), Room 104, LOB

2:00 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Public informational meeting on revenue items contained in **HB 2-FN-A-LOCAL**, relative to state fees, funds, revenues, and expenditures (currently in Finance), not already heard in committee: sections 46-51, information technology fund and entry fees; 131-132, revenue information management system account and capital appropriations; 163-164, civil legal services fund repeal and civil legal assistance; 165-166, indigent defense revenue; 190, Pease Development Authority real estate transfer tax exemption for leases; 261-264, Department of Labor restricted fund; 273-280, repeal of witness fees; 283, plea by mail revenue to the general fund; 290-291, Office of Professional Licensure and Certification fees.
- 1:00 p.m. Full committee work session on **HB 481-FN-A-L**, relative to the legalization and regulation of cannabis and making appropriations therefor; **HB 620-FN**, relative to the penalty fee structure for late premium tax payments; **HB 625-FN**, relative to an aquatic invasive species decal for boats; **HB 641-L**, allowing municipalities to collect an occupancy fee from operators of local room rentals; **HB 680-FN**, relative to the definition of tobacco product for purposes of the tobacco tax and retail tobacco licensing; **HB 682-FN**, establishing a water resources fund in the department of environmental services and charging certain application and permit fees; **HB 295-FN-A**, establishing a special marriage officiant license; **HB 407-FN**, clarifying the non taxability of certain telecommunications devices and equipment; **HB 292-FN**, relative to including brokers fees in the calculation of the insurance premium tax; **HB 641-L**, allowing municipalities to collect an occupancy fee from operators of local room rentals.

WEDNESDAY, MARCH 20**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

- 12:15 p.m. or 10 minutes after the House Session break for lunch, whichever is later. Executive session on **HB 113**, relative to qualifications for and exceptions from licensure for mental health practice.

THURSDAY, MARCH 21**COMMISSION ON POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D), Walker Building, Room 274, 21 South Fruit Street, Concord**

- 2:30 p.m. Regular meeting.

FRIDAY, MARCH 22**ELECTRIC VEHICLE CHARGING STATIONS INFRASTRUCTURE COMMISSION (RSA 4-G:1), Room 201, LOB**

- 11:00 a.m. Regular meeting.

FINANCE - DIVISION I, Room 212, LOB

- 10:00 a.m. Budget work session - Legislative Branch.
- 10:30 a.m. Division work session on **HB 120-FN**, relative to the regulation of body art establishments; **HB 457-FN**, establishing a committee to study the making, preservation, and Internet availability of audio and video recordings of proceedings of committees of the house of representatives; **HB 616-FN**, relative to a cost of living adjustment for retirees in the state retirement system; **HB 623-FN-A**, relative to the rates of the business profits tax and business enterprise tax.
- Budget work continued throughout the day, as needed.

FINANCE - DIVISION II, Room 209, LOB

- 10:00 a.m. Continued budget work, as needed.

FINANCE - DIVISION III, Room 209, LOB

- 9:30 a.m. Budget work session - Veterans Home.
- 10:00 a.m. Continued budget work session and bill work session on **HB 521-FN**, establishing a child abuse specialized medical evaluation program in the department of health and human services; **HB 565-FN**, directing the department of health and human services to issue a request for proposals (RFP) for supervised visitation centers.

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

- 10:00 a.m. Regular meeting.

NEW HAMPSHIRE TRANSPORTATION COUNCIL (RSA 238-A:2), Room 203, LOB

- 10:00 a.m. Organizational meeting.

MONDAY, MARCH 25

COMMISSION TO STUDY THE EFFECTIVENESS OF THE CURRENT STATUTES RELATED TO MANAGEMENT OF NON-TIDAL PUBLIC WATERWAYS AND THE CONSTRUCTION OR PLACEMENT OF STRUCTURES WITHIN THEM (RSA 482-A:35), Room 305, LOB

1:00 p.m. Regular meeting.

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND EXOTIC AQUATIC SPECIES OF WILDLIFE IN THE STATE OF NEW HAMPSHIRE (RSA 487:30), Room 305, LOB

11:00 a.m. Regular meeting.

NH LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), Pillsbury Free Library, 18 East Main Street, Warner

2:30 p.m. Regular meeting.

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4), Room 203, LOB

10:00 a.m. Subcommittee meeting.

FINANCE - DIVISION I, Room 212, LOB

10:00 a.m. Budget work session - Secretary of State/Boxing and Wrestling Commission.

11:00 a.m. Budget work session - Department of Natural and Cultural Resources.

1:00 p.m. Budget work session - Adjutant General Department, Division of Military Services/Office of Veterans Services.

2:00 p.m. Budget work session - Developmental Disabilities Council.

2:30 p.m. Budget work session - Department of Employment Security.

Continued budget work sessions throughout the day, as needed.

FINANCE - DIVISION III, Room 209, LOB

9:30 a.m. Budget work session.

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.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Various agency presentations.

TASK FORCE ON WORK AND FAMILY (RSA 276-B:2, I), Room 206, LOB

10:00 a.m. Organizational meeting.

TUESDAY, MARCH 26

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 696-FN**, establishing a protective order for vulnerable adults.

11:00 a.m. **HB 564**, relative to possession of firearms in safe school zones.

11:30 a.m. **HB 630-FN**, increasing certain fines for OHRV and snowmobile operation violations.

FINANCE - DIVISION I, Room 212, LOB

10:00 a.m. Continued budget work sessions, as needed.

1:00 p.m. Budget work session - Department of Agriculture, Markets and Food.

1:30 p.m. Budget work session - Pease Development Authority.

Continued budget work sessions throughout the day, as needed.

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), New Futures Conference Room, 10 Ferry Street, Concord

9:30 a.m. Regular meeting.

WEDNESDAY, MARCH 27

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Executive session on **HB 696-FN**, establishing a protective order for vulnerable adults; **HB 564**, relative to possession of firearms in safe school zones; **HB 630-FN**, increasing certain fines for OHRV and snowmobile operation violations.

JUDICIARY JOINT WITH CRIMINAL JUSTICE AND PUBLIC SAFETY, Rooms 206-208, LOB
12:30 p.m. Presentation on the sixth amendment right to counsel.

THURSDAY, MARCH 28

HOME EDUCATION ADVISORY COUNCIL (RSA 193-A:10), New Hampshire Department of Education, Londergan Hall, Room 12, 101 Pleasant Street, Concord

3:30 p.m. Regular meeting.

FRIDAY, MARCH 29

INFORMATION TECHNOLOGY COUNCIL (RSA 21-R:6), New Hampshire Liquor Commission Division of Enforcement, 50 Storrs Street, Concord

1:00 p.m. Regular meeting.

PUBLIC-PRIVATE PARTNERSHIP TRANSPORTATION INFRASTRUCTURE OVERSIGHT COMMISSION (RSA 228:107), Rooms 206-208, LOB

10:00 a.m. Regular meeting.

MONDAY, APRIL 1

STATE COMMITTEE ON AGING (RSA 161-F:7, I), New Hampshire Department of Health and Human Services, Brown Building, Room 232, 129 Pleasant Street, Concord

10:00 a.m. Regular meeting.

TUESDAY, APRIL 2

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Executive session on *HB 25-A*, making appropriations for capital improvements.

STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2), New Hampshire State Veterans Home, 139 Winter Street, Tilton

5:00 p.m. Regular meeting.

FRIDAY, APRIL 5

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 206-208, LOB

9:00 a.m. Continued meeting.

SUNDAY, APRIL 7

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, APRIL 8

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

1:30 p.m. Regular meeting.

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

1:30 p.m. Regular meeting.

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4), Rooms 301-303, LOB

10:00 a.m. Regular meeting.

FRIDAY, APRIL 12

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

10:00 a.m. Regular meeting.

MONDAY, APRIL 15

THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD (RSA 170-G:6-a), Room 104, LOB

2:00 p.m. Regular meeting.

WEDNESDAY, APRIL 17

COMMISSION ON THE SEACOAST CANCER CLUSTER INVESTIGATION (RSA 126-A:74), Room 205, LOB

10:00 a.m. Regular meeting.

THURSDAY, APRIL 18

COMMISSION ON POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D), Walker Building, Room 274, 21 South Fruit Street, Concord

2:30 p.m. Regular meeting.

FRIDAY, APRIL 19

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

9:00 a.m. Regular meeting.

OVERSIGHT COMMISSION ON CHILDREN'S SERVICES (RSA 170-G:19), Room 303, LOB *Please Note Room***

8:30 a.m. Regular meeting.

MONDAY, APRIL 22

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB

11:00 a.m. Regular meeting.

TUESDAY, APRIL 23

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), New Futures Conference Room, 10 Ferry Street, Concord

9:30 a.m. Regular meeting.

TUESDAY, MARCH 26

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 206-208, LOB

9:00 a.m. Regular meeting.

COMMISSION ON DEMOGRAPHIC TRENDS (RSA 4-C:37), Room 307, LOB

9:00 a.m. Regular meeting.

OFFICIAL NOTICES**COUNTY DELEGATION NOTICE**

The **Cheshire** County Delegation will meet at the County Hall Building, Delegation Hall, second floor, at 12 Court Street, Keene, **Monday, March 18th at 7:00 p.m.** The purpose of this meeting is the following: 1. To review the Executive Committee's Proposed Budget for 2019. 2. To adopt the budget for 2019. 3. To approve taxes to be raised. 4. Ratification of Union Contracts: Maplewood, Department of Correction, Sheriff. 5. To review and authorize the Register of Deeds to utilize funds from the Deeds surcharge account. 6. To receive an update on the Maplewood Reconstruction Project. 7. To receive an update on the Region 1 Integrated Delivery Network (IDN) Project. 8. To discuss any other matters to come before the Delegation.

Rep. Daniel A. Eaton, Chair

Rep. Jennie Gomarlo, Clerk

COUNTY DELEGATION NOTICE

Pursuant to RSA 24:14-A, the **Coös** County Delegation will conduct a public hearing at the Coös County Nursing Hospital, 136 County Farm Road, West Stewartstown, on **March 16th at 9:00 a.m.**, on the Coös County

Commissioners' recommended FY2018 Supplemental Budget for an appropriation to be used for IDN funding related to mental health care, substance abuse disorder treatment, and integration with physical health. The **Coös** County Delegation will conduct a public meeting **March 16th at 10:00 a.m.** at the Coös County Nursing Hospital, 136 County Farm Road, West Stewartstown, to consider and take action on the 2019 Coös County Budget and 2019 Coös County Unincorporated Places Budget, as recommended by the Board of Commissioners.

Rep. Wayne Moynihan, Chairman

COUNTY DELEGATION NOTICE

The **Grafton** County Executive Committee will meet on **Monday, March 18th at 9:00 a.m.** at the Grafton County Administration Building, 3855 Dartmouth College Highway, North Haverhill.

Rep. George Sykes, Chair

COUNTY DELEGATION NOTICE

The **Hillsborough** County Executive Committee will meet on **Friday, March 22nd at 10:00 a.m.** at the Hillsborough County Complex, Bouchard Building, 329 Mast Road, Goffstown. Following the Executive Committee meeting, department heads will present a Budget Orientation. All members of the delegation are encouraged to attend the Budget Orientation.

Rep. Marty Jack, Clerk

COUNTY DELEGATION NOTICE

Pursuant to RSA 24:23, there will be a public hearing for **Merrimack** County before the County Delegation at **10:00 a.m. on Monday, March 18th** at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord. The purpose of the meeting is: 1. To consider funding for the Merrimack County Department of Corrections S.E.A. Union Contract. 2. To consider 2019 Budget Appropriations for Merrimack County. 3. To consider any other business that may appropriately come before them. At this time, any member of the public may present oral or written testimony regarding the 2019 budget as proposed by the Merrimack County Executive Committee.

Rep. Dianne Schuett, Chair

Pursuant to RSA 24:9-c and RSA 24:14 II, immediately following the Public Hearing to be held on **Monday, March 18th** at 10:00a.m., there will be a meeting of the **Merrimack** County Delegation at the County Administration Building, 4 Court Street, Lower Level Conference Room, Concord. The purpose of the meeting is: 1. Approval of funding – Merrimack County Department of Corrections S.E.A. Union Contract. 2. Approval of the 2019 Merrimack County Proposed Budget. 3. To consider any other business that may appropriately come before them.

Rep. Dianne Schuett, Chair

COUNTY DELEGATION NOTICE

The **Rockingham** County Executive Committee will meet on **Friday, May 3rd 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 fifth quarter budget review.

Rep. David A. Welch, Clerk

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB116, HB176, HB224, HB270, HB 363, HB506, HB518, HB521, HB557, HB623, HB625, HB636, HB 686, HB705, HB706, HB709, HB710, HB711, HB712, HB713, HB714, HB715, HB716, HB717, HB 718, HB719, HB721, HB722, HB723, HB724, HB725, HB726, HB727, HB730, HB731, HB732, HB733, HB735, SB 5, SB 6, SB 54, SB190, SB 193.

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 celebrating its Bicentennial in June of 2019. The New Hampshire State House Bicentennial Commission has produced several commemorative items, which are on sale in the State House

Visitors' Center, including shirts, cups, bottle openers, stickers, and our challenge coin, all featuring the logo for our big anniversary. More items will be coming over the coming months and all the proceeds go the State House Bicentennial Commemorative Fund. You can follow us on Facebook and Instagram for event and merchandising updates.

Reps. Robert Renny Cushing and David Welch

The Veterans Interest Caucus and Legislative Squadron of the Civil Air Patrol have agreed to jointly plan and support the third softball game in an ongoing series between legislators. The date and time for the 2019-2020 Legislative Softball Game will be October 6, 2019 at 2:00 p.m. Please see your respective caucus leaders if you are interested in participating. All planning meetings will be announced and made public. We would like this year's event to meet and exceed the success of the past. The theme of this year's game is "Honoring Our Korean War Veterans."

Reps. Sean Morrison, Jess Edwards, and Jeff Salloway

The House Republican Alliance will meet on every **Tuesdays at 8:30 a.m.** in Room 307, LOB. All Republicans are welcome.

Reps. Carol McGuire, Jim Spillane, and Mike Sylvia

The bipartisan Mental Health Caucus invites all interested legislators to a meeting on **Friday, March 15th at 1:00 p.m.** in Room 104, LOB.

Rep. Jim MacKay

On March 15th at 5:00 p.m. the Poetry Out Loud State Championships will be held in Representative's Hall. Please join us in celebration of the top 12 state high school finalists as they competitively recite poetry to represent New Hampshire at the National Finals in Washington D.C. Over 10,000 NH High School students, representing 96 communities, participate in Poetry Out Loud each year.

Rep. Dave Danielson

The American Red Cross cordially invites all legislative members and staff to the annual State House Complex Blood Drive. The blood drive will take place on **Tuesday, March 19th from 9:00 a.m. to 2:00 p.m.** The American Red Cross' state-of-the-art self-contained coach will be parked out in front of the State House for this event. Give blood and you could help save a stranger's life. Appointments are strongly encouraged; please call the State House Health Services at 271-2757. The Red Cross launched a fairly new tool called RapidPass, which allows you to do the 40 appointment questions online at redcrossblood.org/RapidPass, and then print and bring it with you to your appointment.

Reps. Douglas Ley and Richard Hinch

The Legislative Children's Caucus will meet on **Wednesday, March 20th** in Room 206, LOB, during lunch recess for the continued presentation by DHHS staff regarding supportive services for early childhood. All legislators are welcome to attend and enjoy your brown bag lunch with us.

Rep. Skip Berrien

On Wednesday, March 20th from 6:00 a.m. to 6:00 p.m. the 5th annual radiothon "Veterans Count" will be on the air on NewsRadio 610 and 96.7. Tune in to support veterans, service members, and their families, who have sacrificed so much for our country.

Rep. Jody McNally

Breathe New Hampshire invites all legislators and staff to attend a Breakfast Reception on **Thursday, March 21st from 8:00 a.m. to 9:30 a.m.** in the State House Cafeteria. Stop by for a light breakfast, take a free breathing test, enter a raffle, and meet some of our volunteers who are helping New Hampshire residents breathe better and live longer! Please RSVP to info@breatheenh.org or by calling 603-669-2411.

Rep. Patrick Long

The annual Welcoming Communities Luncheon will be held on **Thursday, March 21st at 12:00 p.m.** in the State House cafeteria. All are invited to meet community members from Nashua, Manchester, Concord, Laconia and other parts of our state. These individuals have made New Hampshire cities and towns their home, contributing to economic development and adding positive cultural flavor to their communities. Join us to enjoy multi-ethnic food and taste the multi-cultural contribution made to NH. All are welcome to enjoy this festival of cultures and celebrate diversity in our communities.

Reps. Latha Mangipudi and Karen Ebel

A Salute to our Legislators by the New AFL-CIO and the New Hampshire Building Trades. Please join us on **Thursday March 21st from 4:30 p.m. to 7:00 p.m.** at Tandy's Top Shelf Pub, 1 Eagle Square, Concord. Legislators, please join us and speak to union members from across the state. Union members, please don't miss this chance to thank our legislators for their service.

Rep. Katherine Rogers

The Pro-Life Caucus will meet on **Wednesday, March 27th at 8:30 a.m.** in Room 208, LOB. All interested legislators are invited to attend.

Rep. Kurt Wuelper

The New Hampshire Podiatric Medical Association cordially invites all legislators and staff to attend a breakfast reception on **Wednesday, March 27th from 8:00 a.m. to 9:30 a.m.** in the State House Cafeteria. Please drop by anytime to meet with New Hampshire Podiatrists to learn about Podiatric Medicine, our education, scope of practice, and the many important roles that Podiatrist play in the overall health of the public we serve.

Rep. Doug Ley

All legislators and staff are invited to join the NH Oral Health Coalition for our annual oral health hot breakfast. This year's event, "Oral Health Matters: It's All Connected," will be held **Thursday, March 28th from 7:30 a.m. to 9:00 a.m.** Community oral health providers from communities throughout the state will be there with displays and the opportunity for you to learn about their programs.

Reps. Tom Bucu and Jennifer Bernet

The New Hampshire Snowmobile Association (NHSa) cordially invites House members and staff to a legislative breakfast from **8:00 a.m. to 9:30 a.m. on Thursday, April 11th** in the State House cafeteria. Please stop by to meet members of your local snowmobile clubs. These volunteer clubs groom and maintain the almost 7,000 miles of snowmobile trails throughout the state and help our tourism industry.

Reps. Douglas Ley and Richard Hinch

All are invited to bring your family and friends to New Hampshire Fish and Game Department's biggest and most popular free community event of the year, which is set for **Saturday, April 20th 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. DISCOVER WILD NEW HAMPSHIRE DAY is a fun way for the whole family to explore New Hampshire's wildlife resources and legacy of outdoors traditions. Browse educational exhibits presented by environmental and conservation organizations from throughout the state. See live animals, big fish and trained falcons. Try your hand at archery, casting, fly-tying and B-B gun shooting. Watch retriever dogs in action. Get creative with hands-on craft activities for the kids, and check out the latest hunting and fishing gear and gadgets. This is an educational and fun-filled free event for all ages.

Rep. Robert L'Heureux

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in 2018-2019. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes. Note that large groups are divided into smaller groups for tours.

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

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

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>#/GRADE</i>
March 15	10:00/11:00	Charlotte Ave. School – Nashua	85/4
March 15	10:30	DAR Good Citizen group	50
March 18	9:45/11:00 SH/HM	Lincoln St. School – Exeter	804
March 19	9:45/11:00 SH/HM	Lincoln St. School – Exeter	80/4
March 19	10:00	Lebanon Recreation & Parks – Savvy Seniors Group	14/Srs
March 20	9:30/10:45 SH/HM	Webster Elementary School – Manchester	85/4
March 21	9:30	Gonic School	53/4
March 21	9:45	Plymouth Elementary School	48/4
March 21	10:00	North Hampton School	46/4
March 21	11:00	New Franklin School – Portsmouth	48/3
March 22	9:30	Southern NH Leadership	16/adults
March 22	9:45	Mount Lebanon Elementary School	45/4
March 22	10:00	New Durham Elementary School	28/4

AMENDMENTS (LISTED IN NUMERICAL ORDER)

Amendment to HB 118 (2019-0556h)

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

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

AN ACT relative to notifying a child's primary health care provider of a report of abuse or neglect.

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

1 Child Protection Act; Reporting Law; Immunity From Liability. Amend RSA 169-C:31 to read as follows:
169-C:31 Immunity From Liability. Anyone participating in good faith in the making of a report pursuant to this chapter ***or who provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect,*** is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any investigation by the department or judicial proceeding resulting from such report.

2 New Paragraph; Child Protection Act; Reporting Law; Duties of the Department; Notice to Child's Primary Health Care Provider. Amend RSA 169-C:34 by inserting after paragraph VII the following new paragraph:

VIII. The department shall develop a methodology to notify the child's primary health care provider regarding the nature of the investigation in those cases in which the investigation has identified the primary health care provider.

3 New Subparagraph; Case Record Confidentiality; Primary Health Care Provider Access. Amend RSA 170-G:8-a, II(b) by inserting after subparagraph (4) the following new subparagraph:

(5) The child's primary health care provider.

4 Effective Date. This act shall take effect January 1, 2020.

2019-0556h

AMENDED ANALYSIS

This bill directs the department of health and human services to develop a methodology for notifying the child's primary health care provider of a report of abuse and neglect, and clarifies immunity and confidentiality requirements in such cases.

**Amendment to HB 121-FN
(2019-0812h)**

Proposed by the Majority of the Committee on Executive Departments and Administration - r
Amend the title of the bill by replacing it with the following:

AN ACT relative to the regulation of massage, reflexology, structural integrator and Asian bodywork therapy establishments.

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

1 Regulation of Massage Establishments. Amend RSA 328-B:1 to read as follows:

328-B:1 Regulation of Massage Therapists and Massage Establishments. The general court, to protect the health, safety, and welfare of the people of the state of New Hampshire, establishes a regulatory program for massage therapists, including establishing basic qualifications for licensure of massage therapists **and massage establishments**.

2 New Paragraph; Massage Therapists and Massage Establishments; Definition Added. Amend RSA 328-B:2 by inserting after paragraph III the following new paragraph:

III-a. "Establishment" means the place issued a license by the executive director where the profession of massage is practiced. "Establishment" shall include any building in which 2 or more massage therapists work for the same employer.

3 New Paragraph; Massage Therapists and Massage Establishments; Definition Added. Amend RSA 328-B:2 by inserting after paragraph VIII the following new paragraph:

IX. "Sole proprietor" means any person who owns a business by himself or herself and does not have any employees within his or her business.

4 New Paragraphs; Prohibited Acts; Establishment Licensure. Amend RSA 328-B:3 by inserting after paragraph VI the following new paragraphs:

VII. Operate an establishment without an establishment license.

VIII. Operate an establishment unless such establishment is at all times under the direct supervision and management of a professional licensed under this chapter.

5 New Paragraph; Powers and Duties; Establishments. Amend RSA 328-B:4 by inserting after paragraph VII the following new paragraph:

VIII. Regulate and adopt rules on massage establishments, including:

(a) The issuance, suspension, revocation, renewal, and denial of massage establishment licenses.

(b) Holding hearings and conduct investigations under paragraph II concerning massage establishment licenses.

(c) Conditions, requirements, and standards for operation under an establishment license, including health and safety standards.

(d) Standards and procedures for inspections of establishments including, inspections conducted as part of the initial licensure process.

(e) Application forms and procedures to open, close, relocate, or renew an establishment.

(f) Requiring public display of licensure and secure recordkeeping procedures.

(g) Procedures for disciplinary action, including cease and desist orders, suspension, limitation, or revocation of establishment licensure.

(h) Requiring the licensee to obtain a certificate of good standing from the secretary of state.

(i) Qualifications for exemption of schools, health facilities, or others from massage establishment license requirements in RSA 328-B:14.

(j) Required documentation to verify sole proprietor or independent contractor designation.

6 Advisory Board of Massage Therapists. Amend the introductory paragraph of RSA 328-B:5 to read as follows:

The executive director shall establish the advisory board of massage therapists. The board shall consist of 3 massage therapists who are licensees in the state of New Hampshire. The members shall be appointed for 3 years, staggered so that the term of one member expires each year, and they shall hold office until successors are appointed~~[-, and shall serve on the board without any compensation]~~. **Advisory board members shall be paid mileage and a per diem of \$50 for each day devoted to the work of the advisory board.** In no event shall a member serve more than 2 full consecutive terms. The board shall:

7 New Paragraph; License Issuance. Amend RSA 328-B:6 by inserting after paragraph I the following new paragraph:

I-a. Initial licenses shall be valid until the next succeeding expiration date in accordance with 328-B:7.

8 License Fee; Establishment License. Amend RSA 328-B:7 to read as follows:

328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire on the last day of the birth month of the licensee in the even-numbered year, upon approval of the executive director of the renewal application and submission of the required \$110 renewal fee **for massage therapists or the required fee as determined in rules adopted by the executive director for massage establishments**.

9 New Paragraph; Revocation or Suspension. Amend RSA 328-B:8 by inserting after paragraph V the following new paragraph:

VI. Has engaged in illegal activity, including but not limited to prostitution or human trafficking.

10 New Paragraph; Massage; Exemptions. Amend RSA 328-B:10 by inserting after paragraph III the following new paragraph:

IV. Nothing in this chapter shall require a residential care or health facility licensed pursuant to RSA 151:2 to obtain an establishment license under this chapter.

11 New Sections; Massage Establishment Licensure; Inspectors. Amend RSA 328-B by inserting after section 13 the following new sections:

328-B:14 Massage Establishment Licensure.

I. It shall be a misdemeanor for any person, as owner, manager, or agent to open, establish, conduct or maintain an establishment without first having obtained an establishment license from the board. Any New Hampshire licensed massage therapist may obtain an establishment license upon application and payment of fee provided that the establishment meets all requirements established in the rules of the board. Massage establishment licenses granted pursuant to this chapter shall be conspicuously posted within the establishment.

II. In addition to licenses issued under paragraph I, the board may issue an establishment license to an applicant who does not hold a personal massage therapist license provided that the owner employs a licensed massage therapist as manager. This section shall not authorize such owner to personally engage in massage therapy.

III. The requirement for establishment licensure under paragraph I shall not apply to a sole proprietor of his or her business or independent contractors. If a sole proprietor or independent contractor is providing services without a prior appointment, the sole proprietor or independent contractor shall obtain an establishment license.

IV. Only establishments issued a license by the executive director shall use the terms "licensed massage establishment" or "massage establishment."

V. The license fees for establishments shall be determined in rules adopted by the executive director under RSA 541-A. Establishments that are licensed as an establishment, shop, or facility under one of the occupations or professions regulated by the office of professional licensure and certification in RSA 310-A:1-a shall pay a reduced fee for a massage establishment license.

VI. No town or city shall adopt or enforce a bylaw or ordinance for the licensure of massage establishments.

328-B:15 Inspectors.

I. The office of professional licensure and certification shall employ inspectors and authorize them to enter and inspect any establishment licensed under this chapter for the purpose of ascertaining whether or not the administrative rules of the board and the provisions of this chapter are being observed. Each inspector shall file a report of inspection findings and results with the executive director. Salaries and necessary expenses shall be charged against the office of professional licensure and certification fund.

II. The executive director shall adopt rules under RSA 541-A relative to the qualifications of an inspector under this section.

12 Grandfathering of Municipal Bylaws and Ordinances. Notwithstanding RSA 328-B:14, VI, a license for a massage establishment issued by a municipality in effect on the effective date of this act shall remain valid for purposes of RSA 328-B:14 until the expiration of the term of the license.

13 New Paragraph; Definitions; Reflexology, Structural Integration, and Asian Bodywork Therapy. Amend RSA 328-H:2 by inserting after paragraph II the following new paragraph:

II-a. "Establishment" means the place licensed by the executive director where the practitioners of reflexology, structural integration, and Asian bodywork therapy practice. "Establishment" shall include any building in which 2 or more licensed reflexologists, structural integrators, or Asian bodywork therapists work for the same employer.

14 New Paragraph; Definitions; Reflexology, Structural Integration, and Asian Bodywork Therapy. Amend RSA 328-H:2 by inserting after paragraph VII the following new paragraph:

VIII. "Sole proprietor" means any person who owns a business by himself or herself and does not have any employees within his or her business.

15 New Paragraphs; Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Prohibited Acts. Amend RSA 328-H:4 by inserting after paragraph V the following new paragraphs:

VI. Operate a reflexology, structural integration, or Asian bodywork therapy establishment without an establishment license.

VII. Operate a reflexology, structural integration, or Asian bodywork therapy establishment unless such establishment is at all times under the direct supervision and management of a practitioner licensed under this chapter.

16 New Subparagraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Rulemaking. Amend RSA 328-H:5, VIII by inserting after subparagraph (1) the following new subparagraph:

(m) Regulate establishments including:

(1) Issue, suspend, revoke, renew, and deny licenses in accordance with rules adopted under RSA 541-A.

(2) Hold hearings and conduct investigations, public or confidential, and issue orders relating to such hearings and investigations. The contested case provisions of RSA 541-A:31-36 shall apply when a person is aggrieved by a decision of the executive director under this chapter. Appeals shall be made in accordance with RSA 541.

(3) Conditions, requirements, and standards for operation under an establishment license, including health and safety standards.

(4) Standards and procedures for inspections of establishments, including inspections conducted as part of the initial licensure process.

(5) A fine schedule for violations of the administrative rules adopted by the executive director under this chapter.

(6) Application forms and procedures to open, close, relocate, or renew an establishment.

(7) Requiring public display of licensure and secure recordkeeping procedures.

(8) Procedures for disciplinary action, including cease and desist orders, suspension, limitation, or revocation of establishment licensure.

(9) Requiring an applicant for licensure to obtain a certificate of good standing from the secretary of state.

(10) Establishing the fees for licensure of a reflexology, structural integration, or Asian bodywork therapy establishment in rules adopted by the executive director under RSA 541-A. Establishments that are licensed as an establishment, shop, or facility under one of the occupations or professions regulated by the office of professional licensure and certification in RSA 310-A:1-a shall pay a reduced fee for a reflexology, structural integration, or Asian bodywork therapy establishment license.

(11) Qualifications for exemption of schools, health facilities, or others from reflexology, structural integration, or Asian bodywork therapy establishment license requirements in RSA 328-H:18.

(12) Required documentation to verify sole proprietor or independent contractor designation.

17 New Paragraph; License Revocation or Suspension. Amend RSA 328-H:10 by inserting after paragraph V the following new paragraph:

VI. Has engaged in illegal activity including but not limited to prostitution or human trafficking.

18 Exemptions. Amend RSA 328-H:13 as follows:

328-H:13 Exemptions.

I. Nothing in this chapter shall prevent a person licensed by this state pursuant to any other provision of law from performing the occupation for which he or she is licensed.

II. Nothing in this chapter shall require a residential care or health facility licensed pursuant to RSA 151:2 to obtain an establishment license under this chapter.

19 New Sections; Establishment Licensure; Inspectors. Amend RSA 328-H by inserting after section 17 the following new sections:

328-H:18 Establishment Licensure.

I. It shall be a misdemeanor for any person, as owner, manager, or agent to open, establish, conduct or maintain an establishment without first having obtained an establishment license from the executive director. Any New Hampshire licensed reflexologist, structural integrator, or Asian bodywork therapist may obtain an establishment license upon application and fee provided that the establishment meets all requirements established in the rules adopted by the executive director. Establishment licenses granted pursuant to this chapter shall be conspicuously posted within the establishment.

II. In addition to licenses issued under paragraph I, the board may issue an establishment license to an applicant who does not hold a personal reflexologist, structural integrator, or Asian bodywork therapist license provided that the owner employs a licensed reflexologist, structural integrator, or Asian bodywork therapist as manager. This paragraph shall not authorize such owner to personally engage in massage therapy act as a practitioner under this chapter.

III. This section shall not apply to licensed reflexologist, structural integrator, or Asian bodywork therapists who are sole proprietors of his or her business or an independent contractor. If a sole proprietor or independent contractor is providing services without a prior appointment, the sole proprietor or independent contractor shall obtain an establishment license.

IV. No town or city shall adopt or enforce a bylaw or ordinance for the licensure of reflexology, structural integration, or Asian bodywork therapy establishments.

328-H:19 Inspectors.

I. The office of professional licensure and certification shall employ inspectors and authorize them to enter and inspect any establishment licensed under this chapter for the purpose of ascertaining whether or not the administrative rules of the executive director and the provisions of this chapter are being observed. Each inspector shall file a report with the executive director of inspection findings and results. Salaries and necessary expenses shall be charged against the fees and other moneys collected under this chapter.

II. The executive director shall adopt rules relative to the qualifications of an inspector under this section.
20 Office of Professional Licensure and Certification; New Classified Position; Appropriation.

I. One investigative paralegal position, labor grade 22, is hereby established as a classified position in the office of professional licensure and certification.

II. The amount necessary to pay for the position established in paragraph I, which shall be in addition to any sums appropriated in 01-21-21-215010-2406 for the division of health professions, is hereby appropriated to the executive director of the office of professional licensure and certification. Salaries and necessary expenses shall be charged against the office of professional licensure and certification fund established in RSA 310-A:1-e.

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

2019-0812h

AMENDED ANALYSIS

This bill requires massage establishments and reflexology, structural integration, or Asian bodywork therapy establishments to be licensed, regulated, and inspected by the office of professional licensure and certification. The bill also adds compensation to members of the advisory board of massage therapists.

Amendment to HB 137

(2019-0931h)

Proposed by the Committee on Resources, Recreation and Development - c

Amend RSA 270:133, I as inserted by section 1 of the bill by replacing it with the following:

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

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

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

(c) The commissioner of the department of environmental services, or designee.

(d) The captain of the marine patrol division, department of safety, or designee.

(e) A representative of the New Hampshire Marine Trades Association, appointed by that association.

(f) A shorefront property owner from a lake smaller than 1,000 acres, appointed by the speaker of the house of representatives.

(g) A shorefront property owner from a lake 1,000 acres or larger, appointed by the speaker of the house of representatives.

(h) A representative from NH LAKES, appointed by that organization.

(i) A representative from a local lake association, appointed by the governor.

(j) A member of the USA Water Ski and Wake Sports New Hampshire club who is also a resident of New Hampshire, appointed by that club.

(k) A representative of the Water Sports Industry Association, appointed by that association.

(l) A representative of the New Hampshire Campground Owners Association, appointed by that association.

(m) Two representatives of the wake boat recreational community, appointed by the president of the senate.

Amend RSA 270:133, III(b)-(c) as inserted by section 1 of the bill by replacing them with the following:

(b) The relationship to shoreline erosion and impacts to private property.

(c) The economic impact of recreational boating and the popularity of water sports among families in New Hampshire.

Amend RSA 270:133, V as inserted by section 1 of the bill by replacing it with the following:

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

Amendment to HB 139

(2019-0736h)

Proposed by the Committee on Resources, Recreation and Development - c

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

AN ACT relative to restrictions on smoking in state forests, parks, land, or buildings operated by the department of natural and cultural resources.

Amend the bill by replacing section 1 with the following:

1 Department of Natural and Cultural Resources; Rulemaking. Amend RSA 12-A:2-c, II(a) to read as follows:

(a) Conduct of persons using the property, including prohibitions or restrictions on use, **restrictions on smoking**, or transportation of any substances, articles, or other matter.

2019-0736h

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of natural and cultural resources to adopt rules relative to restrictions on smoking in state forests, parks, land, or buildings operated by the department.

Amendment to HB 144**(2019-0527h)****Proposed by the Majority of the Committee on Municipal and County Government - r**

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Revised Inventory; Change in Property Assessments. Amend RSA 75:8 by inserting after paragraph II the following new paragraphs:

III. Upon any adjustment to the assessed value of property, other than pursuant to revaluation under RSA 75:8-a or RSA 75:8-b, the selectmen or assessors shall provide written notice to the property owner giving justification for such change and notifying the property owner of the ability to dispute or appeal such change.

IV. Written notice to the property owner under paragraph III shall not be required for changes in assessed value that occur as a result of an issued building permit. Such written notice also shall not be required for changes in the current use value of land under RSA 79-A that occur as a result of changes in the municipality's equalization ratio.

2019-0527h

AMENDED ANALYSIS

This bill directs the selectmen or assessors to provide the property owner with written notice of an adjustment to the assessed value of property except in certain circumstances.

Floor Amendment to HB 192-FN-LOCAL**(2019-0935h)****Proposed by Reps. Grassie and Marsh**

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

AN ACT relative to fluoridation in water.

Amend RSA 485:14, I as inserted by section 1 of the bill by replacing it with the following:

I. No fluoride, ***or any chemical containing fluoride***, shall be introduced into a public water system unless and until the municipality or municipalities served by such system have each held a public hearing as to the introduction of fluoride ***or a chemical containing fluoride*** into the public water system, and the registered voters of such municipality or municipalities have approved such action pursuant to RSA 44:16, RSA 31:17-a, RSA 52:23, or RSA 485:14-a. ***Such action shall be presented to the voters every 5 years.*** For purposes of this section "municipality" means a municipality that has 100 or more user connections that are served from the public water system.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

2019-0935h

AMENDED ANALYSIS

This bill prohibits the introduction of any chemical containing fluoride into a public drinking water system, unless approved by a municipality's voters.

Amendment to HB 204**(2019-0924h)****Proposed by the Majority of the Committee on Resources, Recreation and Development - r**

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

AN ACT increasing penalties for water pollution.

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

1 Oil Spills; Penalties. Amend RSA 146-A:14, II-a to read as follows:

II-a. Any person who discharges or spills oil into or onto the surface water or groundwater of the state or in a land area where the oil will ultimately seep into such waters or any person who violates any provision of this chapter or any rule adopted under the provisions of this chapter shall be subject to a civil penalty not to exceed [~~\$10,000~~] ***\$30,000*** for each violation. Each day of a continuing violation shall count as a separate violation. Civil penalties for violation of any rule adopted under the provisions of this chapter shall not accrue until the department provides notification of such violation. The attorney general may bring an action for injunctive relief, including a mandatory injunction.

2 New Hampshire Safe Drinking Water Act; Penalties. Amend RSA 485:58, IV-VII to read as follows:

IV. Any person who violates any provision of this chapter or any rule adopted or any term or condition of an approval, exemption, variance or order issued under this chapter shall be liable to the state, upon suit brought by the attorney general, for a civil forfeiture in an amount not to exceed ~~[\$25,000]~~ **\$50,000** for each day of such violation.

V. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed ~~[\$2,000]~~ **\$6,000** for each offense upon any person who violates any provision of this chapter including any rule adopted under the provisions of this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the department in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violations of this chapter as provided above.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

VI. Any act or failure to act in violation of RSA 485:8, II; 31; 42; 43; 46; or 48; or any rule adopted under RSA 485:2; 3; 4; 40; 41; 44; or 47 may be enjoined.

VII. Notwithstanding RSA 651:2, any person may, in addition to any sentence of imprisonment, probation or conditional discharge, be fined not more than ~~[\$25,000]~~ **\$50,000** if found guilty of any violation of paragraph II or III of this section. The court may also order the person to pay the costs of remediation. Each day of violation shall constitute a separate offense.

3 Groundwater Protection Act; Penalties. Amend RSA 485-C:18-19 to read as follows:

485-C:18 Administrative Fines. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed ~~[\$2,000]~~ **\$6,000** for each offense upon any person who violates any provision of this chapter or any rule, permit or order adopted or issued under this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

I. A schedule of administrative fines which may be imposed under this section for violation of this chapter.

II. Procedures for notice and hearing prior to the imposition of an administrative fine.

485-C:19 Penalties and Other Relief.

I. Any person who knowingly violates this chapter, or any rule, permit, or order adopted or issued under this chapter; or who knowingly or recklessly makes any material false statement in any document required to be filed or maintained pursuant to this chapter; or who knowingly or recklessly renders inaccurate, falsifies, or tampers with any monitoring device or method required under this chapter; or who knowingly fails, neglects, or refuses to obey any lawful order of the department, shall be guilty of a misdemeanor if a natural person, and a felony if any other person. Such person shall also be subject to a civil penalty not to exceed ~~[\$25,000]~~ **\$75,000** for each violation or for each day of a continuing violation.

II. Any person who violates this chapter or a rule, permit, or order adopted or issued under this chapter, shall be subject to a civil penalty not to exceed ~~[\$10,000]~~ **\$30,000** for each violation or for each day of a continuing violation. Such violation may also be enjoined by the superior court upon application of the attorney general.

4 Water Management; Penalties. Amend the introductory paragraph of RSA 488:8, I to read as follows:

I. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed ~~[\$2,000]~~ **\$6,000** for each offense upon any person who knowingly:

5 Effective Date. This act shall take effect January 1, 2020.

2019-0924h

AMENDED ANALYSIS

This bill increases penalties for water pollution violations.

Amendment to HB 225

(2019-0084h)

Proposed by the Committee on Finance - c

Amend RSA 110-B:61 as inserted by section 1 of the bill by replacing it with the following:

110-B:61 Revenue for Scholarship Fund. ~~[All revenue received from sources other than governmental agencies during any fiscal year from the rental of all national guard armories in this state shall be credited by the state treasurer to the New Hampshire national guard scholarship fund as established in RSA 110-B:60. Revenues for]~~ The national guard scholarship fund ~~[shall include an]~~ **may consist of an** annual appropriation, as determined by the general court, to be awarded by the scholarship committee under this subdivision.

**Amendment to HB 233
(2019-0490h)**

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

Amend the bill by replacing section 4 with the following:

4 New Sections; Essential Health Benefits. Amend RSA 420-G by inserting after section 4-c the following new sections:

420-G:4-d Essential Health Benefits.

I. All health coverage offered by health carriers to individuals or small employers shall include coverage for essential health benefits.

II. If the federal government ceases to define essential health benefits, the commissioner shall define essential health benefits for New Hampshire by rulemaking pursuant to RSA 541-A. Essential health benefits shall include at least the following general categories and the items and services covered within the categories:

- (a) Ambulatory patient services.
- (b) Emergency services.
- (c) Hospitalization.
- (d) Maternity and newborn care.
- (e) Mental health and substance use disorder services, including behavioral health treatment.
- (f) Prescription drugs.
- (g) Rehabilitative and habilitative services and devices.
- (h) Laboratory services.
- (i) Preventive and wellness services and chronic disease management.

(j) Pediatric services, including oral and vision care; provided, that health coverage that does not specifically include such pediatric services shall be deemed to have offered the essential health benefit under this subparagraph if the health carrier has obtained reasonable assurance that such pediatric services are provided to the purchaser of the health coverage.

III. In defining essential health benefits under paragraph II, the commissioner shall:

(a) Ensure that essential health benefits reflects an appropriate balance among the categories described in such subparagraph, so that benefits are not unduly weighted toward any category;

(b) Not define essential health benefits in a manner which would allow carriers to make coverage decisions, determine reimbursement rates, establish incentive programs, or design benefits in ways that discriminate against individuals because of their age, disability, or expected length of life;

(c) Consider the health care needs of diverse segments of the population, including women, children, persons with disabilities, and other groups;

(d) Ensure that essential health benefits are not subject to denial to individuals against their wishes on the basis of the individuals' age or expected length of life or of the individuals' present or predicted disability, degree of medical dependency, or quality of life;

(e) Ensure that a health plan shall not be treated as providing coverage for essential health benefits unless the plan provides that:

(1) Coverage for emergency department services shall be provided without imposing any requirement under the plan for prior authorization of services or any limitation on coverage where the provider of services does not have a contractual relationship with the plan for the provision of services which is more restrictive than the requirements or limitations that apply to emergency department services received from providers who do have such a contractual relationship with the plan; and

(2) If such services are provided out-of-network, the cost-sharing requirement, such as a copayment amount or coinsurance rate is the same requirement which would apply if such services were provided in-network; and

(f) Ensure that essential health benefits are at least actuarially equivalent to the essential health benefits previously established by the federal government.

420-G:4-e Lifetime or Annual Limits Prohibited.

I. A health carrier offering individual or group health coverage under this chapter shall not establish lifetime or annual limits on the dollar value of essential health benefits for any covered person.

II. This section shall not be construed to prevent a health carrier from placing annual or lifetime per beneficiary limits on specific covered benefits that are not essential health benefits, to the extent that such limits are otherwise permitted under federal or state law.

**Amendment to HB 261
(2019-0028h)**

Proposed by the Committee on Resources, Recreation and Development - c

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

1 Ambient Groundwater Quality Standards; Contaminants in Drinking Water.

I. The commissioner shall initiate rulemaking pursuant to RSA 485-C:4, III within 120 days of the effective date of this paragraph to revise the ambient groundwater quality standard for arsenic to a value not to exceed 5 micrograms per liter.

II. The commissioner shall initiate rulemaking pursuant to RSA 485:3, I within 120 days of the effective date of this paragraph to adopt a maximum contaminant limit for arsenic to a value not to exceed 5 micrograms per liter for public water systems regulated by RSA 485-C.

2 Ambient Groundwater Quality Standards. Amend 2018, 190:1 to read as follows:

190:1 Department of Environmental Services; Ambient Groundwater Quality Standards. By January 1, 2019, the commissioner of the department of environmental services shall review the ambient groundwater standard for arsenic to determine whether it should be lowered, taking into consideration 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, the impact on public health, and the costs and benefits to affected entities that will result from establishing the standard. ~~[Any proposed change to the ambient groundwater standard for arsenic shall require the approval of the general court.]~~ On or before January 1, 2019, the commissioner shall submit a report of the findings to the chairpersons of the house and senate committees with jurisdiction over natural resources.

3 Effective Date. This act shall take effect 90 days after its passage.

Amendment to HB 263

(2019-1029h)

Proposed by the Committee on Children and Family Law - c

Amend the bill by replacing section 1 with the following:

1 Child Protection Act; Reunification Prohibited. Amend RSA 169-C:23 to read as follows:

169-C:23 Standard for Return of Child in Placement.

I. In the absence of a guardianship of the person of the minor, governed by the terms of RSA 463, before a child in out-of-home placement is returned to the custody of his or her ~~[parents, the parent or parents]~~ **parent, the parent** shall demonstrate to the court that:

~~[I. They are]~~ **(a) He or she is** in compliance with the outstanding dispositional court order;

~~[H.]~~ **(b)** The child will not be endangered in the manner adjudicated on the initial petition, if returned home;

~~[H.]~~ **(c)** Return of custody is in the best interests of the child. Upon showing the ability to provide proper parental care, it shall be presumed that a return of custody is in the child's best interests.

II. In no case shall the court order family reunification or placement with a parent or guardian who is a tier III offender, convicted of a sexual offense against a child as defined in RSA 651-B:1. Nor shall the permanency plan for a child in placement involve family reunification or placement with a parent or guardian who is a tier III offender, convicted of a sexual offense against a child as defined in RSA 651-B:1. Nothing in this paragraph shall be construed as conferring any rights on a parent or guardian who is a tier I or tier II offender, convicted of a sexual offense against a child as defined in RSA 651-B:1.

2019-1029h

AMENDED ANALYSIS

This bill prohibits the court in an abuse and neglect proceeding from ordering family reunification or placement with a parent or guardian who is a tier III sex offender, convicted of a sexual offense against a child.

Amendment to HB 271

(2019-0644h)

Proposed by the Committee on Executive Departments and Administration - c

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

AN ACT relative to apprentice electricians and third party electrical inspections.

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

1 Supervision of Apprentice Electricians. Amend RSA 319-C:2-a, I to read as follows:

I. A journeyman electrician shall directly supervise no more than one apprentice in the first year following his or her initial date of licensure. A journeyman electrician may have 2 apprentice electricians under his or her direct supervision beginning on the first anniversary of the journeyman electrician's initial date of licensure.

2 Third Party Electrical Inspections. Amend RSA 319-C:5-a to read as follows:

319-C:5-a Third Party Electrical Inspections. The board shall adopt rules under RSA 319-C:6-a requiring any entity engaging a person to conduct **level 1 or level 2** third-party electrical inspections of electrical installations in this state to have the person conducting the inspection be approved by the board. **The board shall**

determine the qualifications necessary for approval as a level 1 or level 2 electrical inspector. The board shall maintain and make available a list of such persons approved for **level 1 or level 2** third-party electrical inspections. The approval of a person to conduct **either level of** third-party electrical inspections shall not prohibit a city or town that has established inspections under RSA 47:22 or RSA 674:51 from contracting with any person of its choice to perform third-party electrical inspections.

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

2019-0644h

AMENDED ANALYSIS

This bill establishes a limit for supervision of apprentices by a journeyman electrician in the first year of licensure. The bill also provides for level 1 and level 2 third party electrical inspections in rules adopted by the electricians' board.

Amendment to HB 309

(2019-0735h)

Proposed by the Committee on Commerce and Consumer Affairs - c

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

1 Sale Under the Power; Notice. Amend RSA 479:25, II(a) to read as follows:

II.(a) A copy of said notice shall be served upon the mortgagor ~~[or]~~ **by the sheriff either by hand or by leaving a copy at the mortgaged premises. A copy shall be** sent by registered or certified mail to his or her last known address or to such person as may be agreed upon in the mortgage. **Such copy shall be mailed and service shall be made by the sheriff** at least 25 days before the sale, or in the case of a residential mortgage, at least 45 days before the sale. The term "mortgagor" shall include the mortgagor and any grantee, assignee, devisee or heir of the mortgagor holding a recorded interest in the mortgaged premises subordinate to the lien of the mortgage, provided that such interest is recorded at least 30 days, or in the case of a residential mortgage, at least 50 days, before the date of the sale, in the registry of deeds for the county in which the mortgaged premises are situated. In this paragraph, the term "residential mortgage" means a mortgage on a dwelling, as defined in RSA 397-A:1, VI-c. Like notice shall be sent to any person having a lien of record on the mortgaged premises not less than 21 days before the sale, provided that the lien is recorded at least 30 days, or in the case of a residential mortgage, at least 50 days, before the date of the sale in the registry of deeds. Such notice of sale shall be sufficient if it fully sets forth the date, time, and place of sale; the town, county, street or highway and street number, if any, of the mortgaged premises; the date of the mortgage; the volume and page of the recording of the mortgage; and the terms of the sale. Any mortgagor or record lienholder who refuses to accept or claim mailed or served notice or who frustrates attempts by the mortgagee to give notice of the sale by failing to give or leave a forwarding address or by other act or omission shall be deemed to be notified of the sale, provided that such mortgagee shall have made a good faith effort to provide such notice.

2 Sale Under the Power; Notice. Amend RSA 479:25, II(c) to read as follows:

(c) Notice of the sale as served on or mailed to the mortgagor shall also in all cases include the following language:

"You are hereby notified that you have a right to ~~[petition]~~ **file a complaint in** the superior court for the county in which the mortgaged premises are situated, with service upon the mortgagee~~[-and upon such bond as the court may require, to enjoin the scheduled foreclosure sale]~~. **The filing of a complaint against the mortgagee, followed by notice to the mortgagee, or his or her agent, will operate as an immediate injunction to stop the nonjudicial foreclosure if it is filed at least 10 days before the date of the sale. This injunction will continue until it is lifted by order of the superior court. If the complaint is filed less than 10 days before the date of the sale, an injunction may be ordered at the discretion of the court.**" Failure to ~~[institute such petition]~~ **file such a complaint** and complete service upon the foreclosing party, or his or her agent, conducting the sale prior to sale shall thereafter bar any action **against any third party buyer of the foreclosed property** or right of action of the mortgagor based on the validity of the foreclosure.

3 Effective Date. This act shall take effect January 1, 2020.

Amendment to HB 312

(2019-0726h)

Proposed by the Committee on Municipal and County Government - r

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

AN ACT establishing a committee to study tiny houses.

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

1 Committee Established. There is established a committee to study tiny houses.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, at least one of whom shall be a member of the house municipal and county government committee, appointed by the speaker of the house of representatives.

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

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

3 Duties. The committee shall study issues associated with state and local permitting of tiny houses suitable for year-round occupancy, including both tiny houses of permanent foundations and tiny houses on wheels. Such issues shall include, but not be limited to, building codes, fire codes, conflicts with local land use ordinances and regulations, and other local codes. The committee shall determine what constitutes a "tiny house," both on a permanent foundation and on wheels. The committee may seek the testimony of any individuals or organizations it deems appropriate.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

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

2019-0726h

AMENDED ANALYSIS

This bill establishes a committee to study tiny houses.

Floor Amendment to HB 314

(2019-0921h)

Proposed by Rep. Yokela

Amend the bill by replacing section 1 with the following:

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

458:13-a Submission of Evidence. Evidence submitted to the court in a proceeding under this chapter shall be disclosed to the opposing party at least 5 days prior to the date of the hearing. If a party submits evidence less than 5 days prior to the hearing, the opposing party may request a continuance, which shall be granted, and the court shall schedule a hearing as soon as is practicable, unless the court finds that such evidence is de minimus. If the court does not grant a continuance due to the de minimis nature of the evidence submitted, the court shall document the basis for its finding in the court order. This section shall not apply to evidence introduced for purposes of rebuttal or impeachment.

Amendment to HB 324

(2019-0454h)

Proposed by the Committee on Resources, Recreation and Development - c

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

AN ACT relative to operation of personal water craft around the marsh lands or flats in the Hampton/Seabrook estuary.

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

1 New Section; Personal Water Craft. Amend RSA 270 by inserting after section 74-b the following new section:

270:74-c Personal Water Craft.

I. In this section, "personal water craft" means a motor boat 16 feet or less in length that is propelled by jet pump, not propellers, where the operator and riders stand, kneel, straddle, or sit on, rather than inside, the craft.

II. No person shall operate a personal water craft within 300 feet of any marsh land or flat in the Hampton/Seabrook estuary without regard to tide height.

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

2019-0454h

AMENDED ANALYSIS

This bill prohibits the operation of personal water craft within 300 feet of any marsh land or flat in the Hampton/Seabrook estuary.

**Amendment to HB 326
(2019-0672h)**

Proposed by the Majority of the Committee on Resources, Recreation and Development - r
Amend RSA 482-A:15, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. For the purposes of this chapter, "prime wetlands" shall mean any contiguous areas falling within the jurisdictional definitions of RSA 482-A:2, X and RSA 482-A:4 that, because of their size, unspoiled character, fragile condition, or other relevant factors, make them of substantial significance. A prime wetland shall be at least 2 acres in size, shall not consist of a water body only, shall have at least 4 primary wetland functions, one of which shall be wildlife habitat. ***A prime wetland [and] shall have a width of at least 50 feet at its narrowest point across and perpendicular to its longitudinal axis, unless it can be demonstrated by the municipality that its narrower portions provide a significant contribution to the primary wetland functions of the prime wetland. Otherwise*** the boundary of a prime wetland shall coincide, where present, with the upland edge of any wetland, as defined in RSA 482-A:2, X, that is part of the prime wetland. On-site verification of proposed prime wetland boundaries shall be performed where landowner permission is provided. ***"Prime wetlands" shall not include existing state highway right-of-ways or other jurisdictional areas relating to prime wetlands, including adjacent buffers.***

**Amendment to HB 357
(2019-0820h)**

Proposed by the Committee on Finance - c

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

1 Public School Infrastructure Fund. Amend RSA 198:15-y, II to read as follows:

II. There is hereby established in the office of the state treasurer the public school infrastructure fund which shall be kept distinct and separate from all other funds and which shall be administered by the department of education. After transferring sufficient funds to the revenue stabilization reserve account to bring the balance of that account to \$100,000,000, the state treasurer shall transfer the remainder of the general fund surplus for fiscal year 2017, as determined by the official audit performed pursuant to RSA 21-I:8, II(a), to the fund. Any earnings on fund moneys shall be added to the fund. All moneys in the fund shall be ***nonlapsing and*** continually appropriated ~~[for the biennium ending June 30, 2019 and]~~. Any unexpended or unencumbered balance as of June 30, ~~[2019]~~ **2021** shall be transferred to the general fund.

2 Public School Infrastructure Commission. Amend RSA 198:15-z, IV to read as follows:

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. The commission shall meet at least monthly. The commission shall provide a report on or before ~~[November 1, 2018]~~ **June 30, 2021** to the general court with information on fund expenditures for the year, projects begun or completed during the previous year, the balance in the public school infrastructure fund, and any other information the commission deems appropriate.

3 Effective Date Changed; Public School Infrastructure. Amend 2017, 156:72, VII, as amended by 2018, 11:1 to read as follows:

VII. Section 72 of this act shall take effect July 1, ~~[2019]~~ **2021**.

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

**Amendment to HB 365
(2019-0973h)**

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

Amend paragraph VI as inserted by section 1 of the bill by replacing it with the following:

VI. The federal Public Utility Regulatory Policies Act (PURPA) as amended by the Energy Policy Act of 2005 calls upon states to consider the adoption and implementation of net metering policies. PURPA as amended states that electricity generated by an eligible on-site generating facility may be used to offset electric energy provided by the electric utility, and allows states to define an eligible facility. Furthermore, under ISO New England's rules, a generating facility of less than 5 megawatts that is connected to the distribution grid is not required to register with ISO New England as a generator or participate in the wholesale energy markets; rather, if the generating facility elects not to register as a wholesale market participant or retires from such status, the customer generator is to be treated by ISO New England as a retail load reducer.

VII. It is therefore in the best interests of all citizens of New Hampshire that the size limit on customer-generators that may participate in net energy metering and serve as retail load reducers be increased from one megawatt to up to but not including 5 megawatts to increase customer supply choice, foster a more robust retail market for local renewable energy, help mitigate the cost of electric service in the state, reduce the price volatility of that service, and reduce the potential for disruptions in electricity supply due to inadequate wholesale generating capacity in the New England marketplace.

Amend RSA RSA 362-A:1-a, II-b as inserted by section 2 of the bill by replacing it with the following:

II-b. “Eligible customer-generator” or “customer-generator” means an electric utility customer who owns, operates, or purchases power from an electrical generating facility either powered by renewable energy or which employs a heat led combined heat and power system, with a ~~[total peak generating]~~ **nameplate or maximum rated** capacity of ~~[up to and including one megawatt,]~~ **less than 5 megawatts and** that is located behind a retail meter on the customer’s premises, is interconnected and operates in parallel with the electric grid, and is used to offset the customer’s own electricity requirements. Incremental generation added to an existing generation facility, that does not itself qualify for net metering, shall qualify if such incremental generation meets the qualifications of this paragraph and is metered separately from the non qualifying facility.

Amend RSA 362-A:9, VII as inserted by section 3 of the bill by replacing it with the following:

VII.(a) A distribution utility may perform an annual calculation to determine the net effect this section had on its default service and distribution revenues and expenses in the prior calendar year. The method of performing the calculation and applying the results, as well as a reconciliation mechanism to collect or credit any such net effects with appropriate carrying charges and credits applied, shall be determined by the commission.

(b) For the purposes of accounting for any exports to the distribution grid by customer-generators, such exports shall be treated as offsets or reductions to retail load, within the same billing or rate time period, resulting in a reduction of the wholesale load obligation of each customer-generator’s electricity supplier.

(c) A generator with a nameplate or maximum rated capacity of less than 5 megawatts that first became operational before July 1, 2019 and that has outstanding capacity commitments in the forward capacity market administered by ISO New England may elect to become a customer-generator, participate in net metering, and be treated as a retail load reducer provided that it undertakes the process of retiring from participation in wholesale energy markets administered by ISO New England by:

(1) Ceasing participation in such energy markets such as by receipt of payments for energy generation;

(2) Transferring to the customer-generator’s electricity supplier, which may be the electric distribution utility providing default energy service, any payments received or due from ISO New England that are attributable to fulfillment of the generator’s capacity commitment until such capacity commitments are fulfilled or otherwise retired; and

(3) Completing the process of retiring from wholesale energy and capacity markets administered by ISO New England once any such capacity commitments that were outstanding at the time the generator elected to become a customer-generator participating in net metering are fulfilled or otherwise retired.

(d) Any provisions of settlement agreements or orders that have been approved or issued by the commission that relate to a distribution utility’s treatment of the output from qualifying facilities or independent power producers shall not apply to the output from an eligible customer-generator participating in net metering.

Amend RSA 362-A:9, XV as inserted by section 4 of the bill by replacing it with the following:

XV. Standard tariffs that are available to eligible customer-generators under this section shall terminate on December 31, 2040 and such customer-generators shall transition to tariffs that are in effect at that time. **Alternative tariffs shall be applicable and have such grandfathering provisions as may be approved or adopted by the commission under this section. Customer generators with a nameplate or maximum rated capacity of more than one megawatt and less than 5 megawatts that are eligible for net metering before the commission adopts tariffs specifically for customer generators with a capacity of more than one megawatt shall:**

(a) Be eligible to receive the export credit rate approved by the commission in Order No. 26,029 (DE 16-576) for one megawatt sized customer generators on default service, namely, the applicable default energy service rate.

(b) Be grandfathered under the terms of the currently-applicable tariff for customer-generators with a capacity of one megawatt if the customer generator’s electrical generating facility first becomes operational on or after July 1, 2019.

(c) Transition to such new tariffs as are specifically approved by the commission for customer-generators with a nameplate or maximum rated capacity of more than one megawatt if the customer-generator’s electrical generating facility first became operational before July 1, 2019.

Amend RSA RSA 83-F:1, V(d) as inserted by section 5 of the bill by replacing it with the following:

*(d) The electrical generation, production, and supply equipment of an “eligible customer-generator” as defined in RSA 362-A:1-a, II-b, **up to and including one megawatt;***

**Amendment to HB 368-FN
(2019-0731h)**

Proposed by the Committee on Transportation - c

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

AN ACT relative to medically recognized disorders identified on drivers' licenses.

Amend the bill by replacing section 1 with the following:

1 Drivers' Licenses; Form of License; Medically Recognized Disorder Indication. Amend RSA 263:41-b, III to read as follows:

III. For the purpose of this section, ~~[the director shall adopt rules under RSA 541-A defining medically recognized disorder and listing the disorders and their representations that may be shown on driver's licenses or nondriver's picture identification cards]~~ **autism spectrum disorder (ASD) or its abbreviation is authorized to be printed on the driver's license or nondriver's picture identification card.**

IV. If the name of medically recognized disorder exceeds 25 characters in length, only its abbreviation shall be printed on the driver's license or nondriver's picture identification card.

V. The director shall adopt rules pursuant to RSA 541-A relative to the administration of this section.

2019-0731h

AMENDED ANALYSIS

This bill authorizes autism spectrum disorder to be indicated as a medically recognized disorder on drivers' licenses and nondrivers' identification cards and modifies the rulemaking authority relative to printing medically recognized disorders on drivers' licenses and nondrivers' identification cards.

**Amendment to HB 370
(2019-0666h)**

Proposed by the Minority of the Committee on Municipal and County Government - r

Amend RSA 673:7, I as inserted by section 2 of the bill by replacing it with the following:

I. ~~[In the case of towns;]~~ Any 2 appointed or elected members of the planning board **in a city or town** may also serve together on any other municipal board or commission, except that no more than one **appointed or elected** member of the planning board shall serve on the conservation commission[;] **or the local governing body**~~[or a local land use board as defined in RSA 672:7].~~ **Any one appointed or elected member of the planning board may also serve on a local land use board, as defined in RSA 672:7, except that no member of the planning board shall also serve on the zoning board of adjustment.**

**Amendment to HB 378
(2019-0957h)**

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

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

1 Marriage; Age. Amend RSA 457:4 to read as follows:

457:4 Marriageable. No person below the age of ~~[16]~~ **18** years shall ~~[be capable of contracting]~~ **contract** a valid marriage, and all marriages contracted by such persons shall be null and void.

2 Prohibitions. Amend RSA 457:8 to read as follows:

457:8 Prohibitions. No town clerk shall issue any certificate for the marriage of any person below the age of ~~[consent]~~ **18**, and no magistrate or minister of religion shall solemnize the marriage of any such person, if such clerk, magistrate or minister knows or has reasonable cause to believe that such person is below such age~~[, unless permission for such marriage has been given under this subdivision].~~ No magistrate or minister of religion shall solemnize any marriage by proxy.

**Amendment to HB 389-FN
(2019-0902h)**

Proposed by the Committee on Commerce and Consumer Affairs - c

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

AN ACT requiring the secretary of state to prepare materials for businesses relative to service dogs.

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

1 New Section; Secretary of State; Materials for Businesses Relative to Service Dogs. Amend RSA 5 by inserting after section 15-a the following new section:

5:15-b Materials for Businesses Relative to Service Animals. The secretary of state shall coordinate with the governor's commission on disability to develop, prepare, and make available to businesses upon request:

I. A decal suitable for posting in a front window or door stating that service animals are welcome and that misrepresentation of an animal as a service animal is a violation of RSA 167-D:8.

II. Materials including permissible questions a business owner may ask in order to determine whether an animal is a service animal, guidelines for compliance with the Americans with Disabilities Act for the business owner, and information on the Americans with Disabilities Act. Such materials shall also contain language stating that persons who have non-apparent disabilities such as asthma or allergies to animals may also be protected by the Americans with Disabilities Act. Such materials shall also contain information about the penalties for misrepresentation of a dog as a service dog under RSA 167-D.

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

2019-0902h

AMENDED ANALYSIS

This bill requires the secretary of state to prepare materials for businesses relative to service dogs.

Amendment to HB 393

(2019-1023h)

Proposed by the Committee on Children and Family Law - c

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall submit an interim report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019. The committee shall submit its final report on or before November 1, 2020.

Amendment to HB 394-FN

(2019-0879h)

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

Amend RSA 539:9, I as inserted by section 1 of the bill by replacing it with the following:

I. Whoever shall [~~knowingly~~] **recklessly** cut, fell, destroy, injure, damage, cause to be damaged, carry away, **consume**, tamper with, worry, or vandalize any legal crop or legal crop bearing tree or plant, **Christmas tree**, cropland, pasture or pasture land, livestock or other farm raised animals, as defined in RSA 21:34-a, and all farm buildings, enclosures, structures, or equipment used in the care and production of crops, livestock or other farm raised animals, or aid in such action without permission of the owner, shall forfeit to the person injured **a minimum of \$500 or** up to 10 times the market value or repair cost, **whichever amount is higher**.

2019-0879h

AMENDED ANALYSIS

This bill:

I. Changes the criminal intent for the crime of crop theft.

II. Expands the definition of crop theft.

III. Raises the compensatory amount that must be paid to the victim.

Amendment to HB 397-FN

(2019-0650h)

Proposed by the Majority of the Committee on Transportation - r

Amend the bill by replacing section 1 with the following:

1 New Section; License for New Hampshire Residents Not Using a Social Security Number for Identification. Amend RSA 263 by inserting after section 39-a the following new section:

263:39-b License for New Hampshire Residents Not Using a Social Security Number for Identification.

I. The director may issue a driver's license, in compliance with the REAL ID Act of 2005, Public Law 109-13, and its implementing regulations, including not limited to 6 C.F.R. part 37, or RSA 263:40, I, to a resident, who satisfies the residency requirement set forth in RSA 263:5-e and who meets all other requirements in RSA 263:6-a through RSA 263:6-d.

II. In lieu of producing a social security card or number, a resident may prove his or her identity and age to the director by producing reliable official documentation of 2 forms of identification, including at least one containing a photograph of the resident, with a certified English translation if the original is in a language other than English, such as:

(a) An original or certified copy of the resident's birth certificate.

(b) The resident's federal individual tax identification number (ITIN).

(c) A photo identification issued by the armed forces or the New Hampshire national guard.

(d) The resident's medical insurance card, or documentation of medical insurance coverage or eligibility that contains an identification number.

(e) The resident's selective service card.

(f) The resident's current or expired alien registration card, employment authorization card, temporary resident card, or any other document issued by the United States Citizenship and Immigration Service.

(g) A completed and approved form I-246, Stay of Removal Application, issued by the United States Immigration and Customs Enforcement.

(h) A consular report of birth abroad issued by the United States Department of State, Form FS-240, DS-1350, or FS-545.

(i) A valid passport issued by the resident's country of birth.

(j) An identification card issued by the consulate or embassy of the applicant's country of birth.

(k) Any other documentation issued by the government of the applicant's country of birth.

III. The fee for a first-time application under this section shall be \$150, and the fee for a renewal application under this section shall be \$100.

IV. Any driver's license issued under this section shall not be considered evidence of any individual's immigration status in the United States.

V. No person shall share or distribute information submitted by applicants pursuant to this section to any government agency or official, except as authorized in RSA 260:14 or unless pursuant to a validly executed warrant issued by a state or federal judge. Any person who fails to comply with this paragraph shall be guilty of a class B misdemeanor.

Amendment to HB 427

(2019-1038h)

Proposed by the Committee on Children and Family Law - c

Amend the bill by replacing section 2 with the following:

2 New Section; Child Protection Act; Petition for Protective Order Filed on Behalf of Minor. Amend RSA 169-C by inserting after section 7 the following new section:

169-C:7-a Petition for Protective Order Filed on Behalf of Minor.

I.(a) A parent or guardian may file a petition for a protective order on behalf of a minor, alleging abuse of the minor by a member of the minor's family or household. The court shall not accept a petition under this section that is filed by a child's parent against the other parent. Any order issued under this chapter may be in addition to an order issued under RSA 173-B and any proceeding initiated under this chapter may be consolidated with a proceeding under RSA 173-B.

(b) Any minor plaintiff who seeks a protective order under this chapter need not be accompanied by a parent or guardian to receive relief or services under this chapter.

II. A guardian may file a petition for a protective order on behalf of his or her ward, alleging abuse of the ward by a member of the ward's family or household.

III. Any acts of abuse or neglect alleged in a petition shall be referred to the department pursuant to this chapter.

Amendment to HB 437

(2019-1019h)

Proposed by the Committee on Children and Family Law - c

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

1 New Section; Commission to Study Parental Alienation. Amend RSA 461-A by inserting after section 24 the following new section:

461-A:25 Commission to Study Parental Alienation Established. There is established a commission to study parental alienation.

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

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

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

(c) One representative of the judicial branch family division, appointed by the administrative judge of the circuit court.

(d) One representative of the office of the governor, appointed by the governor.

(e) One guardian ad litem, appointed by the guardian ad litem board.

(f) One psychiatrist or psychologist, with experience in family law matters, appointed by the speaker of the house of representatives.

(g) One elementary school counselor, appointed by the president of the senate.

(h) One representative of the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the coalition.

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

III. The commission shall:

- (a) Define the term parental alienation.
- (b) Study the relationship between parental alienation and child abuse and neglect, domestic abuse, violent crime, substance abuse, and mental illness.
- (c) Examine causes, costs, and effects of parental alienation in New Hampshire.
- (d) Identify preventative measures that may be used to prevent or minimize the effects of parental alienation.
- (e) Solicit testimony from any organization or individual with information the commission deems relevant to its study.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

V. The commission shall submit an interim report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019. The commission shall submit a final report on or before November 1, 2020.

2 Repeal. RSA 461-A:25, relative to the commission to study parental alienation, is repealed.

Amendment to HB 443

(2019-0397h)

Proposed by the Majority of the Committee on Municipal and County Government - r

Amend RSA 41:11-d, I as inserted by section 1 of the bill by replacing it with the following:

I. The local governing body may establish regulations restricting the use of water from private wells or public water systems for [residential] outdoor lawn watering when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought. ***The grass playing turf of a recreational field, the grass playing surfaces of a golf course, and grass agricultural fields, including fields used for the production of sod, shall be excluded from this restriction.***

2019-0397h

AMENDED ANALYSIS

This bill excludes certain types of turf from municipal restrictions on outdoor lawn watering.

Amendment to HB 443

(2019-0698h)

Proposed by the Minority of the Committee on Municipal and County Government - r

Amend RSA 41:11-d, I as inserted by section 1 of the bill by replacing it with the following:

I. The local governing body may establish regulations restricting the use of water from private wells or public water systems for residential ***and commercial*** outdoor lawn watering, ***except as required for new seeding***, when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought. ***The grass playing turf of a recreational field, the grass playing surfaces at a golf course, and grass agricultural fields, including fields used for the production of sod, are not considered grass lawns.***

Amendment to HB 448

(2019-1033h)

Proposed by the Committee on Education - c

Amend the bill by deleting section 6 and renumbering the original section 7 to read as 6.

Amendment to HB 450

(2019-0681h)

Proposed by the Committee on Commerce and Consumer Affairs - c

Amend the bill by replacing sections 2-4 with the following:

2 Banks and Banking; Bank Commissioner; Duties. Amend RSA 383:9, V to read as follows:

V. The commissioner may conduct an examination or investigation during business hours, ***at the commissioner's office by consent or by subpoena, or*** at any location of the entity's operations, including any place where assets are located or where records are made, posted, or kept. The commissioner shall have the power to conduct [such] an examination or investigation outside the state of New Hampshire and outside the United States and its territories. ***Notice of any examination may be provided to the entity's main or principal office or, for a trust company or family trust company, to any executive officer of the trust company or family trust company.***

3 Banks and Banking; Bank Commissioner; Examination of Banks, Credit Unions, Trust Companies, and Family Trust Companies. Amend RSA 383:9-d, IV to read as follows:

IV. The commissioner shall examine the condition and management of all consumer credit licensees as required by law, every ~~[18]~~ **24** months, or more often when necessary in his or her judgment. In lieu of his or her own report, the commissioner may accept a report of a federal or state regulator or group of regulators with authority to conduct a similar type of examination of the entity.

4 Banks and Banking; Bank Commissioner; Examination of Banks, Credit Unions, Trust Companies, and Family Trust Companies. Amend RSA 383:9-d, VI to read as follows:

VI. In no event shall a licensee be examined less than every ~~[36]~~ **48** months.

Amend the bill by replacing section 10 with the following:

10 Banks and Banking; Bank and Credit Union Regulation and Enforcement; Annual Audits; Reports. Amend RSA 383-A:5-509(c) to read as follows:

(c) Each state bank or credit union shall direct its auditor to provide, and the auditor shall provide, the commissioner with a copy of its audit report, within 60 days after each is made available to the state bank or credit union. All reports, memoranda, and correspondence ~~[remain the property of the individual state bank or credit union]~~ **shall be confidential in accordance with RSA 383:10-b.**

Amend the bill by replacing section 12 with the following:

12 Banks and Banking; Trust Company Act; Offices; Examination of Out-of-State Offices. Amend RSA 383-C:7-704 to read as follows:

383-C:7-704 Examination of Out-of-State Trust Offices. The commissioner may enter into agreements with any regulatory authority having jurisdiction to examine out-of-state trust offices of trust companies. For those examinations, ~~[a trust company shall pay (i) an examination fee calculated in accordance with RSA 383:11, I, and (ii) the actual cost of travel, lodging, meals, and other expenses of examination personnel employed in making examinations under this section]~~ **the cost shall be the same as that provided in RSA 383:11.**

Amend RSA 383-C:14-1401, I as inserted by section 13 of the bill by replacing it with the following:

I. Subject to RSA 383-C:14-1402, the commissioner shall examine the condition and management of a trust company every 18 months, **or more often when necessary in his or her judgment.**

Amend the bill by replacing all after section 19 with the following:

20 Examination of Banks, Credit Unions, Trust Companies, and Family Trust Companies. Amend RSA 383:9-d, V(a) to read as follows:

(a) The licensee has consistently had examinations with few or no cited violations of law **or has not conducted significant business in the state during the exam period;**

21 Effective Date.

I. Sections 1, 7, 11, 12, 15, 16, 18, and 19 of this act shall take effect 60 days after its passage.

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

Amendment to HB 451

(2019-0946h)

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

Amend the bill by replacing section 1 with the following:

1 Term and Reimbursement Alimony. Amend RSA 458:19-a, III to read as follows:

III. The maximum duration of term alimony shall be 50 percent of the length of the marriage, unless the parties agree otherwise or the court finds that justice requires an adjustment under paragraph IV. ~~[If justice requires, the court may use a different beginning or ending date in measuring the length of the marriage.]~~ **In cases where the application of the guidelines would be unfair or unjust, the court may order such relief as justice may require.** Term alimony shall end on the remarriage of the payee, unless the order is based on an agreement of the parties that provides otherwise.

2019-0946h

AMENDED ANALYSIS

This bill provides that in alimony determinations where the application of guidelines would be unfair or unjust, the court may order such relief as justice may require.

Amendment to HB 458-FN

(2019-0425h)

Proposed by the Committee on Ways and Means - r

Amend the bill by replacing RSA 110-B:60 and 110-B:61 as inserted by section 5 by replacing them with the following:

110-B:60 National Guard Scholarship ~~[Fund]~~ Established. For the purposes of encouraging enlistment and retention in the national guard and to provide for education benefits for members of the national guard

in the state, there is hereby established ~~[in the state treasury a separate fund to be known as the]~~ **a** New Hampshire national guard scholarship. ~~[fund from which the state treasurer shall make payments as may be authorized by the scholarship committee. The fund shall be a non-lapsing fund.]~~

110-B:61 Revenue for Scholarship Fund. ~~[All revenue received from sources other than governmental agencies during any fiscal year from the rental of all national guard armories in this state shall be credited by the state treasurer to the New Hampshire national guard scholarship fund as established in RSA 110-B:60. Revenues for]~~ The national guard scholarship fund shall ~~[include]~~ **consist of** an annual appropriation, as determined by the general court, to be awarded by the scholarship committee under this subdivision.

Amend the bill by replacing section 17 with the following:

17 Repeal; Municipal Maintenance and Repair Special Account. Amend RSA 228:49, II to read as follows:

II. The commissioner is authorized to purchase the necessary materials and supplies required for the performance of such work including the rental of equipment. The state treasurer upon presentation by the commissioner of manifests covering said materials, supplies and rentals is authorized to pay the same from any money in the highway fund not otherwise appropriated. ~~[The commissioner shall establish a special account within the highway fund to which shall be charged the cost of performing such work and to which shall be credited]~~ Payments made by cities, towns, state departments and institutions hereunder ~~[Insofar as such payments]~~ shall include charges for labor performed by personnel of the department of transportation and interest charges on delinquent accounts~~[.]~~. These payments shall be credited to the highway fund.

Amend the bill by replacing section 18 with the following:

18 Turnpike Renewal and Replacement Account Established. Amend RSA 237:49-a to read as follows:

237:49-a Turnpike Renewal and Replacement Account Established. There is established the turnpike renewal and replacement account within the department of transportation. At the close of each fiscal year, all surplus renewal and replacement funds shall be ~~[transferred to]~~ **carried forward within** the turnpike renewal and replacement ~~[fund]~~ **account**.

Amend the bill by replacing all after section 20 with the following:

21 New Paragraph; Insurance Department; Continuing Education Course Submission Fee. Amend RSA 400-A:29 by inserting after paragraph XXII the following new paragraph:

XXIII. Continuing education course submission fee

- (a) Initial \$25
- (b) Renewal \$25

22 Continuing Education Advisory Council Reimbursement Fund. Amend RSA 400-A:29-a to read as follows:
400-A:29-a Fees for Continuing Education Course Submissions; Special Fund Established.

I. The commissioner may impose and collect reasonable application fees ~~[in amounts to be determined by the commissioner]~~ **as provided in RSA 400-A:29, XIII(a) and (b)** from sponsoring organizations for submissions of continuing education courses to meet educational requirements established by rule for producers, consultants, and adjusters.

II. The fees collected by the commissioner under paragraph I shall be ~~[forwarded to the state treasurer for deposit in the continuing education advisory council reimbursement fund. Moneys in this fund shall lapse to the general fund at the close of each fiscal year. Moneys from this fund shall be used by the commissioner to pay the expenses of compensating the continuing education advisory councils, within the limits of appropriations made in the operating budget for this purpose]~~ **deposited in the general fund**.

III. Members of the respective continuing education advisory councils shall be reimbursed for all actual travel. **The commissioner shall pay the expenses of compensating the continuing education advisory council within the limits of appropriations made in the operating budget for this purpose.**

23 Operation of Aircraft. Amend RSA 422:6 to read as follows:

422:6 Operation of Aircraft. The commissioner, after consultation with the director of aeronautics, rail, and transit, is hereby authorized to lease, purchase, or own and to maintain and operate such aircraft as may be approved by the governor and council, and to provide for the use of such aircraft by other departments and agencies of the state. All fees collected from state departments and agencies under this section shall be ~~[credited to a special fund to be]~~ used to pay costs of maintenance and operation of said aircraft. ~~[Moneys in the special fund]~~ **Such fees** shall not lapse but may be used ~~[as a revolving fund]~~ for the purposes of this section.

24 New Sections; Standards for Farm Products; Regulatory Services Promotional Products Fund and Organic Processors-Handlers Certification Funds Established. Amend RSA 426 by inserting after section 6-b the following new sections:

426:6-c Regulatory Services Promotional Products Fund. There is established a separate, nonlapsing fund to be known as the regulatory services promotional products fund. The fund shall be continually appropriated to the commissioner of the department of agriculture, markets and food for the purpose of administering specialty agricultural programs and providing promotional products to program participants.

426:6-d Organic Processors-Handlers Certification Fund. There is established a separate, nonlapsing fund to be known as the organic processors-handlers certification fund. The fund shall be continually appropriated

to the commissioner of the department of agriculture, markets and food for the purpose of administering the certification program for organic processors and handlers. Certification and inspection fees paid under RSA 426:8-a shall be deposited in the fund.

25 Organic Processors and Handlers; Fees. Amend RSA 426:8-a, III to read as follows:

III. Such fees shall be credited to the ~~[general fund of the state]~~ ***organic processors-handlers certification fund established in RSA 426:6-d.***

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

**Amendment to HB 459-FN
(2019-0790h)**

Proposed by the Committee on Environment and Agriculture - c

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

AN ACT defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

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

1 Findings. The general court finds:

I. Hemp has been continuously cultivated for millennia, is accepted and available in the global marketplace, and has numerous beneficial, practical, and economic uses, including: high-strength fiber, textiles, clothing, bio-fuel, paper products, protein-rich food containing essential fatty acids and amino acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic products, construction materials, rope, and value-added crafts.

II. The many agriculturally and environmentally beneficial uses of industrial hemp include: livestock feed and bedding, stream buffering, erosion control, water and soil purification, and weed control.

III. The hemp plant, an annual herbaceous plant with a long slender stem ranging in height from 4 to 15 feet and a stem diameter of $\frac{1}{4}$ to $\frac{3}{4}$ of an inch is morphologically distinctive and readily identifiable as an agricultural crop grown for the cultivation and harvesting of its fiber and seed.

IV. Industrial hemp cultivation will enable the state of New Hampshire to accelerate economic growth and job creation and promote environmental stewardship.

2 New Chapter; Industrial Hemp. Amend RSA by inserting after chapter 439 the following new chapter:

**CHAPTER 439-A
INDUSTRIAL HEMP**

439-A:1 Purpose. The intent of this chapter is to define industrial hemp so that farmers and other businesses in the New Hampshire agricultural industry can take advantage of this market opportunity afforded by the passage of the Agricultural Improvement Act of 2018.

439-A:2 Definitions. In this chapter:

I. "Cannabidiol" or "CBD" is a phytocannabinoid extracted from industrial hemp plants.

II. "Commissioner means the commissioner of the department of agriculture, markets, and food.

III. "Department" means the department of agriculture, markets, and food.

IV. "Hemp products" means all products made from industrial hemp, including cloth, cordage, fiber, food, fuel, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and certified seed for cultivation.

V. "Industrial hemp" means the plant *Cannabis sativa* L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than 0.3 percent on a dry weight basis.

439-A:3 Industrial Hemp Permitted. Industrial hemp is an agricultural product which may be grown as a crop, processed, possessed, and commercially traded in New Hampshire. Any grower, processor, or commercial trader of industrial hemp shall be licensed by the United States Department of Agriculture.

439-A:4 Industrial Hemp; Use in Food. In order for food to contain industrial hemp, the manufacturer of the food shall demonstrate the following to the commissioner:

I. All parts of the hemp plant utilized in food shall come from a state that has an established and approved industrial hemp program or a country that inspects or regulates hemp under a food safety program or equivalent criteria to ensure safety for human consumption.

II. The industrial hemp producer shall be in good standing and compliance with the governing laws within the state or country of the industrial hemp's origin.

III. The industrial hemp shall conform to the standard of identity established above no more than .3 percent THC.

IV. The use of other parts of the industrial hemp plant other than seed and its derivatives: seed meal, flour, and oil, shall have lab test results indicating the levels of THC within the derivatives are not above the allowable limit of .3 percent THC.

V. The product shall be labeled in conformity with state and federal labeling laws, including:

(a) Clearly identify industrial hemp as an ingredient.

(b) Clearly identify CBD and the amount of CBD if added as an isolate.

(c) Include the statement “THE FDA HAS NOT EVALUATED THIS PRODUCT FOR SAFETY OR EFFICACY.”

(d) Shall not contain any health or benefit claims.

VI. The producer shall document that the finished product does not contain more than .3 THC.

3 Controlled Drug Act; Marijuana; Industrial Hemp Exception. Amend RSA 318-B:2-c, I(a) to read as follows:

(a) “Marijuana” includes the leaves, stems, flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber [produced] **processed** from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. **Marijuana shall not include industrial hemp grown, processed, marketed, or sold under RSA 439-A.**

4 Therapeutic Cannabis; Industrial Hemp Excepted. Amend 126-X:1, III to read as follows:

III. “Cannabis” means all parts of any plant of the Cannabis genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term shall not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination. **In this chapter, cannabis shall not include industrial hemp grown, processed, marketed, or sold under RSA 439-A.**

5 Committee Established. There is established a committee to study the administrative mechanisms for permitting growing hemp in New Hampshire consistent with the federal Agricultural Improvement Act of 2018 and determining labeling requirements for hemp products sold in New Hampshire.

6 Membership and Compensation.

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

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

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

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

7 Duties. The committee shall:

I. Review the statutes relating to hemp in the Agricultural Improvement Act of 2018 and the United States Department of Agriculture rules and guidelines for states choosing to license the growing, processing, marketing, and sale of hemp and hemp products.

II. Determine whether it is preferable for the state of New Hampshire to establish a state level oversight program for hemp within the department of agriculture, markets, and food or to request the federal government to oversee hemp production in New Hampshire.

III. Determine labeling requirements for hemp products in New Hampshire, and in particular, those products that may be intended for human consumption or for application to human skin and further, determine what department would be charged with oversight of labeling, and determine enforcement policies.

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

9 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

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

2019-0790h

AMENDED ANALYSIS

This bill:

I. Defines “industrial hemp.”

II. Allows for the growth of industrial hemp in New Hampshire.

III. Allows for the use of industrial hemp products in food.

IV. Establishes a study committee to study the federal guidelines on growing industrial hemp.

Amendment to HB 464

(2019-0804h)

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

Amend the bill by replacing section 1 with the following:

1 Solar Energy Systems; Definition. RSA 72:61 is repealed and reenacted to read as follows:

72:61 Definition of Solar Energy Systems. In this subdivision "solar energy system" means:

I. A system which utilizes solar energy to heat or cool the interior of a building or to heat water for use in a building and which includes one or more collectors and a storage container.

II. A system which utilizes solar energy to produce electricity for a building and includes all photovoltaics, inverters, and storage. Systems may be off grid or connected to the grid in a net metered or group net metered arrangement pursuant to RSA 374-A:9 or in a direct retail sale arrangement pursuant to RSA 374-A:2-a.

Amend RSA 72:65 as inserted by section 2 of the bill by replacing it with the following:

72:65 Definition of Wind-Powered Energy Systems. In this subdivision, "wind-powered energy system" means a system that utilizes wind power to produce electricity for a building and includes all wind-powered devices, inverters, and storage. Systems may be off grid or connected to the grid in a net metered or group net metered arrangement pursuant to RSA 374-A:9 or in a direct retail sale arrangement pursuant to RSA 374-A:2-a.

Amendment to HB 468-FN-LOCAL

(2019-0888h)

Proposed by the Committee on Executive Departments and Administration - c

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

1 Intent. The general court intends that this act revise the definition of earnable compensation for the New Hampshire retirement system to include annual cash payments in the form of an attendance stipend or bonus paid pursuant to a collective bargaining agreement, personnel policy, or other agreement applicable to substantially all employees, the amount of which is determined by reference to the amount of sick days an employee used in the calendar or fiscal year.

2 Retirement System; Earnable Compensation; Annual Attendance Stipend or Bonus. Amend RSA 100-A:1, XVII(a) and (b)(1) to read as follows:

(a) For members who have attained vested status prior to January 1, 2012 the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, **annual attendance stipend or bonus**, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. Compensation for extra and special duty, as reported by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b)(1) For members who have not attained vested status prior to January 1, 2012, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs (2), (3), and (4), any overtime pay, cost of living bonus, **annual attendance stipend or bonus**, annual longevity pay, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, compensation for extra and special duty, and any military differential pay, plus the fair

market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary.

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

2019-0888h

AMENDED ANALYSIS

This bill includes attendance stipends or bonuses paid as earnable compensation in the New Hampshire retirement system.

Amendment to HB 474

(2019-0360h)

Proposed by the Committee on Commerce and Consumer Affairs - c

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

1 Bank and Credit Union Regulation and Enforcement; Definitions. Amend RSA 383-A:2-201(b) to read as follows:

(b) Whenever a federal law or rule is referenced by incorporation in the Bank and Credit Union [~~Regulatory Enforcement~~] Act, the Depository Bank Act, the Trust Company Act, the Family Trust Company Act, or the Credit Union Act, the reference is to the law or rule as may be amended from time to time.

2 Bank and Credit Union Regulation and Enforcement; Organization of State Banks; Application. Amend RSA 383-A:3-305(a) to read as follows:

(a) The organizer of a state bank shall apply for a charter by filing an application under RSA 383-A:6-602. The commissioner shall prescribe the form of the application. The form shall specify information required to process the application for the type of state bank to be organized. The information shall include: the name of the state bank; the address of [the state] **a depository** bank's principal office; the state bank's registered agent and registered office; the name and address of each organizer; the name, address, background, and experience of the proposed directors and the executive officers; **for trust companies and family trust companies, the proposed work location for each executive officer where the executive officer will conduct trust business**; the name, address, and equity interest of each person holding 10 percent or more of the state bank's voting interests or other beneficial interests; the proposed organizational documents, including the organizational instrument executed by the organizer; a capital plan for the first 5 years of operations, including a statement as to the amount of the proposed initial capital, an explanation as to why that amount of capital is adequate for its business operations, and the sources and uses of capital; a business plan describing the business of the state bank, the customers or markets that it intends to serve, and its business strategy for the first 5 years of operation; pro forma financial statements for the first 5 years of operations; and any other facts or circumstances deemed relevant to the application by the commissioner.

3 Bank and Credit Union Regulation and Enforcement; Investigative Powers. Amend RSA 383-A:3-306 to read as follows:

383-A:3-306 Investigative Powers. For the purpose of any investigation under RSA 383-A, RSA 383-B, RSA 383-C, **and** RSA 383-D, [~~and RSA 383-E,~~] the commissioner shall have the power to subpoena witnesses and administer oaths in any adjudicative proceedings and the power to compel, by subpoena duces tecum, the production of all books, records, files, and other documents and materials relevant to his or her investigation.

4 Bank and Credit Unions; Organization of State Banks; Material Change in Operating Conditions. Amend RSA 383-A:3-318 to read as follows:

383-A:3-318 Material Change in Operating Conditions. If a board of directors of a [state] **depository** bank proposes to make a material change in the business plan, capital plan, or other factors considered by the commissioner in granting a charter to the [state] **depository** bank within 5 years of its receipt of a certificate to engage in business under RSA 383-A:3-315, then the board of directors may not make the change unless it submits an application seeking approval of the change to the commissioner as provided in RSA 383-A:6-602 and it is permitted to do so by the commissioner.

5 Banks and Banking; Capital, Fidelity Bond, and Errors and Omissions Insurance; Fidelity Bond and Errors and Omissions Liability Insurance. Amend RSA 383-A:4-405 and 4-406 to read as follows:

383-A:4-405 Fidelity Bond.

(a) A state bank or credit union shall maintain a fidelity bond that provides protection against losses from (i) any dishonest or criminal act of any person, including any of its directors, officers, employees, and agents, and (ii) any act such as robbery, burglary, or forgery by a person not associated with the bank **or credit union**.

(b) Except as provided in (c), the fidelity bond shall be issued by:

(1) An insurer licensed under the laws of the state; or

(2) A foreign surplus lines insurer authorized to sell insurance in this state and licensed by any state, district or territory of the United States.

(c) The issuer of a fidelity bond may be a person other than as described in (b)(1) and (2) if, under the terms of the policy, the issuer unconditionally consents to:

(1) The resolution of any claim or dispute involving the policy by a court located in this state; and

(2) The personal jurisdiction of the courts located in this state in connection with any matter involving the policy.

(d) The board of directors shall review the fidelity bond annually, or more often as circumstances require, to evaluate the adequacy of the amount of coverage.

(e) A **state** bank or credit union shall give notice to the commissioner **in accordance with RSA 383-A:6-602** if the coverage **under the fidelity bond** is decreased by 25 percent or more ~~[under RSA 383-A:6-602]~~ **in any 12-month period.**

~~[(b)]~~ *(f)* From time to time, the commissioner may reduce or increase the amount of the fidelity bond that a state bank or credit union is required to maintain. At no time shall the amount fall below the minimum required by the commissioner.

~~[(e)]~~ *(g)* The policy shall require that the fidelity ~~[insurer notify the commissioner within 10 days after the cancellation or nonrenewal of the fidelity bond]~~ **bond insurer provide 10 days' notice to the commissioner before cancellation or nonrenewal of the fidelity bond shall take effect.**

383-A:4-406 Errors and Omissions Liability Insurance.

(a) A state bank or credit union shall maintain a liability policy that insures against losses that any of its customers incurs by reason of the errors and omissions of the state bank or credit union or any of its directors, officers, employees, and agents.

(b) Except as provided in subsection (c), the errors and omissions liability policy shall be issued by:

(1) An insurer licensed under the laws of this state; or

(2) A foreign surplus lines insurer authorized to sell insurance in this state and licensed by any state, district or territory of the United States.

(c) The issuer of the errors and omissions liability policy may be a person other than as described in (b) if, under the terms of the policy, the issuer unconditionally consents to:

(1) The resolution of any claim or dispute involving the policy by a court located in this state; and

(2) The personal jurisdiction of the courts located in this state in connection with any matter involving the policy.

(d) The board of directors shall review the **errors and omissions** liability policy annually, or as circumstances require, to evaluate the adequacy of **the amount of** coverage.

(e) A **state** bank or credit union shall give notice to the commissioner **in accordance with RSA 383-A:6-602** if coverage **under the errors and omissions liability policy** is decreased by 25 percent or more ~~[under RSA 383-A:6-602]~~ **in any 12-month period.**

~~[(b)]~~ *(f)* From time to time, the commissioner may reduce or increase the amount of **errors and omissions liability** insurance coverage that a state bank or credit union is required to maintain. At no time shall the amount of insurance fall below the minimum required by the commissioner.

~~[(e)]~~ *(g)* The policy shall require that the errors and omissions **liability** insurer ~~[notify the commissioner within 10 days after the notice of cancellation or nonrenewal of the insurance policy]~~ **provide 10 days' notice to the commissioner before cancellation or nonrenewal of the errors and omissions liability shall take effect.**

6 Banks and Banking; Management and Operations; Reports of Condition. Amend RSA 383-A:5-510 to read as follows:

383-A:5-510 Reports of Condition.

(a) Each **calendar year, each** state bank or credit union shall balance its books at the close of business on the last business day in December ~~[in each year]~~ and, within 30 calendar days thereafter, shall ~~[make reports to the commissioner, upon forms furnished by the commissioner, showing the true conditions of the state bank or credit union at that time. The commissioner shall prescribe what information the reports shall contain including those forms required by federal regulating agencies and shall seasonably furnish forms upon which they shall be made.]~~ **file with the commissioner an annual report. The annual report shall be signed by an authorized officer of the state bank or credit union, attesting that the information provided is accurate to the best of his or her knowledge, and shall contain the following information:**

(1) The name and contact information for the institution and each branch, principal office, trust office, and main office, including information concerning any branch, principal office, trust office, or main office which opened, closed, or relocated during the year.

(2) The name of each person who is a director or trustee.

(3) The name of each person who is an executive officer.

(4) The name of each subsidiary of the institution.

(5) The name and contact information for each service entity.

(6) The name and contact information for any affiliated holding company.

(7) With respect to any fidelity bond or errors and omissions liability policy maintained to satisfy requirements in banking acts, the legal name and contact information for the insurance company that issued the coverage, the amount of coverage, and the amount of the deductible.

(8) With respect to any liquidation pledge the trust company maintains, the name and contact information for the person holding the liquidation pledge and the fair market value of the liquidation pledge as of the last business day of the year.

(9) With respect to any surety bond that a trust company maintains for the benefit of the commissioner, the name and contact information for the person issuing the surety bond, and the amount of the surety.

(10) With respect to any other funds that a trust company maintains for the benefit of the commissioner, the name and contact information for the person holding the funds, and the fair market value of the funds as of the last business day of the year.

(b) Quarterly, each state bank or credit union shall balance its books at the close of business on the last business day in March, June, [and] September, **and December**, [each year] and, within 30 calendar days after the end of each of those calendar quarters, shall [make reports to the commissioner, upon forms furnished by the commissioner, showing the true conditions of the state bank or credit union at that time. The commissioner shall prescribe what information the reports shall contain including those forms required by federal regulating agencies and shall seasonably furnish forms upon which they shall be made.] **file with the commissioner a quarterly report, as follows:**

(1) In the case of a depository bank, the quarterly report form shall be submitted using the applicable "Consolidated Reports of Condition and Income" developed by the Federal Financial Institutions Examination Council.

(2) In the case of a credit union, the quarterly report form shall be submitted using the "Call Report Form 5300" developed by the National Credit Union Administration.

(3) In the case of a trust company or family trust company, the quarterly report form shall be submitted using the following sections of the "Consolidated Reports of Condition and Income" developed by the Federal Financial Institutions Examination Council:

a. Signature page with attestation;

b. Contact Information for the Reports of Condition and Income;

c. USA PATRIOT Act Section 314(a) Anti-Money Laundering Contact Information;

d. Schedule RI-Income Statement;

e. Schedule RI-A—Changes in Bank Equity Capital;

f. Schedule RI-E—Explanations;

g. Schedule RC—Balance Sheet;

h. Schedule RC-B—Securities;

i. Schedule RC-F—Other Assets;

j. Schedule RC-G—Other Liabilities; and

k. Schedule RC-T—Fiduciary and Related Services.

(c) The commissioner shall have the power to adopt rules relating to reporting under this article, including any additional reporting requirements, and may by rule waive reporting requirements when the commissioner determines such information is not relevant to the determination of the true conditions of the state bank or credit union.

7 Banks and Credit Union Regulation and Enforcement; Order to Show Cause; Cease and Desist Order. Amend RSA 383-A:9-903(c) to read as follows:

(c) Valid delivery of any order under this article shall be by hand or certified mail to the person at the last known principal office or main office address if a depository bank or credit union, [or] by hand or certified mail to the legal representative of the person, or for a trust company or family trust company to an executive officer.

8 Banks and Banking; Depository Bank Act; General Provisions; Commissioner. Amend RSA 383-B:1-104 to read as follows:

383-B:1-104 Commissioner. The commissioner shall have the powers necessary or incidental to performing all of the commissioner's duties under this chapter, including the power to adopt rules as provided in this chapter in accordance with RSA 541-A. All rules previously adopted by the commissioner relating to the subject matter of this chapter shall be subject to RSA 541-A:17[~~, except for rules adopted under RSA 394-A:7 which shall continue in full force and effect until amended or repealed~~].

9 Depository Bank Act; Mutual Banks and Mutual Holding Companies; Reorganization of a Mutual Bank as a Mutual Holding Company. Amend the introductory paragraph of RSA 383-B:6-609 to read as follows:

A mutual bank may reorganize as a mutual holding company owning a subsidiary bank ***under a plan of reorganization***, by taking or causing to be taken the following actions:

10 Depository Bank Act; Mutual Banks and Mutual Holding Companies; Continuation of Operations and Depositor Interest. Amend RSA 383-B:6-615 to read as follows:

383-B:6-615 Continuation of ***Operations and*** Depositor Interest.

(a) The commissioner may permit any newly created, wholly-owned subsidiary bank of a mutual holding company under RSA 383-B:6-609 to represent that it is a continuation of the operations of the mutual bank which was its organizer, provided such representation does not violate RSA 383-A:7-701 and is consistent with the operations of the new subsidiary bank under the plan of reorganization.

(b) The depositors of the mutual bank immediately prior to the reorganization shall be entitled to deposits in the subsidiary bank of the mutual holding company of like amounts, interest rates, and other terms, without interruption of interest, and the deposits shall continue to be insured by the Federal Deposit Insurance Corporation up to the maximum amount provided by law. The depositors of the mutual bank immediately before the reorganization, shall, by virtue of the reorganization, have proprietary interests in the net worth of the mutual holding company of the same nature, rights, and proportions as the proprietary interests which they had in the mutual bank, in lieu of the former interests.

11 Trust Company Act; Definitions. Amend RSA 383-C:2-201(b)(7) to read as follows:

(7) "Trust office" means a place of business of a trust company, other than its principal office, at which trust business is conducted, but shall not include an office that provides only administrative services or support for its trust business. The commissioner may define by rule which administrative services or support for a trust business would qualify for exemption from this definition and the procedure for requesting such exemption.

12 Trust Company Act; Required Capital, Fidelity Bond, Liability Insurance Generally. Amend RSA 383-C:5-501 to read as follows:

383-C:5-501 Required Capital, Fidelity Bond, Liability Insurance Generally. A trust company shall maintain the level of capital required under RSA 383-C:5-502, a fidelity bond under RSA 383-A:4-405, an errors and omissions liability insurance policy under RSA 383-A:4-406, and a liquidation pledge under RSA 383-C:5-503. The commissioner shall consider a trust company's safety and soundness and the protection of the trust company's clients in determining the appropriate amounts of required capital, fidelity bond coverage, ***errors and omissions*** liability insurance coverage, and liquidation pledge for the trust company. ***In addition to the requirements in RSA 383-A:4-405 and RSA 383-A:4-406, any insurance deductible shall be reasonable and shall not jeopardize the safe and sound operation of the trust company.***

13 Trust Company Act; Dissolution; Application for Dissolution. Amend RSA 383-C:10-1004(a) to read as follows:

(a) Before a trust company may dissolve its charter under RSA [383-A:10-1002] ***383-C:10-1002*** or RSA [383-A:10-1003] ***383-C:10-1003***, the trust company shall file with the commissioner an application for dissolution.

14 Trust Company Act; Reports and Other Filings. Amend RSA 383-C:13-1301 to read as follows:

383-C:13-1301 Reports and Other Filings.

(a) A trust company shall file with the commissioner reports of condition as required under RSA 383-A:5-510 and copies of other documents as required under RSA 383-A:5-511.

(b) ***A trust company shall, at the same time it files the annual report of condition pursuant to RSA 383-A:5-510, report to the commissioner the work address and other contact information where each executive officer of the trust company conducts trust business and the residential address of all directors, which information shall be kept confidential by the commissioner pursuant to RSA 383:10-b.***

(c) ***A trust company shall have a continuing obligation to update the information reported pursuant to subsection (b) within 30 days of any change.***

(d) ***A trust company failing to report the information required pursuant to subsections (b) and (c) within the prescribed time period shall pay to the commissioner a penalty of \$50 for each day such a report is overdue.***

15 Family Trust Company Act; Capital and Insurance; General. Amend RSA 383-D:6-601 to read as follows:

383-D:6-601 General. A family trust company shall maintain the required capital under RSA 383-D:6-602, ***a fidelity bond under RSA 383-A:4-405***, and an errors and omissions liability insurance policy under RSA 383-A:4-406. For purposes of determining the appropriate amounts of required capital, ***fidelity bond coverage***, and ***errors and omissions*** liability insurance ***coverage***, the commissioner shall consider the family trust company's safety and soundness and shall give primary consideration to the liability insurance ***coverage***, which [provide] ***provides*** the primary protections for a family trust company's family clients. ***In addition to the requirements in RSA 383-A:4-405 and RSA 383-A:4-406, any insurance deductible shall be reasonable and shall not jeopardize the safe and sound operation of the family trust company.*** RSA 383-C:5-501 shall not apply to family trust companies.

16 New Subparagraphs; Family Trust Company Act; Reports and Certification. Amend RSA 383-D:10-1001 by inserting after subparagraph (d) the following new subparagraphs:

(e) A family trust company shall, at the same time it files the annual report of condition pursuant to RSA 383-A:5-510, report to the commissioner the work address and other contact information where each executive officer of the family trust company conducts trust business and the residential address of all directors, which information shall be kept confidential by commissioner pursuant to RSA 383:10-b.

(f) A family trust company shall have a continuing obligation to update the information reported pursuant to subsection (e) within 30 days of any change.

(g) A family trust company failing to report the information required pursuant to subsections (e) and (f) within the prescribed time period shall pay to the commissioner a penalty of \$50 for each day such a report is overdue.

17 Family Trust Company Act; Judicial Dissolution. Amend RSA 383-D:12-1203(d) to read as follows:

(d) Venue for a judicial proceeding under this section is in the county of this state in which the family trust company's [principal] **trust** office is located or, if it does not have a [principal] **trust** office in this state, its registered office.

18 Credit Union Act; Definitions. Amend RSA 383-E:2-201(b)(1) to read as follows:

(1) "Branch office" means a place or location, other than its [principal] **main** office, at which a credit union receives the money of its members on deposit and in payment of shares or makes loans or receives payments on loans, but shall not include an office that provides only administrative services or support for its activities. The commissioner may define by rule which administrative services or support for a credit union's activities would qualify for exemption from this definition and the procedure for requesting such exemption.

19 Effective Date.

I. Sections 1, 3, 4, 6-10, 13, and 18 of this act shall take effect upon its passage.

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

Amendment to HB 475

(2019-0938h)

Proposed by the Committee on Resources, Recreation and Development - r

Amend RSA 485-A:44-a as inserted by section 2 of the bill by replacing it with the following:

485-A:44-a Shoreland Septic System Study Commission.

I. There is established a commission to study the potential impairment of surface waters in New Hampshire by non-state approved septic systems, in the context of private property rights of landowners.

II. The members of the commission shall be as follows:

(a) Three members of the house of representatives, one of whom shall be a member of the resources, recreation, and development committee, appointed by the speaker of the house of representatives.

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

(c) A regional planner, nominated by the office of strategic initiatives.

(d) A certified septic system evaluator and a certified septic system designer, both appointed by the Granite State Designers and Installers Association.

(e) A representative of the New Hampshire Association of Conservation Commissions, appointed by that organization.

(f) The commissioner of the department of environmental services, or designee.

(g) A representative of realtors, appointed by the New Hampshire Association of Realtors.

(h) A representative of a bank involved in financing residential properties, appointed by the governor.

(i) A member who represents the interests of state lakes, appointed by the New Hampshire Lakes Association (NH Lakes).

(j) A member who represents the interests of state rivers, appointed by the New Hampshire Rivers Council.

(k) A representative of the New Hampshire Municipal Association, appointed by that association.

(l) The Great Bay-Piscataqua Waterkeeper, or designee.

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

IV. The commission may solicit information from any person or entity the commission deems relevant to its study.

V. The commission shall:

(a) Develop approaches for achieving cooperation among communities, private property owners, environmental nonprofit groups, and state and federal agencies in solving the problem of inadequate septic systems.

(b) Determine the most effective method for identifying potential non-state approved septic systems located within 75 feet of surface waters.

(c) Determine what approach or approaches that respect private property rights can be take to effect remediation of septic systems on private property, including regulatory, educational, and financial incentives.

(d) Consider the ramifications of climate resilience, such as future groundwater and sea level rise, on the design and location of septic systems.

(e) Consider any other issues the commission deems relevant to its study.

VI. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

VII. The commission shall submit an interim report on or before November 1, 2019, and a final report on or before November 1, 2020, of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the chairperson of the house resources, recreation and development committee, the chairperson of the senate energy and natural resources committee, the house clerk, the senate clerk, the governor, and the state library.

**Amendment to HB 480-FN
(2019-0974h)**

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

Amend RSA 287-I:1, XI as inserted by section 1 of the bill by replacing it with the following:

XI. "Prohibited sports event" means:

(a) A collegiate sports event in which one of the participants is a collegiate team of a college institution that is primarily located in New Hampshire;

(b) A collegiate sports event that takes place in New Hampshire;

(c) Any high school sports event in any location;

(d) Any amateur sports event where the participants are primarily under the age of 18; provided that "prohibited sports event" does not include the games of a collegiate sports tournament in which a New Hampshire college team participates, nor does it include any games of a collegiate sports tournament that occurs outside New Hampshire even though some of the individual games or events are held in New Hampshire; and provided further that sports wagers are permitted on collegiate sports tournament games in which a New Hampshire college team participates only if the outcome of the wager is based on the outcome of all games within the tournament.

Amend RSA 287-I:3-7 as inserted by section 1 of the bill by replacing them with the following:

287-I:3 Commission Agents. The commission shall conduct a sports book for sports wagering through agents selected through a competitive bid process and approved by the governor and executive council. Any such contract shall be based on the state receiving a percentage of revenue from sports wagering activities within the state. The commission shall ensure that an agent demonstrates financial stability, responsibility, good character, honesty, and integrity. In selecting an agent, the commission shall consider, at a minimum, the experience and background of the agent, the agent's ability to serve proposed locations for sports book retail operations, the agent's mobile and Internet capabilities, the agent's contribution to economic development within the state, the agent's commitment to prevention of problem gambling, to responsible gaming, and to integrity in betting. The commission shall select a group of bidders who best meet the criteria set forth in this paragraph and select from that group the agent or agents whose bid provides the state with the highest percentage of revenue from the sports wagering activities covered by the bid, provided that the commission determines that the bidder's commitment to return said revenue percentage to the state is consistent with the bidder's commitment to meet all other criteria specified in the bid request and in applicable law. All agents shall be subject to criminal and financial background checks as prescribed by the commission. The commission may retain vendors to support the commission in operating a sports book.

287-I:4 Commission Directed Sports Wagering. The commission is further authorized to directly offer lottery games to authorized bettors within the state in the form of tier III sports wagers through the commission's lottery retailers subject to the provisions of this chapter.

287-I:5 Sports Book Retail Operations. The commission and its agents are further authorized to operate physical sports book retail locations within the state for the purposes of accepting tier I and tier III sports wagers from authorized bettors and paying prizes relating to those wagers. The sports book retail locations may be co-located with other commercial businesses or general commercial retail locations. No more than 10 sports book retail locations may be in operation at any given time.

287-I:6 Local Option for Operation of Sports Book Retail Locations.

I. Any town or city may allow the operation of a sports book retail location according to the provisions of this subdivision, in the following manner, excepting that nothing in this section shall be construed to prohibit Internet or mobile wagering or lottery games involving tier III sports wagers in the jurisdiction, if so authorized by the passage of this statute.

(a) In a town, the question shall be placed on the warrant of an annual town meeting under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative body may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 25 of the registered voters.

(b) The selectmen, aldermen, or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be substantially as follows: "Shall we allow the operation of sports book retail locations within the town or city?"

II. If a majority of those voting on the question vote "Yes", sports book retail locations may be operated within the town or city.

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph I at the next annual town meeting or regular municipal election.

IV. A municipality that has voted to allow the operation of sports book retail locations may consider rescinding its action in the manner described in paragraph I of this section.

V. An unincorporated place may allow the operation of a physical sports book retail location by majority vote of the county delegation, after a public hearing is held.

VI. The commission shall maintain a list of municipalities where sports book retail locations may be placed into operation.

287-I:7 Mobile Sports Wagering Authorized. The commission and its agent are authorized to operate a sports book through a mobile sports wagering platform by mobile devices or over the Internet. With respect to mobile sports wagering, the commission, either independently, or through its agent, shall provide:

I. Age verification measures to be undertaken to block access to and prevent sports wagers by persons under the age of 18 years.

II. Identity verification through secure online databases or by examination of photo identification.

III. That electronic data related to sports wagers must be initiated and received within the geographic borders of the state of New Hampshire and may not be intentionally routed outside of the state. The incidental intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

IV. Wager limits for daily, weekly, and monthly amounts for each player and account consistent with the best practices in addressing problem gambling.

V. A voluntary self-exclusion program for players to self-exclude themselves from wagering for set periods of time.

VI. Security mechanisms to ensure the confidentiality of wagering and personal and financial information except as otherwise authorized by this chapter.

Amend RSA 287-I:8 as inserted by section 1 of the bill by inserting after paragraph IX the following new paragraph:

X. Any agent or contractor who sends or receives electronic data related to sports wagers is responsible to ensure that any transfer of that data is initiated and completed within the state of New Hampshire and that only incidental intermediate routing of the electronic data occurs outside of the state. The agent and contractor shall be responsible for periodically reviewing their information technology systems and networks to ensure compliance with this section.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 New Chapter; Council for Responsible Gambling. Amend RSA by inserting after chapter 338-A the following new chapter:

CHAPTER 338-B COUNCIL FOR RESPONSIBLE GAMBLING

338-B:1 Definitions. In this chapter, "council" means the council for responsible gambling.

338-B:2 Statement of Purpose. Education, prevention, and treatment relating to gambling disorders are an integral part of a responsible gaming environment within the state.

338-B:3 Establishment. There is established the council for responsible gambling which shall promote education, prevention, and treatment of problem gambling within the state.

338-B:4 Membership.

I. The council shall consist of 5 members appointed by the governor and executive council and shall be qualified in the field of addiction or mental health services with a focus on problem gambling and shall be residents of the state. A member may be removed by the governor and executive council only for cause shown in accordance with RSA 4:1. The members shall elect one of their number as chairperson. Three members of the council shall constitute a quorum.

II. Members shall serve 3 year terms and until their successors are appointed; provided that for the initial appointments only, one member shall be appointed to a term of one year, 2 members shall be appointed to a term of 2 years and 2 members shall be appointed to a term of 3 years. Any vacancy shall be filled for the unexpired terms.

III. Members of the council shall receive mileage at the rate of state employees when attending meetings of the council or performing duties on behalf of the council.

338-B:5 Powers and Duties. The council shall have the authority to enter into grants and contracts for the purposes of furthering education, prevention, and treatment of problem gambling within the state.

338-B:6 Report of the Council. The council shall submit a biennial report to the governor and executive council on or before October 1 of each even-numbered year. The report shall include a description of the council's activities including a financial report for the relevant time period.

338-B:7 Administrative Attachment. The council shall be administratively attached to the lottery commission in accordance with RSA 21-G:10. In addition to the support provided to an administratively attached agency, the lottery commission shall also provide the following to the council:

I. Funding in an amount not to exceed \$250,000 per fiscal year to conduct the activities prescribed by this chapter. In accordance with the purpose of this chapter, these payments shall be considered administrative expenses of the lottery commission as set forth in RSA 284:21-j.

II. Meeting and office space as reasonably required by the council to conduct the activities prescribed by this chapter.

III. Personnel as reasonably required by the council to conduct activities prescribed by this chapter, except that the lottery commission may charge the council for use of such personnel pursuant to an agreement between the lottery commission and the council.

Amendment to HB 489

(2019-0989h)

Proposed by the Committee on Education - c

Amend RSA 193:3, I-III as inserted by section 2 of the bill by replacing them with the following:

I. If the parent or guardian of a student believes it would be in the best interest of the student to change the student's school or assignment, the parent or guardian may request a meeting with the superintendent of the student's district of residence for the purpose of changing the student's school or assignment to another public school or public academy within the district or to a public school or public academy in another district. The superintendent shall meet with the parent or guardian within 10 instructional days of receiving the request. At such meeting, the parent or guardian may present documents, witnesses, or other relevant evidence supporting his or her belief that it is in the best interest of the student to change the student's school or assignment. The superintendent may present such information as he or she deems appropriate. In determining whether it is in the best interest of the student to change the student's school or assignment, the superintendent shall consider the student's academic, physical, personal, and social needs.

(a) The superintendent shall make a determination and notify the parent or guardian on the student's school assignment request no more than 10 instructional days after the meeting with the parent or guardian.

(b) If the superintendent finds it is in the best interest of the student to change the student's school or assignment, the superintendent shall either change the assignment within the student's current school, transfer the student to another public school or public academy within the district of residence, or transfer the student to a public school or public academy in another district. If a student is reassigned to another district under this paragraph, the superintendents of the district of residence and the receiving district shall jointly establish a tuition rate for such student. Some or all of the tuition may be waived by the superintendent of the receiving district for good cause shown or pursuant to the school board policy of the receiving district. The cost of transportation shall be the responsibility of the parent or legal guardian.

(c) If the superintendent finds that it is not in the best interest of the student to change the student's school or assignment, the parent or guardian may appeal the superintendent's decision to the school board of residence to determine if student is experiencing a manifest educational hardship, as defined in RSA 193:2-a. The superintendent shall notify the school board that the parent or guardian has requested a manifest educational hardship hearing. The school board shall schedule a hearing to be held no more than 15 days after receiving the request.

II. If a student is assigned to attend school in another district because of manifest educational hardship, the district in which the student resides shall pay tuition to the district in which the child is reassigned, with such tuition being computed under RSA 193:4. The state board of education may permit such child to withdraw from the school the student currently attends for such time as the state board deems necessary. Children with disabilities as defined in RSA 186-C:2 shall be accorded a due process review pursuant to rules adopted under RSA 186-C:16. A student reassigned under this section shall be counted in the average daily membership in residence of the student's resident school district. The student's resident district shall

forward any tuition payment due to the district to which the student was reassigned. The superintendent of the student's resident school administrative unit shall notify the department of education within 30 days of any reassignment of students under this section. Nothing in this paragraph shall alter or impair the right of a child with a disability, as defined in RSA 186-C:2, to be accorded a due process review pursuant to rules adopted under RSA 186-C:16. Changes of school or assignment based upon the best interest of the student or manifest educational hardship shall be subject to the following provisions:

- (a) The student's parent or legal guardian petitions the superintendent for a change of school assignment or consents to the superintendent's recommendation for such a change; and
- (b) The superintendent determines that such a change would be in the student's best interest; and
- (c) The school board of each school district involved in the reassignment of the student votes to approve the reassignment; and
- (d) The total reassignments or transfers in any one school year shall not exceed one percent of the average daily membership in residence of a school district, or 5 percent of the average daily membership in residence of any single school, whichever is greater, unless the school board votes to exceed this limit.

III. The state board of education shall adopt rules pursuant to RSA 541-A, relative to manifest educational hardship and related issues which affect a child's attendance at school. Each school district shall establish a policy, consistent with the state board's rules, which shall allow a school board, with the recommendation of the superintendent, to take appropriate action including assignment to another public school or public academy within the district or to a public school or public academy in another district. The school district's manifest education policy may designate an assistant superintendent to act on the superintendent's behalf regarding matters of student change of school or assignment. Students reassigned under this section shall be subject to meeting the admission requirements of the school to which the student is reassigned; and subject to the agreement of the superintendent of the receiving school district.

Amendment to HB 494

(2019-0732h)

Proposed by the Majority of the Committee on Environment and Agriculture - r

Amend the bill by deleting section 2 and renumbering the original sections 3-4 to read as 2-3, respectively.

Amendment to HB 495

(2019-0697h)

Proposed by the Committee on Resources, Recreation and Development - c

Amend RSA 485-F:6, II(j) and (k) as inserted by section 1 of the bill by replacing it with the following:

- (j) The executive director of the Rockingham regional planning commission, or designee.
- (k) The executive director of the Strafford regional planning commission, or designee.

Amendment to HB 514-FN

(2019-0421h)

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

Amend the bill by replacing section 1 with the following:

1 New Chapter; Purchase and Delivery of a Firearm. Amend RSA by inserting after chapter 159-D the following new chapter:

CHAPTER 159-E

PURCHASE AND DELIVERY OF A FIREARM

159-E:1 Purchase and Delivery of a Firearm.

I. No licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall transfer, sell, trade, give, transport, or deliver a firearm to any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector until a waiting period of 7 days, excluding weekends and legal holidays, has expired. "Licensed importer," "licensed manufacturer," "licensed dealer," "licensed collector," and "firearm" shall have the same meaning as in 18 U.S.C. section 921.

II. A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall make available records of firearm sales for inspection by any state, county, or municipal law enforcement agency, during normal business hours.

III. The waiting period shall not apply in the following circumstances:

- (a) To the trade-in of a firearm to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.
- (b) To the purchase of a rifle or shotgun, upon a person's successfully completing a minimum of a 16-hour hunter safety course offered by the department of fish and game. A person who is exempt from the hunter safety course offered by the fish and game department and holds a valid New Hampshire hunting license shall be exempt from the waiting period under this section for the purchase of a rifle or shotgun.

(c) When a rifle or shotgun is being purchased by a state, county, or municipal law enforcement officer, state or county correctional officer, or an active duty member of the armed forces as defined in RSA 21:50, III. 159-E:2 Penalty. Any person who violates any provision of this chapter shall be guilty of a class B felony.

2019-0421h

AMENDED ANALYSIS

This bill establishes a waiting period for the delivery of a firearm.

Amendment to HB 520

(2019-0952h)

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

Amend RSA 155:39-e, I as inserted by section 1 of the bill by replacing it with the following:

I. This section applies to any new building or facility proposed to be constructed specifically as a place of public accommodation on or after January 1, 2021. This section also applies to any single renovation of an existing building or facility which is proposed to be constructed on or after January 1, 2021, if the cost of such renovation exceeds \$50,000.

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

2 Repeal. RSA 155:39-e, relative to diaper changing stations in places of public accommodation, is repealed.

3 Contingency. Section 2 of this act shall take effect on the date that the chairperson of the building code review board certifies to the director of the office of legislative services that, pursuant to RSA 155-A:10, V, the state building code review board has adopted, and the legislature has ratified, a rule to amend the state building code that incorporates the requirements of RSA 155:39-e. If the board does not adopt such a rule, or such a rule is not ratified by the legislature, section 2 of this act shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3 of this act.

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

2019-0952h

AMENDED ANALYSIS

This bill requires certain places of public accommodation to install and maintain at least one diaper changing station that is accessible to all genders when the facility is open to the public. The bill includes a contingent repeal of the statutory requirement if the building code review board includes the requirement in the state building code.

Amendment to HB 539-FN

(2019-0302h)

Proposed by the Committee on Municipal and County Government - c

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

AN ACT establishing a committee to study the implementation of the One4All ballot in municipal elections.

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

1 Committee Established. There is established a committee to study the feasibility of the use of existing technology to implement the One4All ballot in New Hampshire municipal elections.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall:

I. Study the potential use of the One4All ballot technology by the electorate, the availability of and access to appropriate hardware and software, municipal administration of the technology, municipal interest in using the technology, legal conflicts to the use of this technology, and other appropriate issues relating to the use of the One4All ballot in New Hampshire municipal elections.

II. Prepare generic implementation and application procedures for municipalities to follow if the committee determines that the technology can be efficiently and effectively used by municipalities.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

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

2019-0302h

AMENDED ANALYSIS

This bill establishes a committee to study the implementation of the One4all ballot in municipal elections.

Amendment to HB 540-LOCAL

(2019-0996h)

Proposed by the Committee on Municipal and County Government - r

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

1 New Section; Municipal Finance Act; Redevelopment District Bonds. Amend RSA 33 by inserting after section 19 the following new section:

33:20 Redevelopment Districts in Unincorporated Places and Redevelopment District Bonds. In an unincorporated place, the county commissioners, with the approval of a majority of the county convention present and voting, may: (i) separately from, and in addition to, bonds guaranteed pursuant to RSA 162-I:9-a, authorize the issuance of bonds by the county, the source for repayment of which shall be limited to assessment revenues generated by redevelopment districts created under this section, and shall not be a general obligation of the county and not included in net indebtedness as defined in RSA 33:1, III; and (ii) establish redevelopment districts to ensure that assessment revenues generated hereunder from revitalization projects are sufficient to repay such bonds. The boundaries of the redevelopment district shall be configured so that it includes, but is not limited to, all of the property available to be developed, redeveloped, or revitalized through the issuance of such bonds, or otherwise benefiting from the improvements financed, in whole or in part, with the proceeds of any bonds issued by the county hereunder or bonds issued by the business finance authority and guaranteed pursuant to RSA 162-I:9-a. Every owner of each lot or parcel located within the redevelopment district shall be subject to an assessment. The amount of the assessment shall be sufficient to provide for repayment of the debt service related to the bond. The terms of any bonds to be issued by the county, and the amount of the assessment, payment terms and method for collection, shall be established in a financing plan prepared by the bond recipient and adopted by the county commissioners. The financing plan shall include the delegation of collection responsibilities to the county. The county commissioners may enter into such agreements as they deem necessary to ensure repayment and to implement the financing plan and including without limitation such terms and conditions as is deemed necessary to provide for the segregation and pledge of the assessments to secure repayment of the bonds. The assessment shall be used solely to pay debt service related to the bond and pay the county's expenses of establishing and administering the redevelopment district and issuing the bonds. The incremental increase in value of any project located in a redevelopment district shall be exempt from all property taxes and shall not be considered in the apportionment of county taxes to the unincorporated place, for so long as any bonds issued under this section or guaranteed pursuant to RSA 162-I:9-a, I remain outstanding. The equalization and apportionment provisions of RSA 21-J shall be applied in a manner consistent with the foregoing sentence. Any unpaid assessment under this chapter shall constitute a lien pursuant to RSA 80 on the assessed property. Collection and enforcement of assessments under this section shall be in accordance with RSA 80. The county commissioners may negotiate a payment in lieu of taxes agreement with the project developer or developers in the redevelopment district who shall also pay all fees for an independent bond counsel. In order to establish a redevelopment district, issue bonds, and adopt a financing plan hereunder, the county commissioners must find that such actions will likely create, revive, or preserve employment opportunities or increase the social or economic prosperity of the county, any of which would be in the public interest. The county commissioners may negotiate with the project developer or developers to arrange for administration of the redevelopment district, including without limitation fire protection and public safety services, and to provide funding for said administration and services through assessments on available valuation of property within the redevelopment district, fees to property owners, direct payment by a developer or developers, or other means. Under no circumstances shall the county or the unincorporated place, as issuer of a bond under this section, have any obligation of any kind to repay any of the principal or interest of the bond. In this section, "redevelopment district" in an unincorporated place means an eligible facility in an unincorporated place designated as a redevelopment district by the county commissioners.

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

2019-0996h

AMENDED ANALYSIS

This bill permits the establishment by a county of a redevelopment district in an unincorporated place and allows the county to issue bonds for revitalization projects.

**Amendment to HB 549-FN
(2019-0839h)**

Proposed by the Committee on Transportation - r

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

AN ACT establishing gold star family decals for motor vehicles.

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

1 New Section; Gold Star Family Decals. Amend RSA 261-C by inserting after section 3 the following new section:

261-C:3-a Gold Star Family Decals; Eligibility.

I. In this section, "family member" means spouse, grandfather, grandmother, father, stepfather, adoptive mother, adoptive father, son, daughter, stepson, stepdaughter, adoptive son, adoptive daughter, brother, sister, half-brother, or half-sister.

II. A family member of a person killed while on duty in the United States armed forces shall qualify for a gold star family decal in accordance with RSA 261-B:3-c and RSA 261-C:2, III. These gold star family decals shall be issued upon payment of the regular registration fees and a \$15 decal plate fee. There shall otherwise be no number plate fees for family members as defined in paragraph I.

III. For purposes of this section, a motor vehicle is owned by a family member of a person killed while on duty in the United States armed forces if the family member of a person killed while on duty in the United States armed forces is the motor vehicle's owner under RSA 259:72, I, or if the legal ownership of the motor vehicle is held by a trust established by the family member of a person killed while on duty in the United States armed forces and the family member of a person killed while on duty in the United States armed forces has use of the motor vehicle or the motor vehicle is used for the transportation of the family member of a person killed while on duty in the United States armed forces. The office of veterans services shall establish the documentation required for a motor vehicle held in trust to be eligible for decals under this section. The office shall not issue more than one set of decals under this section to any trust. A trustee of the trust or the administrator of the estate may be fined up to \$500 for failing to return within 60 days of the death of the family member of a person killed while on duty in the United States armed forces any decals issued under this section for a motor vehicle held in trust.

IV. A stepfather, stepson, or stepdaughter of a person killed while on duty in the United States armed forces shall only be eligible for gold star family decals if, in the case of a stepfather, his marriage license is dated prior to the member's fifteenth birthday and the stepfather provides a copy of the marriage license to the director, or in the case of a stepson or stepdaughter, if the member's marriage license is dated prior to the stepson's or stepdaughter's fifteenth birthday and the stepson or stepdaughter provides a copy of the marriage license to the office. The stepfather shall also be required to provide a DD Form 1300 to the director of the office. A stepfather shall not receive decals under this section if another stepfather of the person killed while on duty holds gold star family decals furnished under this section.

V. Pursuant to RSA 261-C:2, the state office of veterans services may issue gold star family decals to eligible family members and shall collect a fee of \$10 for the set of decals. Revenue collected under this paragraph shall be restricted revenue to the office of veterans services and shall not lapse.

2 New Section; Gold Star Family Decals. Amend RSA 261-B by inserting after section 3-b the following new section:

261-B:3-c Gold Star Family Decals. A family member of a person killed while on duty in the United States armed forces shall qualify for a gold star family decal as outlined in RSA 261-C:3-a.

3 Multi-Use Veterans Decals Plates; Decals. Amend RSA 261-C:2, III to read as follows:

III. The state office of veterans services may issue decals to eligible veterans *who qualify under this chapter and to gold star family members pursuant to RSA 261-C:3-a*, and shall collect a fee of \$10 for the set of decals. Revenue collected under this paragraph shall be restricted revenue to the office of veterans services and shall not lapse.

4 New Subparagraph; Multi-Use Veterans Decal Plates; Authorized Decals. Amend RSA 261-C:4, I by inserting after subparagraph (a) the following new subparagraph:

(b) Gold star family member decals pursuant to RSA 261-C:3-a and RSA 261-B:3-c, if such individual meets the definition of a veteran as outlined in RSA 261:87-b.

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

2019-0839h

AMENDED ANALYSIS

This bill authorizes the New Hampshire office of veterans services to issue gold star family decals for motor vehicles owned by certain family members of persons killed while on duty in United States armed services.

**Amendment to HB 558-FN
(2019-0941h)**

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

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

1 Purpose; Solid Waste Management Methods. In accordance with RSA 149-M:2 and RSA 149-M:3, which establishes source reduction as the waste management method with the highest priority in the hierarchy of solid waste management methods to be used by the department of environmental services, the distribution of single-use plastic straws in New Hampshire shall be restricted in accordance with this subdivision.

2 New Subdivision; Prohibition of Single-Use Plastic Straws. Amend RSA 149-M by inserting after section 60 the following new subdivision:

Prohibition of Single-Use Plastic Straws

149-M:61 Definitions. In this subdivision:

I. "Single-use plastic straw" means a single-use, disposable tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to the mouth of a person drinking the beverage. "Single-use plastic straw" does not include a straw made from a non-plastic material, including, but not limited to, paper, pasta, sugar cane, wood, or bamboo.

II. "Food service business" means a business that sells or provides food for consumption on or off the premises, and includes, but is not limited to, any restaurant, cafe, delicatessen, coffee shop, supermarket or grocery store, vending truck or cart, food truck, movie theater, or business or institutional cafeteria, including those operated by or on behalf of the state. ***"Food service business" shall not include any health care facility required to be licensed under RSA 151:2.***

149-M:62 Plastic Straw Restriction. A food service business shall provide a single-use plastic straw to a customer only when explicitly requested by the customer.

3 Effective Date. This act shall take effect one year after its passage.

**Amendment to HB 560-FN
(2019-0920h)**

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

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

1 Purpose; Solid Waste Management Methods. In accordance with RSA 149-M:2 and RSA 149-M:3, establishing source reduction as the waste management method with the highest priority in the hierarchy of solid waste management methods to be used by the department of environmental services, the distribution of single-use plastic bags in New Hampshire shall be restricted in accordance with this act.

2 New Subdivision; Restriction on Distribution of Single-Use Carryout Bags. Amend RSA 149-M by inserting after section 60 the following new subdivision:

Restriction on Distribution of Single-Use Carryout Bags

149-M:61 Definitions. In this subdivision:

I. "Food service business" means a business that sells or provides food for consumption on or off the premises, and includes, but is not limited to, any restaurant, cafe, delicatessen, coffee shop, supermarket or grocery store, vending truck or cart, food truck, movie theater, or business or institutional cafeteria, including those operated by or on behalf of the state.

II. "Single-use carryout bag" means a bag made of plastic, paper, or other material that is provided by a store or food service business to a customer at the point of sale for the purpose of one-time use in transporting groceries or retail goods. Single-use carryout bag shall not include reusable bags, recycled paper bags, or paper bags provided by a pharmacy for prescription medications, paper bags for prepared take-out food or other unwrapped food, plastic bags for carrying uncooked meats, poultry, or seafood, or other unwrapped food items such as grains, a bag without a handle used to protect items from damaging or contaminating other purchased items placed in a recycled or reusable bag, or bags to be placed over articles of clothing on a hanger.

III. "Reusable bag" means a bag with handles, that has a minimum thickness of 4.0 mils and is made of woven or non-woven cloth or other machine-washable fabric other than polyethylene or polyvinyl chloride, and is capable of being used 100 times carrying 25 pounds over a distance of 300 feet.

IV. "Recycled paper bag" or "recyclable paper bag" means a bag that:

(a) Is 100 percent recyclable;

(b) Contains a minimum of 40 percent post-consumer recycled materials, provided that an 8 pound or smaller recycled paper bag shall contain a minimum of 20 percent post-consumer recycled material; and

(c) Displays the words "recyclable" and "made from 40 percent post-consumer recycled content" or other applicable amount in a visible manner on the outside of the bag.

V. "Store" means any retail establishment that sells or provides merchandise, goods, or materials directly to a customer, including but not limited to restaurants, grocery stores, supermarkets, convenience stores, liquor stores, pharmacies, drug stores, or other retail establishment that has over 1,000 square feet of retail space and that provides carryout bags to its customers as a result of the sale of a product.

149-M:62 Plastic Bag Restriction.

I. No store or food service business shall provide a single-use plastic carryout bag to a customer at the point of sale, except that for 4 months after the effective date of this subdivision, a store or food service business may provide a single use plastic bag to a customer for no less than 10 cents.

II. A store or food service business shall provide reusable plastic or recycled paper bags to customers for no less than 10 cents, to be retained by the business.

III. The following are exempted from the provisions of this section:

(a) Paper bags 6 inches across or less, without handles.

(b) Bags used by a particular store for which there is no reasonable packaging or distribution alternative to single use carry-out bags.

IV. Supplemental Nutritional Assistance Program (SNAP), Electronic Benefit Transfer (EBT), and Women, Infants, and Children program (WIC) users are exempt from the bag fee in paragraph II.

V. All businesses with a brick and mortar location over 10,000 square feet shall provide at least one bin for collecting and recycling all plastic film products not banned under this subdivision.

3 Effective Date. This act shall take effect 6 months after its passage.

Amendment to HB 560-FN

(2019-0980h)

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

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

AN ACT establishing a committee to study the effects of a statewide ban on single use plastic bags.

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

1 Committee Established. There is established a committee to study the effects of a statewide ban on single use plastic bags.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study:

I. The effects of banning single use plastic bags on a statewide level.

II. The extent to which single use plastic bags contribute to waste streams.

III. The efficacy of other state's bans on single use plastic bags.

IV. The convenience and costs to residents and businesses of enacting legislation banning single use plastic bags.

V. The impact on the environment from any exemptions from a statewide ban on single use plastic bags.

VI. The constitutionality of certain exemptions from a statewide ban on single use plastic bags.

VII. Such other related issues as the committee deems necessary, including potential legislation.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

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

2019-0980h

AMENDED ANALYSIS

This bill establishes a committee to study a statewide ban on single use plastic bags.

Amendment to HB 562

(2019-1025h)

Proposed by the Committee on Executive Departments and Administration - r

Amend the bill by replacing section 2 with the following:

2 New Hampshire Building Code. Amend RSA 155-A:1, IV to read as follows:

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code [2009] **2015**, the International Existing Building Code [2009] **2015**, the International Plumbing Code [2009] **2015**, the International Mechanical Code [2009] **2015**, the International Energy Conservation Code [2009] **2015**, *the International Swimming Pool and Spa Code 2015*, and the International Residential Code [2009] **2015**, as published by the International Code Council, and the National Electrical Code 2017, as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.

Amend the bill by inserting after section 3 the following and renumbering the original 4 to read as 5:

4 State Building Code; Ratification of Amendments by the State Building Code Review Board. Pursuant to RSA 155-A:10, V, the general court hereby ratifies the amendments to the state building codes, as defined in RSA 155-A:1, adopted by the state building code review board from January 31, 2017 through January 31, 2019, in administrative rules Bcr 300; provided that the following amendments shall expire 30 months from the effective date of this act:

I. RE-15-33-18, an amendment to International Residential Code (IRC) 2015, table N1102.1.2, relative to climate zone 6, wood frame wall r-value.

II. RE-15-37-18, an amendment to IRC 2015, section N1101.5, relative to information on construction documents.

III. RE-15-39-18, an amendment to IRC 2015, section N1102.1, relative to the building thermal envelope.

IV. RE-15-40-18, an amendment to IRC 2015, section N1102.4.1.2, relative to testing.

V. RE-15-42-18, an amendment to IRC 2015, section N1103.6, relative to mechanical ventilation.

VI. RE-15-43-18, an amendment to IRC 2015, table N1102.1.2, relative to insulation and fenestration requirements by component.

2019-1025h

AMENDED ANALYSIS

This bill:

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

II. Adds the International Swimming Pool and Spa Code to the definition of the state building code.

III. Ratifies changes to the New Hampshire building code made by the building code review board from January 31, 2017 through January 31, 2019, with the exception of certain amendments which shall expire 30 months from the effective date of this act.

Amendment to HB 568

(2019-0484h)

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

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

1 Amend 2013, 276:2, I(c) to read as follows:

(c) Minimize negative impacts to the economy, the environment, [and] the natural beauty of our state, *and the climate*.

2 State Energy Strategy. Amend RSA 4-E:1, I(e) to read as follows:

(e) The role of energy efficiency, demand response, and other demand-side resources in meeting the state's energy needs, *while minimizing the production of greenhouse gases*.

3 New Paragraph; State Energy Policy. Amend RSA 4-E:1 by inserting after paragraph III the following new paragraph:

IV. The strategy shall include throughout a full assessment of the impact of energy use on the threat of climate change, as well as measures and policies to mitigate that threat. In this section, "energy use" shall include any use of energy including heating and cooling of buildings and transportation.

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

Amendment to HB 574-FN

(2019-1032h)

Proposed by the Committee on Children and Family Law - c

Amend RSA 461-B:8, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) The minor has graduated or will continue to diligently pursue graduation from high school or a high school equivalency certificate; and

Amend RSA 461-B:8, III as inserted by section 1 of the bill by deleting subparagraph (g) and renumbering the original subparagraph (h) to read as subparagraph (g).

**Amendment to HB 582-FN
(2019-0795h)**

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

Amend RSA 125-O:5-a, I(k) as inserted by section 2 of the bill by replacing it with the following:

(k) Serve as a stakeholder forum that makes recommendations to program administrators and the public utilities commission with respect to the development and implementation of program plans under the energy efficiency resource standard, including providing assistance interpreting and applying state policies with respect to energy efficiency, demand response, and strategic electrification.

**Amendment to HB 591
(2019-0975h)**

Proposed by the Committee on Resources, Recreation and Development - c

Amend the bill by inserting after section 21 the following and renumbering the original section 22 to read as 24:
22 Operation of All OHRVs. Amend RSA 215-A:6, IX to read as follows:

IX. Pursuant to RSA 215-A:15 ~~and RSA 215-A:15-a~~, city or town councils and boards of selectmen may authorize the use of sidewalks and class IV, class V or class VI highways and bridges, or portions thereof, for use by OHRVs. The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III, or III-a highways pursuant to RSA 236:56, II(e). Operators of OHRVs using said roads, or portions thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic. The bureau, or its designee, shall so post such highways where authorized. ~~[Following a duly noticed public hearing, except in the case of an emergency closure, such city or town authorities may change the allowable usage of a class IV, class V, or class VI highway by OHRVs by giving notification to the supervisor of the bureau and removing any signs that no longer apply.]~~

23 New Section; Off Highway Recreational Vehicles; Adopting por Rescinding Regulations. Amend RSA 215-A by inserting after section 15 the following new section:

215-A:15-a Manner of Adopting or Rescinding Ordinances. An ordinance allowing the operation of OHRVs on any sidewalks or class IV, V, or VI highways or bridges shall be adopted or rescinded in the manner provided in this section.

I. The governing body may, in its discretion, consider an ordinance authorizing the use of OHRVs on its own initiative or upon written request from one or more persons.

II. If the governing body chooses to consider such an ordinance, it shall hold a public hearing, notice of which shall be sent by verified mail, as defined in RSA 451-C:1, VII, at least 30 days before the hearing to every abutter of any sidewalk and any class IV, V, or VI highway or bridge affected by the proposed ordinance. Public notice shall also be published in a newspaper of general circulation in the area at least 30 days before the hearing. For purposes of this paragraph, "abutter" means any person whose property adjoins the public way under consideration. In the case of an abutting property under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins the public way under consideration.

III. If consideration of the ordinance was requested by anyone other than the governing body, all costs of notice shall be paid in advance by the person making the request. Failure to pay the costs shall result in termination of the governing body's consideration of the request.

IV. After the public hearing, the governing body shall vote to approve or reject the ordinance. A vote to reject the ordinance shall constitute a final determination.

V. In a city, or in a town with a town council, a vote of the council to approve an ordinance shall be the final determination. In a town without a town council, the governing body's vote to approve an ordinance shall constitute a recommendation to the legislative body, and the proposed ordinance shall be placed on the warrant for the next annual town meeting or a special town meeting called under RSA 39:1 or RSA 39:3.

VI. When a proposed ordinance to allow the use of OHRVs is submitted to a vote at a town meeting under paragraph V, a 2/3 vote of the legislative body present and voting shall be required to approve the ordinance if there has been a protest against the ordinance signed by the owners of 20 percent of the area within 100 feet immediately adjacent to the public way affected by the ordinance or signed by 20 percent of the owners of land within 100 feet immediately adjacent to the public way affected by the ordinance. For any protest petition to be considered:

(a) The owners signing the petition shall identify themselves on the petition by name and address, and by address of the property involved, or by lot and map number, or by whatever other means is used within the town to identify the land in question, so that the selectmen may identify the owners as interested and affected parties; and

(b) The signed protest petition shall be submitted to the selectmen at least 7 days before the town meeting. A notice of receipt of the protest petition shall be posted at the location of the meeting, and the mod-

erator shall announce at the opening of the meeting that a protest petition has been received. In the absence of a properly submitted protest petition, a simple majority of those present and voting shall be required to approve the ordinance.

VII. Subject to paragraph VIII, any proposal to rescind an ordinance allowing the operation of OHRVs on public ways, or to amend such an ordinance to limit the authority previously granted, shall follow the same procedure as a proposal to adopt such an ordinance, except that:

(a) In addition to the notice required under paragraph II, notice of the public hearing shall also be sent by verified mail, as defined in RSA 451-C:1, VII, to the chief of the bureau of trails, who shall notify any OHRV club that he or she believes may have an interest in the matter.

(b) A vote by the governing body to rescind the ordinance, or to amend the ordinance to limit the authority previously granted, shall constitute a final determination. If the governing body does not vote to rescind or amend the ordinance, the question may be, but is not required to be, submitted to the legislative body for consideration at the next annual town meeting or a special town meeting as provided in paragraph V. A vote by the town meeting to rescind or amend the ordinance shall be the final determination. Paragraph VI shall not apply when a question is submitted to the town meeting under this subparagraph.

VIII. The question of rescinding an ordinance allowing the operation of OHRVs may also be placed on the warrant for an annual or special town meeting, either by the governing body or by petition under RSA 39:3, without following the process in this section for hearing and determination by the governing body.

2019-0975h

AMENDED ANALYSIS

This bill amends the laws governing operation, registration, and required equipment for an OHRV or a snowmobile. The bill also amends the procedure for a city or town to adopt or rescind ordinances regulating OHRV use on certain public ways.

This bill is a request of the fish and game department.

Amendment to HB 598

(2019-0881h)

Proposed by the Committee on Commerce and Consumer Affairs - c

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

AN ACT establishing a commission to study beer, wine, and liquor tourism.

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

1 New Section; Commission on New Hampshire Beer, Wine, and Liquor Tourism. Amend RSA 425 by inserting after section 2-a the following new section:

425:2-b Commission on New Hampshire Beer, Wine, and Liquor Tourism.

I. There is established a commission to study beer, wine, and liquor tourism in New Hampshire. The members of the commission shall be as follows:

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

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

(c) The commissioner of the department of agriculture, markets, and foods, or designee.

(d) The chairperson of the New Hampshire state liquor commission, or designee.

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

(f) The department of business and economic affairs, director of the division of travel and tourism development, or designee.

(g) One representative from the New Hampshire Winery Association, appointed by the association.

(h) One representative from the New Hampshire Brewers' Association, appointed by the association.

(i) Two members of the general public, appointed by the governor.

(j) The director of the division of public health services, department of health and human services, or designee.

(k) One member representing New Hampshire liquor manufacturers, appointed by the governor.

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

III. The commission shall develop a plan for New Hampshire beer, wine, and liquor tourism, including beer, wine, and liquor trails with signage along New Hampshire highways, changes to liquor commission laws and rules that would enhance tourist experiences at New Hampshire wineries, breweries, and liquor manufacturers and coordination of beer and wine tourism marketing efforts among the department of agriculture, markets, and food, the division of travel and tourism development of the department of business and economic affairs, the department of transportation, and wine and beer producer associations. The commission

shall also consider mechanisms to allow the operator of a “farm to table” dinner featuring New Hampshire produced food items to offer locally produced alcoholic beverages with meals. The commission may also study any other subject related to its purpose.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 30 days of the effective date of this section. Seven members of the commission shall constitute a quorum. The commission shall hold public meetings at least once per month and shall solicit and consider from interested parties testimony, documents, and other information pertaining to the commission’s work.

V. The commission shall submit an interim report on November 1, 2019, and a final report including its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2020.

2 Repeal. RSA 425:2-b, relative to the commission to study beer, wine, and liquor tourism in New Hampshire, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2020.

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

2019-0881h

AMENDED ANALYSIS

This bill establishes a commission to study beer, wine, and liquor tourism in New Hampshire.

Amendment to HB 600-FN

(2019-0887h)

Proposed by the Committee on Ways and Means - r

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

AN ACT adding an exception to the real estate transfer tax for transfers of interest in certain low-income housing.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Real Estate Transfer Tax; Exception Added; Federally Rent Restricted Properties. Amend RSA 78-B:2 by inserting after paragraph XXII the following new paragraphs:

XXIII.(a) To a direct or indirect transfer of an interest in real property, provided that the real estate transfer tax was paid by the buyer or seller, or an affiliate of either, when the real property title was acquired, unless otherwise exempt pursuant to this section, and the transfer is made in connection with the commencement, syndication, development, re-syndication, or conclusion of investment financing related to any of the following:

(1)(A)(i) A federal low-income housing tax credit project, as defined in Section 42 of the Internal Revenue Code of 1986, as amended; or

(ii) A project funded with federal grants made to states for low-income housing projects in lieu of low-income housing tax credits under Section 1602 of the American Recovery and Reinvestment Act of 2009;

(B) Provided that the project under subparagraph (A)(i) or (A)(ii) remains subject to an extended low-income housing commitment in accordance with the provisions of Section 42(h)(6) of the Internal Revenue Code of 1986, as amended.

(2) A Rental Assistance Demonstration (RAD) public housing conversion under the federal Consolidated and Further Continuing Appropriations Act of 2012, as amended.

(3) Such other federal, state, or local financing program requiring that the real estate remains subject to land use restriction and rental housing affordability covenants which limit allowable rents charged to individuals or families, consistent with (i) RSA 674:58, IV, pertaining to workforce housing; or (ii) as otherwise required under the applicable federal, state, or local program.

(b) For purposes of this paragraph, “affiliate” means any entity which controls or is controlled by, or is under common control with, another entity. For purposes of this definition, an entity controls another entity when the first entity possesses or exercises directly, or indirectly through one or more other affiliates or related entities, the power to direct the management and policies of the other entity, whether through the ownership of voting rights, membership, or the power to appoint members, trustees, or directors, by contract or otherwise.

2019-0887h

AMENDED ANALYSIS

This bill excepts from the real estate transfer tax certain transfers of interest in low-income housing subject to federal restrictions or other requirements where the property remains subject to land use restriction and affordability covenants.

**Amendment to HB 614-FN
(2019-0791h)**

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

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

AN ACT increasing penalties and fines for air pollution and water pollution.

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

2 Acid Rain Control Act. Amend RSA 125-D:4 to read as follows:

125-D:4 Administrative Fines. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed [~~\$2,000~~] **\$4,000** for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit or order issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this section shall be deposited in the general fund.

I. Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

II. The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(b) **and (d)**.

III. The commissioner may assess an additional fine for repeat violations.

3 Air Toxic Control Act. Amend the introductory paragraph of RSA 125-I:3-a to read as follows:

The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed [~~\$2,000~~] **\$4,000** for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit or order issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this section shall be deposited in the general fund.

4 Asbestos Management and Control; Administrative Penalties and Fines. Amend RSA 141-E:16, I(a) to read as follows:

141-E:16 Administrative Fines.

I.(a) The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed [~~\$2,000~~] **\$4,000** for each offense upon any person who violates any provision of RSA 141-E:3 or any rule adopted by the commissioner under this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the commissioner in the fund established by RSA 141-E:12, II.

5 Oil Spills; Penalties. Amend RSA 146-A:14, II-a to read as follows:

II-a. Any person who discharges or spills oil into or onto the surface water or groundwater of the state or in a land area where the oil will ultimately seep into such waters or any person who violates any provision of this chapter or any rule adopted under the provisions of this chapter shall be subject to a civil penalty not to exceed [~~\$10,000~~] **\$20,000** for each violation. Each day of a continuing violation shall count as a separate violation. Civil penalties for violation of any rule adopted under the provisions of this chapter shall not accrue until the department provides notification of such violation. The attorney general may bring an action for injunctive relief, including a mandatory injunction.

6 Oil Discharge or Spillage in Surface Water or Groundwater. Amend the introductory paragraph of RSA 146-A:15, I to read as follows:

I. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed [~~\$2,000~~] **\$4,000** for each offense upon any person who violates any provision of this chapter including any rule adopted under the provisions of this chapter **or any order or permit issued under this chapter. Each day of the violation shall constitute a separate offense.** Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

7 New Hampshire Safe Drinking Water Act; Penalties. Amend RSA 485:58, IV-VII to read as follows:

IV. Any person who violates any provision of this chapter or any rule adopted or any term or condition of an approval, exemption, variance or order issued under this chapter shall be liable to the state, upon suit brought by the attorney general, for a civil forfeiture in an amount not to exceed [~~\$25,000~~] **\$50,000** for each day of such violation.

V. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed [~~\$2,000~~] **\$4,000** for each offense upon any person who violates any provision of this chapter including any rule adopted under the provisions of this chapter **or any order or permit issued under this chapter. Each day of violation shall constitute a separate offense.** Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the department in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violations of this chapter as provided above.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

VI. Any act or failure to act in violation of RSA 485:8, II; 31; 42; 43; 46; or 48; or any rule adopted under RSA 485:2; 3; 4; 40; 41; 44; or 47 may be enjoined.

VII. Notwithstanding RSA 651:2, any person may, in addition to any sentence of imprisonment, probation or conditional discharge, be fined not more than [~~\$25,000~~] **\$50,000** if found guilty of any violation of paragraph II or III of this section. The court may also order the person to pay the costs of remediation. Each day of violation shall constitute a separate offense.

8 Groundwater Protection Act; Penalties and Fines. Amend RSA 485-C:18-19 to read as follows:

485-C:18 Administrative Fines. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed [~~\$2,000~~] **\$4,000** for each offense upon any person who violates any provision of this chapter or any rule, permit or order adopted or issued under this chapter. **Each day of violation shall constitute a separate offense.** Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

I. A schedule of administrative fines which may be imposed under this section for violation of this chapter.

II. Procedures for notice and hearing prior to the imposition of an administrative fine.

485-C:19 Penalties and Other Relief.

I. Any person who knowingly violates this chapter, or any rule, permit, or order adopted or issued under this chapter; or who knowingly or recklessly makes any material false statement in any document required to be filed or maintained pursuant to this chapter; or who knowingly or recklessly renders inaccurate, falsifies, or tampers with any monitoring device or method required under this chapter; or who knowingly fails, neglects, or refuses to obey any lawful order of the department, shall be guilty of a misdemeanor if a natural person, and a felony if any other person. Such person shall also be subject to a civil penalty not to exceed [~~\$25,000~~] **\$50,000** for each violation or for each day of a continuing violation.

II. Any person who violates this chapter or a rule, permit, or order adopted or issued under this chapter, shall be subject to a civil penalty not to exceed [~~\$10,000~~] **\$20,000** for each violation or for each day of a continuing violation. Such violation may also be enjoined by the superior court upon application of the attorney general.

9 Water Management; Penalties and Compliance. Amend RSA 488:7-8 to read as follows:

488:7 Compliance.

I. Registration and withdrawal of water under RSA 488:3 shall be deemed to grant permission to the department to enter onto the registered property to review compliance with the provisions of the registration.

II. Upon obtaining credible information that any person is not registered in accordance with RSA 488:3, I and is withdrawing, discharging, or transferring a cumulative amount of more than 20,000 gallons of water per day, averaged over any 7-day period, or more than 600,000 gallons of water over any 30-day period, at a single real property or place of business, the department may obtain an administrative inspection warrant in accordance with RSA 595-B to determine compliance with the registration requirements.

III. The commissioner may issue an order to any person who violates this chapter, or any rule or permit authorized under this chapter, and require such actions as may be necessary. Any order issued by the department pursuant to this chapter may be recorded in the registry of deeds for the county in which the subject facility or property is situated. A recorded order shall run with the land; provided, that an appropriate description of the land involved including the accurate name of the owner thereof is included in the order. No fee shall be charged for recording an order; however, a fee may be charged for discharging an order.

IV. If the department finds that an emergency exists requiring immediate action to protect the public safety, it may issue an order stating that an emergency exists and requiring that such action be taken as necessary to meet the emergency. Any person to whom such an order is directed shall comply immediately, but may appeal to the water council established under RSA 21-O:7.

488:8 Administrative Fines.

I. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed [~~\$2,000~~] **\$4,000** for each offense upon any person who knowingly:

- (a) Violates any provision of this chapter or any rule or order adopted or issued under it.
- (b) Makes any material false statement in any document required to be filed or maintained.
- (c) Renders inaccurate, falsifies, or tampers with any monitoring device or method.

II. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541.

III. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner may assess additional fines upon any person who has received written notification from the department regarding violations of the provisions of this chapter or rules adopted pursuant to this chapter, if the violations have not been mitigated within 30 days of receipt of notification.

IV. Each day of violation shall constitute a separate offense.

10 Effective Date. This act shall take effect January 1, 2020.

2019-0791h

AMENDED ANALYSIS

This bill increases penalties and fines for air pollution and water pollution.

Amendment to HB 624

(2019-0311h)

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

Amend RSA 20-B:2, I(i) as inserted by section 1 of the bill by replacing it with the following:

- (i) The chief information officer of the department of information technology, or designee.

Amend RSA 20-B:2, III as inserted by section 1 of the bill by replacing it with the following:

III. The commission shall study the efficiency and effectiveness of management systems and both internal and external customer service provided by state agencies. The study shall include:

- (a) Consideration of lean government initiatives to identify and implement the most efficient, value-added ways to provide government services.
- (b) Consideration of other learning initiatives, and implementation of such learning initiatives, designed to improve the efficiency and effectiveness of customer service provided by state agencies.
- (c) Development of internal and external customer satisfaction measurements and performance metrics.
- (d) Development of information technology resources to improve the efficiency and effectiveness of customer service initiatives.
- (e) Implementation of management systems to support improved internal and external customer systems.
- (f) Examination of electronic interfaces between departments that could provide synergy in communications and provide leveraging of solutions.
- (g) Development of procedures, protocols, and systems designed to break down barriers between state agencies and between the public and private sector.
- (h) Examination on how integration of services can improve efficiency and service.
- (i) Development of a system to continuously study and improve the workflow and standardization of services.
- (j) Examination of the availability and linkage of services and delivery of programs between federal, state, and county agencies and the community.

2019-0311h

AMENDED ANALYSIS

This bill establishes a commission to study the efficiency and effectiveness of management systems and customer service provided by state agencies, for the purpose of improving overall execution and efficiency, including streamlining processes, improving communication between agencies, and measuring the internal and external customer service experience.

Amendment to HB 628-FN

(2019-0929h)

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

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

2 Repeal. The subdivision heading preceeding RSA 155:79 and RSA 155:79, relative to universal changing stations in certain places of public accommodation, are repealed.

3 Contingency. Section 2 of this act shall take effect on the date that the chairperson of the building code review board certifies to the director of the office of legislative services that, pursuant to RSA 155-A:10, V, the state building code review board has adopted, and the legislature has ratified, a rule to amend the state building code that incorporates the requirements of RSA 155:79. If the board does not adopt such a rule, or such a rule is not ratified by the legislature, section 2 of this act shall not take effect.

4 Effective Date.

- I. Section 2 of this act shall take effect as provided in section 3 of this act.
- II. The remainder of this act shall take effect 60 days after its passage.

2019-0929h

AMENDED ANALYSIS

This bill requires universal changing stations for use by persons with physical disabilities to be installed in places with the capacity to serve 1,500 or more persons per day. The bill includes a contingent repeal of the statutory requirement if the building code review board includes the requirement in the state building code.

Amendment to HB 645-FN

(2019-0933h)

Proposed by the Committee on Resources, Recreation and Development - c

Amend RSA 482-A:3, IV-a as inserted by section 2 of the bill by replacing it with the following:

IV-a.(a) ~~[Temporary]~~ Seasonal docks ~~[installed on any lake or pond]~~ shall be exempt from the permitting requirements of this section, provided that a notification is sent to the department by the owner of property that includes the name and address of the property owner, ***a copy of the deed for the property on which the dock is to be installed***, the municipality, the waterbody, ~~[and]~~ tax map and lot number on which the proposed dock will be located, ***and plans of the waterfront and structure to be installed showing that the requirements of this paragraph will be met.*** To qualify for an exemption under this paragraph, a ~~[temporary]~~ seasonal dock shall be:

- ~~[(a)]~~ (1) The only docking structure on the frontage;
- ~~[(b)]~~ (2) Constructed to be removed during the non-boating season;
- ~~[(c)]~~ (3) Removed from the lake bed for a minimum of 5 months of each year;
- ~~[(d)]~~ (4) Configured to be narrow, rectangular, and erected perpendicular to the shoreline ***of a lake or pond or parallel to the bank of a river;***
- ~~[(e)]~~ (5) No more than 6 feet wide and no more than 40 feet long if the water body is 1,000 acres or larger, or no more than 30 feet long if the water body is ***a river or*** less than 1,000 acres ***in size;***
- ~~[(f)]~~ (6) Located on a parcel of land that has 75 feet or more of shoreline frontage;
- ~~[(g)]~~ (7) Located at least 20 feet from an abutting property line or the imaginary extension of the property line over the water;
- ~~[(h)]~~ (8) Installed in a manner which requires no modification, regrading, or recontouring of the shoreline, such as installation of a concrete pad for construction of a hinged dock;
- ~~[(i)]~~ (9) Installed in a manner which complies with RSA 483-B; and
- ~~[(j)]~~ (10) Installed in a location that is not in, or adjacent to, an area that has been designated as a prime wetland in accordance with RSA 482-A:15.

(b) The repair or replacement of legally existing docking facilities in non-tidal waters shall be exempt from the permitting requirements for this section, provided that the structure has a valid registration filed with the department by the owner of the property, in accordance with RSA 482-A:11, XI, that includes the name and address of the property owner, the municipality, the waterbody, tax map and lot number on which the proposed dock will be located, photographs of all existing structures constructed or installed in the waterbody, and plans of the waterfront and structures to be repaired showing that the requirements of this paragraph will be met. To qualify for an exemption under this paragraph, the owner of the docking facilities shall provide evidence that the docking structures to be repaired:

- (1) Have been constructed and maintained in compliance with a permit issued under RSA 482-A or its preceding statutes;***
- (2) Have been maintained in their current size, location, and configuration since January 1, 2000;***
- (3) Were not constructed to make land in public waters;***
- (4) Are not subject to RSA 482-A:26; and***
- (5) Are not the subject of a department administrative order, consent decree, or court order that limits any aspect of the construction or use of the docking structures.***

(c) Registrations for the repair or replacement of legally existing docking structures shall be effective on the date issued and shall be valid for 2 years or until ownership of the property changes, whichever occurs first.

(d) Within 10 business days of receipt of a registration filing, the department shall issue a written notice to the property owner stating that the registration has either been accepted and issued a registration number, or rejected. If the department does not respond within the 10-day period, the property owner or agent may submit to the department a written request for a response. If the department fails to respond to the written request within an additional 5 days the property owner or agent shall be deemed to have submitted a complete and qualifying registration and may proceed with the repair or replacement of the legally existing docking structures as presented in the registration filing. The authorization provided by this subparagraph shall not relieve the applicant of complying with all requirements applicable to the project, including but not limited to requirements established in or under this chapter and RSA 485-A relative to water quality.

(e) Docking structures registered and maintained in accordance with section shall be considered to be in compliance with the permitting requirements of this chapter.

Amendment to HB 648-FN

(2019-0669h)

Proposed by the Committee on Commerce and Consumer Affairs - c

Amend RSA 383-A:5-512(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Subject to any limitations set forth in the Depository Bank Act (RSA 383-B) and the Credit Union Act (RSA 383-E), a depository bank or credit union may engage with a service entity to the same extent it is permissible for a federal credit union, national bank, or federal savings bank or its subsidiaries to do so under federal law.

Amend RSA 383-A:5-512(e) as inserted by section 3 of the bill by replacing it with the following:

(e) If any proposed engagement with a service entity is not expressly enumerated as a permissible engagement under federal law, but falls within the intent of federal law, the commissioner may authorize the proposed engagement by rule or order, provided such engagement is consistent with the purpose of this section, supports the general business needs of the depository bank or credit union, promotes the interests of its customers, and will not jeopardize the safe and sound operation of the depository bank or credit union.

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

4 Bank Commissioner; Duties. Amend RSA 383:9, I to read as follows:

I. The commissioner shall have general supervision of and shall conduct examinations of all state banks, trust companies, family trust companies, credit unions, and other entities licensed by the department as may be designated by law from time to time. ~~[He or she may inspect the books of those entities and their papers, notes, bonds, and other evidences of debt.]~~ *The commissioner may also examine a service entity that engages with a state chartered institution or that otherwise operates in this state, and such examination may be conducted in conjunction with or independently of any examination of a depository bank or credit union. The commissioner may also enter into agreements with federal and state regulatory authorities to examine or participate in the examination of a service entity and to share and protect the confidentiality of any examination report, work papers, or other examination information of the other state or federal regulatory authority. The commissioner may inspect the books of any entity under examination, and their papers, notes, bonds, and other evidences of debt.* By that examination, the commissioner shall determine the true financial condition of the entities, their ability to perform their engagements, and whether they have violated any provision of law.

5 Credit Unions; Powers of Credit Unions; Limitations. Amend RSA 383-E:4-403(e) through (g) to read as follows:

(e) A credit union may, in total, invest or lend up to 20 percent of its net worth in or to any single service entity, provided all of the following conditions are met:

(1) The service entity is structured to limit the credit union's exposure to loss;

(2) The service entity primarily serves credit unions and the membership of affiliated credit unions; and

(3) A credit union's aggregate investment in or loans to all service entities do not exceed 50 percent of its net worth.

(f) For the purposes of paragraph (e), "net worth" means the net worth as reported on the National Credit Union Administration Call Report Form 5300.

(g) The commissioner may grant a waiver of the 20 percent maximum investing or lending threshold in paragraph (e) if the credit union's aggregate investment in or loans to all service entities do not exceed 50 percent of its net worth and if the credit union can demonstrate that:

(1) The credit union exceeds the 20 percent limitation in paragraph (e) due to investments or loans to a service entity that engages solely in originating or servicing residential mortgage loans or both, where all such residential mortgages meet the definition of a qualified mortgage as that term is defined in 15 United States Code, Section 1639c(b)(2)(A).

(2) The lending activities of the service entity are to and for the benefit of the membership of the credit union.

(3) The loan to or investment in the service entity does not present an unacceptable exposure to loss that adversely impacts the safety and soundness of the credit union.

(h) Whenever in the opinion of the commissioner the condition of any credit union is such that the commissioner deems it unwise for the credit union to invest in any preferred or common stocks, including shares of investment trusts, he or she may by written order forbid such credit union to make such investment, and said credit union shall not thereafter make such investment until such order shall be revoked in writing.

[(f)] (i) No investment shall be made which, when added to investments of the same category then held, shall cause the investments in that category to exceed the percentages permitted for such category.

[(g)] (j) In determining whether an investment complies with the limitations imposed by this section, the applicable limitation shall be applied to the condition of the credit union at the time of making such investment.

6 Effective Date.

I. Section 5 of this act shall take effect January 1, 2020.

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

Amendment to HB 654

(2019-0939h)

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

Amend the bill by replacing section 1 with the following:

1 Housing Finance Authority; Bonds by Certain Mortgages. Amend RSA 204-C:10 to read as follows:

204-C:10 Bonds by Certain Mortgages. On all construction loans for the construction or rehabilitation of 11 or more dwelling units, as defined by the authority pursuant to adopted rules, the authority shall require bonds to be furnished by the mortgage, ~~or~~ an equivalent escrow or letter of credit arrangement supervised by the authority, **or any other surety sufficient**, to assure performance by the contractor party to the contracts awarded to carry on such work, and to assure payment out of the construction loan funds for all labor and materials for which claimants would be able to claim a mechanic's lien pursuant to RSA 447.

2019-0939h

AMENDED ANALYSIS

This bill grants discretion to the housing finance authority to require bonds, bond equivalents, or any other surety to assure performance on contracts awarded.

Amendment to HB 657

(2019-0906h)

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 prescription drugs under the managed care law.

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

1 Managed Care Law; Prescription Drugs. Amend RSA 420-J:7-b, II through III to read as follows:

II. Every health benefit plan that provides prescription drug benefits shall maintain an expeditious exception process, not to exceed 48 hours, by which covered persons may obtain coverage for a medically necessary nonformulary prescription drug **or for a nonformulary prescription drug that was available during the previous 12 months**. The exception process shall begin when the prescribing provider has submitted a request with a clinical rationale for the exception to the health benefit plan. **The exception process shall also begin when a covered person has submitted a non-clinical request for access to a drug approved by the federal Food and Drug Administration for treating a specific condition when such drug was available on the formulary during the previous 12 months**. A prescription that requires an exception for coverage shall be considered approved if the exception process exceeds 48 hours.

II-a. No health benefit plan that provides prescription drug benefits and establishes the specific sequence in which prescription drugs for a medical condition are to be prescribed shall require failure on the same medication on more than one occasion for patients continuously enrolled in the plan. Nothing in this section shall be construed to prevent a health care provider from prescribing a medication to the same patient on more than one occasion, when he or she determines it is medically appropriate.

III. Every health plan that provides prescription drug benefits shall ~~notify~~ **provide written notice in a conspicuous font and size** to covered persons affected by deletions to the plan list or plan formulary, provide an explanation of the exception process by which a covered person can access nonformulary medically necessary prescription drugs, and provide a toll-free telephone number through which a covered person can request additional information. For purposes of this paragraph, covered persons affected by deletions to the

plan list or plan formulary shall include those covered persons for whom the health plan has provided coverage for the deleted prescription drugs during the 12-month period immediately prior to the deletion. Upon notification to covered persons, the health benefit plan shall allow at least 45 days before implementation of any formulary deletions; provided, however, that advance notice shall not be required if the federal Food and Drug Administration has determined that a prescription drug on the health benefit plan's formulary is unsafe. ***For purposes of this section, "conspicuous font and size" shall mean a font that is at least 12 point in size and in an easily legible font. If a covered person avails him or herself of the exception process as outlined in 420-J:7-b, II, the medication shall be covered by the health plan until there is a resolution of the exception process.***

2 Managed Care Law; Prescription Drugs. Amend RSA 420-J:7-b, IX(a) to read as follows:

IX.(a) Every health benefit plan that provides prescription drug benefits shall allow its covered persons to obtain an emergency prescription for up to a 72-hour supply of covered prescription drugs on the covered person's health benefit plan formulary ***or a prescription drug that was deleted from the formulary within the last 90 days*** in the event a prescription requires prior authorization ***or an exception*** by an insurance carrier and the prior authorization ***or exception*** has neither been approved nor denied and a pharmacist has determined the medication is essential as provided in RSA 318:47-i. Such reimbursement shall be according to the payment rates of the provider contract. If authorization ***or exception*** is subsequently denied, the carrier shall reimburse the pharmacist for the prescription as given based on the pro-rated amount they would have otherwise received under the terms of the provider contract.

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

2019-0906h

AMENDED ANALYSIS

This bill clarifies the law regarding prescription drugs under the managed care law.

Amendment to HB 660-FN

(2019-0953h)

Proposed by the Committee on Resources, Recreation and Development - c

Amend the bill by replacing section 1 with the following:

1 Department of Natural and Cultural Resources; Study of the Economic and Other Effects of OHRV Operation in New Hampshire.

I. To the extent of the department's available appropriations, the commissioner of the department of natural and cultural resources, with advice from the public, shall prepare a master plan for an integrated network of OHRV trails in Coos county, the goal of which is to locate all OHRV trails off state and municipal highways to the extent practicable with regard to trail connectivity, and with the understanding that a municipality shall retain the right to decide whether or not to grant OHRV access to public ways. The plan shall address the actual and potential locations of the trail network, the costs of construction and maintenance of the trail network, the interests of sanctioned ATV clubs, the interests and rights of private property owners, aesthetics, historic sites, air and water quality, the natural environment, and public health and safety. The commissioner shall solicit and may accept gifts, grants, or donations from any source and may expend such moneys to fund the master plan required in this paragraph. The master plan shall be completed by November 1, 2021.

II. To the extent of the department's available appropriations, the commissioner of the department of cultural and natural resources shall prepare an update of the department's 2003 study titled "A Plan for Developing New Hampshire's Statewide Trail System for ATV's and Trail Bikes 2003-2008" and shall report the findings of such study, including any recommendations for legislation, no later than January 1, 2021. The commissioner shall post on the department's public Internet site information about the update to the study and shall solicit and accept public comment concerning the update to the study for a period of not less than 30 days. The commissioner shall solicit and may accept gifts, grants, or donations from any source and may expend such moneys to fund the study required in this paragraph.

III. To the extent of the department's available appropriations, the commissioner of the department of natural and cultural resources shall study the effects of OHRV activity upon the state's economy using the best available science and conducted by independent researchers who shall be selected by the commissioner. The economic impact study shall be completed and a report issued, including recommendations for legislation, no later than January 1, 2021, to the speaker of the house of representatives, senate president, governor, and state library. The commissioner shall solicit and may accept gifts, grants, or donations from any source and may expend such moneys to fund the study required in this paragraph.

Amendment to HB 663

(2019-0751h)

Proposed by the Committee on Environment and Agriculture - c

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

1 Definition of Agriculture. Amend RSA 21:34-a, I to read as follows:

I. The word “farm” means any land, buildings, or structures on or in which agriculture and farming **operations or** activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock~~[-and];~~ in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in **the operations or activities** named in paragraph [H] **II(a) or (b)** of this section **or any combination of such individual operators or activities**.

2 Definition of Agriculture. Amend RSA 21:34-a, II to read as follows:

II. The words “agriculture” and “farming” mean all operations **or activities** of a farm, including:

(a)(1) The cultivation, conservation, ~~[and]~~ **or** tillage of the soil.

(2) The storage, use of, ~~[and]~~ **or** spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.

(3) The use of ~~[and]~~ **or** application of agricultural chemicals.

(4) The ~~[raising]~~ **husbandry** ~~[and sale]~~ of livestock which shall include but not be limited to all beef ~~[and]~~ **or** dairy cattle, steer, oxen, goats, sheep, swine, horses, mules or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk (*Cervus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), ~~[and]~~ **or** reindeer (*Rangifer tarandus*).

(5) The ~~[breeding]~~ **husbandry**, boarding, raising, training, riding instruction, and selling of equines.

(6) The ~~[commercial raising;]~~ **husbandry and** harvesting~~[-and sale of fresh water fish or other]~~ aquaculture products **including fresh or salt water finfish, shellfish, or other aquatic organisms grown for consumption or processing**.

(7) The ~~[raising, breeding, or sale]~~ **husbandry** of poultry or game birds.

(8) The ~~[raising]~~ **husbandry** of bees **or honey**.

(9) The ~~[raising, breeding, or sale]~~ **husbandry** of domesticated strains of fur-bearing animals.

(10) The production of greenhouse crops.

(11) The production, cultivation, growing, **or** harvesting~~[-and sale]~~ of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees ~~[and]~~ **or** tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any ~~[other]~~ plant that can be legally grown ~~[and]~~ **or** harvested extensively for profit or subsistence.

(b) Any practice **or activity** on the farm incident to, **ancillary to**, or in conjunction with such farming operations, including, but not necessarily restricted to:

(1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.

(2) The transportation to the farm of supplies and materials.

(3) The transportation of farm workers.

(4) Forestry or lumbering operations.

(5) ~~[The]~~ Marketing or selling at wholesale, ~~[-or]~~ retail, **on-site or off-site, regardless of the manner or form of the transaction** ~~[of]~~ any **livestock or** products **derived principally from the production of the farm, including, but not limited to items listed in subparagraph (a), whether** on-site ~~[and]~~ **or** off-site, **provided that marketing such products is** ~~[where]~~ not **specifically** prohibited by local regulations. ~~[Marketing includes]~~ **For the purposes of this section marketing shall include** agritourism, which means attracting visitors to a farm to attend events ~~[and]~~ **or** activities that are accessory uses to the primary farm operation, including, but not limited to, ~~[eating]~~ **being provided** a meal, making overnight stays, enjoyment of the farm environment, education, **which may include instruction or learning** about ~~[farm]~~ **the farm's** operations, or active involvement in the ~~[activity]~~ **activities** of the farm.

(6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

(7) The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II(a)(4).

(8) The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm.

3 Definition of Agriculture. Amend RSA 21:34-a, IV to read as follows:

IV. **Management** practices on the farm shall include technologies recommended from time to time by the university of New Hampshire cooperative extension, the New Hampshire department of agriculture, markets, and food, ~~[and]~~ **or** appropriate agencies of the United States Department of Agriculture.

4 Declaration of Purpose. Amend RSA 672:1, III-d to read as follows:

III-d. For purposes of paragraphs III-a, III-b, III-c, and III-e, “unreasonable interpretation” includes the failure of local land use authorities to recognize that agriculture and agritourism **operations or activities**

as defined in RSA 21:34-a, forestry, renewable energy systems, and commercial and recreational fisheries, when practiced in accordance with applicable laws and regulations, are traditional, fundamental and accessory uses of land throughout New Hampshire, and that a prohibition upon these uses cannot necessarily be inferred from the failure of an ordinance or regulation to address them;

5 Agricultural Uses of Land. Amend RSA 674:32-a to read as follows:

674:32-a Presumption. In accordance with RSA 672:1, III-d, whenever agricultural **operations or activities as defined in RSA 21:34-a** are not explicitly addressed with respect to any zoning district or location, **such operations or activities** [they] shall be deemed to be permitted there, as either a primary or accessory use, so long as conducted in accordance with best management practices adopted by the commissioner of **the department of agriculture, markets, and food** and with **applicable** federal and state laws, regulations, and rules.

6 Existing Agricultural Uses and Activities; Significant Expansion Defined. Amend RSA 674:32-b to read as follows:

674:32-b Existing Agricultural Uses **and Activities**. Any agricultural use **or activity** which exists pursuant to RSA 674:32-a may without restriction be expanded, altered to meet changing technology or markets, or changed to another agricultural use **or activity**, as set forth in RSA 21:34-a, so long as any such expansion, alteration, or change complies with all federal and state laws, regulations, and rules, including **agricultural best management [practices] practice guidelines** adopted by the commissioner of **the department of agriculture, markets, and food**; subject, however, to the following limitations:

I. Any new establishment, re-establishment after abandonment, or significant expansion of an operation involving the keeping of livestock, poultry, or other animals may be made subject to special exception, building permit, **site plan review**, or other local land use board approval **in accordance with the provisions of RSA 674:32-c, II and III**.

II. Any new establishment, re-establishment after abandonment, or significant expansion of a farm stand, retail operation, or other use **or activity** involving on-site transactions with the public, including agritourism as defined in RSA 21:34-a, may be made subject to applicable special exception, building permit, **site plan review**, or other local land use board approval **in accordance with the provisions of RSA 674:32-c, II and III**, and may be regulated to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety. No municipality shall adopt an ordinance, bylaw, definition, or policy regarding agritourism activities that conflicts with the definition of agritourism in RSA 21:34-a.

7 Agricultural Uses of Land. Amend RSA 674:32-c, II to read as follows:

II. Nothing in this subdivision, **or in RSA 674:32-b**, shall exempt new, re-established, or expanded agricultural operations **or activities** from generally applicable building and site requirements such as dimensional standards, setbacks, driveway and traffic regulations, parking requirements, noise, odor, or vibration restrictions or sign regulations; provided, however, that in circumstances where their literal application would effectively prohibit an agricultural use **or activity** allowed by this subdivision, or would otherwise be unreasonable in the context of an agricultural use **or activity**, **in accordance with the provisions of RSA 672:1, III-b**, the **zoning** board of adjustment, building code board of appeals, or other applicable local board, after due notice and hearing, shall grant a waiver from such requirement to the extent necessary to reasonably permit the agricultural use **or activity**, unless such waiver would have a demonstrated adverse effect on public health or safety, or **on** the value of adjacent property. Such waiver shall continue only as long as utilized for the permitted agricultural use **or activity**.

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

Amendment to HB 664-FN (2019-0904h)

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

Amend the bill by replacing section 1 with the following:

1 New Sections; Vehicle Repair Standards. Amend RSA 407-D by inserting after section 3-a the following new sections:

407-D:3-b Vehicle Repair Standards.

I. Insurers shall pay a claim to the claimant or repairer based upon the repairer's utilization of repair procedures or specifications that conform to the original equipment manufacturer's recommended procedures, specifications, or allowable tolerances of such vehicle year, make, model, and trim level. If the repair procedure or specification from an original equipment manufacturer includes a directive to conduct a scan, calibration, or diagnostic test of a vehicle's electronics systems before or after the commencement of repairs, such directive shall be considered as a required part of the repair procedure. The insurer shall reimburse the repairer if the repairer follows the directive. Notwithstanding any statements or recommendations contained in the original equipment manufacturer's repair procedures or specifications relative to the use of original equipment manufacturer parts, governance of the use of after market parts in the course of an insurer-funded repair shall be solely dictated by RSA 407-D:3-a.

II. This section shall not apply to vehicle glass repair and emplacement services including, but not limited to, the calibration of Advanced Driver Assistance System (ADAS), when done by an automobile glass company. The company shall notify their customer after repair whether calibration has been performed.

407-D:3-c Paint and Materials Estimates. When an automobile repairer follows the paint and materials estimate from a paint manufacturer, nationally recognized third party, or some combination thereof, the insurer shall reimburse the repairer invoice based on such estimate or a comparable paint and materials estimate from another paint manufacturer, nationally recognized third party guide, or some combination thereof.

**Amendment to HB 670-FN
(2019-0893h)**

Proposed by the Committee on Commerce and Consumer Affairs - c

Amend RSA 420-J:7-b, XI as inserted by section 1 of the bill by replacing it with the following:

XI. Health carriers shall have access to or maintain within their data systems amounts paid to pharmacies and other health care providers for all prescription drugs on behalf of their covered members. Carriers shall have access to or maintain a record of any amounts due to the pharmacy from the covered member in the form of cost sharing, such as copayments, deductibles, or coinsurance. The health carrier shall be responsible for assuring timely access to this information even when the prescription drug benefit is administered by a pharmacy benefit manager or similar entity.

**Amendment to HB 684-FN
(2019-0892h)**

Proposed by the Committee on Commerce and Consumer Affairs - c

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

1 Manufactured Housing Parks; Fees, Charges, Assessments; Notice of Private Mediation. Amend RSA 205-A:6, I to read as follows:

I. A manufactured housing park owner or operator shall fully disclose in writing all terms and conditions of the tenancy including rental, utility and service charges, prior to entering into a rental agreement with a prospective tenant. No charges so disclosed may be increased by the park owner or operator without an explanation for the increase and specifying the date of implementation of said increase, which date shall be no less than 60 days after written notice to the tenant, **and providing notice of the opportunity for voluntary private mediation of the increase under the Manufactured Housing Consumer Action Program.** Nothing in this section, however, shall be construed to permit a park owner or operator to vary the terms of a written or oral rental agreement without the express written consent of the tenant.

I-a.(a) Every notice of rent increase issued by a park owner pursuant to paragraph I shall contain the following statement in 10 point bold face print:

IF YOU OBJECT TO THIS RENT INCREASE AS ARBITRARY OR UNREASONABLE YOU MAY BE ABLE TO ENGAGE IN MEDIATION, WITH THE COST OF THE MEDIATOR TO BE FULLY PAID BY THE PARK OWNER, IF: AT LEAST ONE ADULT MEMBER OF NO LESS THAN 51 PERCENT OF THE HOME OWNERS IN THE PARK SIGNS A PETITION REQUESTING MEDIATION, and THE RENT INCREASE EXCEEDS \$15 PER MONTH.

(b) The notice required in this section shall also provide the name, address, and telephone number of the person or entity which shall arrange the mediation.

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

2019-0892h

AMENDED ANALYSIS

This bill requires manufactured housing park owners or operators to provide notice of the opportunity for private mediation of an arbitrary or unreasonable rent increase, with the cost of the mediator paid for by the park owner.

**Amendment to HB 695
(2019-0761h)**

Proposed by the Committee on Commerce and Consumer Affairs - c

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

1 New Section; Transparency of Nonprofit Patient Advocacy Organizations. Amend RSA 400-A by inserting after section 30 the following new section:

400-A:30-a Transparency of Nonprofit Patient Advocacy Organizations.

I. In this section, "patient advocacy organization" means any formally organized nonprofit group that primarily concerns itself with medical conditions or potential medical conditions and has a mission and takes actions that seek to help people affected by those medical conditions or to help their families. "Patient advocacy organization" shall not include a professional organization typically focusing on advancing its profession or serving professional members as a primary goal.

II.(a) On or before January 1 of each year, any patient advocacy organization that has received a payment, donation, subsidy or anything else of value from a pharmaceutical manufacturer, health insurance carrier, or pharmacy benefit manager, or a trade or advocacy group for pharmaceutical manufacturers, health insurance carriers, or pharmacy benefit managers during the immediately preceding calendar year shall compile a report which includes:

(1) For each such contribution, the amount of the contribution and the pharmaceutical manufacturer, affiliated third party, pharmacy benefit manager, or group that provided the payment, donation, subsidy or other contribution; and

(2) The percentage of the total gross income of the organization during the immediately preceding calendar year attributable to payments, donations, subsidies, or other contributions from each pharmaceutical manufacturer, health insurance carrier, pharmacy benefit manager, or group.

(b) Except as otherwise provided in this section, the patient advocacy organization shall post the report on its Internet website which is accessible by the public. If the nonprofit organization does not maintain an Internet website that is accessible to the public, the nonprofit organization shall submit the report compiled pursuant to subparagraph (a) to the insurance department.

III. Any patient advocacy organization that has received a payment, donation, subsidy or anything else of value from a pharmaceutical manufacturer, health insurance carrier, or pharmacy benefit manager, or a trade or advocacy group for pharmaceutical manufacturers, health insurance carriers, or pharmacy benefit managers during the immediately preceding calendar year shall disclose that fact when testifying, lobbying, or otherwise engaging in person with a member of the general court.

IV. Any patient advocacy organization that has a paid employee of the organization who is a registered lobbyist with the state of New Hampshire and is wearing a name tag in compliance with RSA 15:2 or otherwise identifies him or herself as a lobbyist shall be exempt from this section.

V. Any patient advocacy organization found in violation of this section may be fined up to \$1,000 per violation.

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

2019-0761h

AMENDED ANALYSIS

This bill requires nonprofit organizations advocating on behalf of patients or that fund medical research to compile a report relative to payments received from certain manufacturers, insurance carriers, or pharmacy benefit managers. The nonprofit organization shall post the report on its Internet website or file it with the insurance commissioner.

Amendment to HB 700

(2019-0960h)

Proposed by the Committee on Ways and Means - r

Amend the bill by replacing section 2 with the following:

2 New Sections; Valuation of Electric, Gas, and Water Utility Company Distribution Assets. Amend RSA 72 by inserting after section 8-c the following new sections:

72:8-d Valuation of Electric, Gas, and Water Utility Company Distribution Assets.

I. In this section:

(a) "FERC" means the Federal Energy Regulatory Commission.

(b) "Utility company assets" means the following property not exempt under RSA 72:23:

(1) For an electric company providing electricity service to retail customers: the distribution poles, wires, conductors, attachments, meters, transformers, and substations accounted for by the utility in accordance with FERC Form 1, buildings, contributions in aid of construction (CIAC), construction works in progress (CWIP), and land rights, including use of the public rights of way, easements on private land owned by third parties, and land owned in fee by the electric company, so long as such easements and fee land are associated solely with distribution power lines classified as distribution according to FERC standards.

(2) For a gas company providing gas service to retail customers: distribution pipes, fittings, meters, pressure reducing stations, buildings, contributions in aid of construction (CIAC), construction works in progress (CWIP), and land rights including use of the public rights of way, easements on private land owned by third parties, and land owned in fee by the gas company.

(3) For a water company providing water service to retail customers: pipes, fittings, meters, wells, pressure/pump stations, buildings, contributions in aid of construction (CIAC), construction works in progress (CWIP), and land rights including use of the public rights of way, easements on private land owned by third parties, and land owned in fee by the water company. No electric power fixtures employed solely as an emergency source of electric power in a public water distribution system shall be taxable.

(c) "Utility company assets" shall not include:

(1) Electric company transmission poles, wires, conductors, attachments, meters, transformers, and substations, classified as transmission according to FERC standards, buildings associated with transmission, and land rights, including easements on private land owned by third parties, and land owned in fee by the electric company, so long as such easements and fee land are associated with transmission power lines classified as transmission according to FERC standards.

(2) Electric generation facilities and associated land rights, whether in fee or by easement.

(3) Gas transmission pipeline facilities regulated by FERC and associated land rights, whether in fee or easement.

(4) Wholly owned telephone, cable, or Internet service providers, and large scale natural gas and propane gas liquid storage and processing facility assets.

(5) Fee-owned land, office buildings, garages, and warehouses.

(d) "Retention dam" means a dam constructed for the purpose of impounding drinking water supply.

II.(a) The selectmen or assessors shall appraise utility company assets lying within the limits of the town or city using a unified method of valuing the utility company assets, excluding land rights, according to the following formula:

(1) For electric and gas utility company assets: a weighted average of 70 percent of each asset's original cost and 30 percent of each asset's net book cost as reported in compliance with paragraphs IV and V.

(2) For water utility company assets: a weighted average of 25 percent of each asset's original cost and 75 percent of each asset's net book cost as reported in compliance with paragraphs IV and V.

(b) To the appraisal under subparagraph (a), for the use of public rights of way and private distribution system easements, the selectmen or assessors shall add 3 percent of the valuation determined under subparagraph (a).

(c) The total of subparagraphs (a) and (b), as implemented under paragraph VI, shall be the valuation of the utility company's assets for purposes of local property taxation, and added to the municipality's assessed value of the utility company's fee-owned land, office buildings, garages, and warehouses.

III. Any water utility company land parcel owned in fee for sanitary radii, retention dams, and/or watershed protection purposes which is subject to regulation by the department of environmental services to protect water quality shall be entitled to be assessed under RSA 79-C at the value such land would have been assigned under the current use values established pursuant to RSA 79-A if the land had met the criteria for open space land under that chapter, even if said parcel is less than 10 acres in size and/or has a well structure and related piping on the parcel.

IV. Each utility company shall report by May 1 of each year to the selectmen or assessors of each town or city in which its utility company assets are located and to the department of revenue administration, the original cost and net book value as of December 31 of the preceding year of each account code category of distribution, transmission, and generation assets, if any, located within such town or city in accordance with FERC Form 1 and/or Form 2 Federal Account Code items.

V. The commissioner of the department of revenue administration shall adopt rules under RSA 541-A for the forms and requirements for the reporting under paragraph IV. Such reporting requirements shall also include an obligation on the utility company with utility company assets to utilize an accounting system to report and track with the best information available, in an efficient, equitable and transparent manner using the best information then available from the utility company's accounting records, contributions in aid of construction (CIAC), construction works in progress (CWIP), and undistributed plant assets in each town or city and the original cost of each such asset as reported by the contributing entity.

VI.(a) The assessed value of all utility company assets existing and assessed as of April 1, 2018 determined in subparagraph II(c) shall be implemented over a 5-year period as follows:

(1) The value for assessment of property taxes for the tax year effective April 1, 2020 shall be a weighted average of 80 percent of the final locally assessed value effective April 1, 2018 and 20 percent of the apportioned value determined under subparagraph II(c) effective April 1, 2020.

(2) The value for assessment of property taxes for the tax year effective April 1, 2021 shall be a weighted average of 60 percent of the final locally assessed value effective April 1, 2018 and 40 percent of the apportioned value determined under subparagraph II(c) effective April 1, 2021.

(3) The value for assessment of property taxes for the tax year effective April 1, 2022 shall be a weighted average of 40 percent of the final locally assessed value effective April 1, 2018 and 60 percent of the apportioned value determined under subparagraph II(c) effective April 1, 2022.

(4) The value for assessment of property taxes for the tax year effective April 1, 2023 shall be a weighted average of 20 percent of the final locally assessed value effective April 1, 2018 and 80 percent of the apportioned value determined under subparagraph II(c) effective April 1, 2023.

(5) For each of the years in subparagraphs (a) through (d), all utility company assets installed after April 1, 2018, and not included in assessment as of April 1, 2018, shall be assessed at the apportioned value

determined under subparagraph II(c) effective as of April 1 of the property tax year. For each of the years in subparagraphs (a) through (d), all utility company assets retired after April 1, 2018, and included in assessment as of April 1, 2018, shall not be assessed.

(6) Beginning with the tax year effective April 1, 2024 and every tax year thereafter the locally assessed value shall be the apportioned value determined under subparagraph II(c) effective as of April 1 of the property tax year.

(b) For purposes of subparagraph (a), “final locally assessed value effective April 1, 2018” means the municipality’s value of the utility company’s assets as taken from the department of revenue administration’s form MS-1 for 2018.

VII. All determinations or decisions under this section shall be appealable by the electric, gas, or water utility company or the town or city by petition to the board of tax and land appeals under RSA 71-B.

72:8-e Recovery of Taxes by Electric, Gas and Water Utility Companies. For the implementation period of the valuation of utility company assets under RSA 72:8-d, VI and terminating with the property tax year effective April 1, 2024, the public utility commission shall by order establish a rate recovery mechanism for any public utility owning property that meets the definition of utility company assets under RSA 72:8-d, I. Such rate recovery mechanism shall either:

I. Adjust annually to recover all property taxes paid by each such utility on such utility company assets based upon the methodology set forth in of RSA 72:8-d; or

II. Be established in an alternative manner acceptable to both the utility and the public utility commission. Amend the bill by inserting after section 3 the following and renumbering the original sections 4 and 5 to read as 5 and 6, respectively:

4 New Subparagraph; Discretionary Easements; Qualifying Land; Public Benefit. Amend RSA 79-C:3, II by inserting after subparagraph (f) the following new subparagraph:

(g) The preservation of potable water where:

(1) The land is owned in fee by a water utility company; and

(2) The land is used for sanitary radii, retention dam sites and/or watershed protection purposes which is subject to regulation by the department of environmental services to protect water quality, which land may have a well, booster station/pump house, or retention dam structure and/or related piping.

Amendment to HB 703-FN

(2019-0908h)

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

Amend RSA 318:67 and RSA 318:68 as inserted by section 1 of the bill by replacing them with the following:
New High-Cost Prescription Drugs

318:67 Definitions. In this subdivision:

I. “Department” means the insurance department.

II. “Manufacturer” means any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drugs, whether directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or any entity engaged in the packaging, repackaging, labeling, relabeling, or distribution of prescription drugs. The term shall not include a wholesale distributor of prescription drugs, a retailer, or a pharmacist licensed under the board.

III. “Prescription drug” means a drug defined in 21 U.S.C. section 321.

318:68 Notice Required.

I. A prescription drug manufacturer shall notify the department in writing if it is introducing a new prescription drug to market at a wholesale acquisition cost that exceeds the threshold set for a specialty drug under the Medicare Part D program. The manufacturer shall provide the written notice within 3 calendar days following the release of the drug in the commercial market. A manufacturer may make the notification pending approval by the United States Food and Drug Administration (FDA) if commercial availability is expected within 3 calendar days following the approval.

II. No later than 30 calendar days following notification required under paragraph I, the manufacturer shall provide the following information to the department in a format that the department prescribes:

(a) A description of the marketing and pricing plans used in the launch of the new drug in the United States and internationally.

(b) The estimated volume of patients who may be prescribed the drug.

(c) Whether the drug was granted breakthrough therapy designation or priority review by the FDA prior to final approval.

(d) The date and price of acquisition if the drug was not developed by the manufacturer.

III. The manufacturer may limit the information required under paragraph II to that which is otherwise in the public domain or publicly available.

IV. The department shall publish on its Internet website, at least quarterly, the information reported to it under this section. The information shall be published in a manner that identifies the information that is disclosed on a per-drug basis and shall not be aggregated in a manner that would not allow identification of the drug.

V. The attorney general may bring a civil action for injunctive relief, costs, and attorney's fees and impose on a manufacturer that fails to provide the information required under paragraph II, a civil penalty of not more than \$1,000 per day for every day after the notification period described in paragraph II that the required information is not reported. In any action brought under this section, the attorney general shall have the same authority to investigate and obtain remedies as if the action were brought under the RSA 358-A.

2019-0908h

AMENDED ANALYSIS

This bill requires prescription drug manufacturers to provide certain notice to the insurance department if they are introducing a new prescription drug to market at a wholesale acquisition cost that exceeds the threshold set for a specialty drug under the Medicare Part D program.

Amendment to HB 710-FN

(2019-1024h)

Proposed by the Committee on Executive Departments and Administration - c

Amend RSA 155-A:10, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The board shall meet to review and assess the application of the state building code and shall recommend legislation, as the board deems necessary, to amend the requirements of the state building code in order to provide consistency with the application of other laws, rules, or regulations, to avoid undue economic impacts on the public by considering the cost of such amendments, and to promote public safety and best practices.

(a) The board may recommend adoption of a newer version of a code that has been published for at least 2 years, and shall provide a summary of all significant changes, cost estimates of these changes, and documentation of the need for the change in the recommended legislation.

(b) Amendments to the codes shall be reviewed and approved by the board, then submitted annually to the legislature for ratification by the adoption of appropriate legislation before they become effective.

(c) The board may hear appeals of final decisions of any local building code board of appeals established under RSA 674, provided that the appeal shall be based on a claim that the intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or there is an alternative construction. The board shall not have authority to waive or grant variances to requirements of the code.

(d) Amendments adopted by municipalities shall be published by the board.

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

3 Applicability. Any code amendment in effect on the effective date of this act shall expire 18 months from the effective date of this act unless prior to such date, the amendment is approved by the board of fire control or building code review board and ratified by the adoption of appropriate legislation.

4 New Section; Appeal of Decisions of Local Building Code Board of Appeals. Amend RSA 155-A by inserting after section 11-a the following new section:

155-A:11-b Appeal of Decisions of Local Building Code Board of Appeals.

I. The board shall hear appeals of final decisions of any local building code board of appeals established under RSA 674.

II. An application for appeal shall be based on a claim that the intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an alternative construction is proposed. The board shall not have authority to waive or grant variances to requirements of the code.

III. The board shall hold a hearing within 40 days of the receipt of an appeal, unless an extension of time has been granted by the board at the written request of one of the parties, and shall render a decision within 30 days of the conclusion of the hearing.

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

2019-1024h

AMENDED ANALYSIS

This bill:

I. Provides for the appointment of alternative members of the state building code review board.

II. Revises the procedure for amendment to the state building code.

III. Requires the state building code review board to maintain a publicly accessible list of applicable building codes and amendments.

IV. Provides for an appeal to the state building code review board from decisions of a local building code board of appeals.

**Amendment to HB 715-FN
(2019-0742h)**

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

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

1 Findings; Public Utilities; Energy Storage. Energy storage has the potential to increase the utilization of renewable energy in New Hampshire and improve the state's fuel diversity portfolio, while reducing New Hampshire families' and businesses' over dependence on natural gas and minimizing their exposure to volatile natural gas prices. Enabling greater use of renewable energy reduces air pollution, including both toxic chemicals and particulate matter, thereby lessening the electricity system's negative impacts on both public health and environmental quality. Innovative technologies like energy storage can also stimulate investment and employment in the state, thereby making a positive contribution to New Hampshire's economy. Energy storage also has the potential to significantly reduce New Hampshire's effective peak demand for electricity. Reducing peak electricity demand is in the public interest because such demand disproportionately drives New Hampshire families' and businesses' energy cost burden. Electric system reliability requires the transmission and distribution system to be built out to meet peak demand, with the result that ratepayers must often pay for system expansions and upgrades that will lie idle the vast majority of the year. Furthermore, the generation units that grid operators call on to meet peak demand are generally the most inefficient and thus the most expensive units. Such generation units also tend to be the most polluting, and thus account for a disproportionate share of the electricity system's negative public health and environmental impacts. For all these reasons, the general court finds it is in the public interest to stimulate the deployment of energy storage in New Hampshire.

2 New Chapter; Energy Storage. Amend RSA by inserting after chapter 374-G the following new chapter:

**CHAPTER 374-H
ENERGY STORAGE**

374-H:1 Definitions. In this chapter:

- I. "Commission" means the public utilities commission.
- II. "Behind-the-meter storage" means an energy storage project that is installed on a retail electricity customer's premises and is electrically connected to the customer's side of the electric utility meter.
- III. "Bring your own device" means a program for encouraging non-utility owned, and especially retail-customer owned, behind-the-meter energy storage to provide the greatest value possible to the electricity system, particularly in terms of peak reduction and avoided transmission and distribution costs. Such a program shall compensate participating behind-the-meter energy storage for the value it provides to the electricity system.
- IV. "Energy storage" means batteries, flywheels, compressed air energy systems, sensible heat storage or any other technology, system, or device capable of taking electricity and storing it as some form of energy the technology, system, or device can either convert back into electricity or use to displace an electrical load at a later time. Such term shall include standalone technologies, systems, and devices, as well as those co-located with or incorporated into a renewable energy source.
- V. "Energy storage project" means an individual energy storage system or an aggregation of multiple energy storage systems.
- VI. "Front-of-the-meter storage" means any energy storage that is not behind-the-meter storage.
- VII. "ISO-New England" means the Independent System Operator New England or any successor entity.
- VIII. "Local network service" means the term as defined in ISO-New England's transmission, markets, and services tariff, section II.
- IX. "Non-utility" means any entity that is not a utility that develops, builds, owns, operates, or assists in the operation of one or more energy storage projects, including retail customers that buy behind-the-meter storage installed on their property.
- X. "Peak demand" means the total combined annual coincident peak energy demand of all utility service territories in New Hampshire.
- XI. "Regional network service" means the term as defined in ISO-New England's transmission, markets, and services tariff, section II.
- XII. "Renewable energy source" means a Class I, Class II, or Class IV renewable energy source as defined in RSA 362-F:4.
- XIII. "Utility" means any entity that distributes electricity to retail customers or owns part of the electrical transmission system in New Hampshire.
- XIV. "Wholesale electricity markets" means any energy, capacity, or ancillary service market that ISO-New England operates.

374-H:2 Energy Storage Targets.

I. The commission shall ensure sufficient energy storage capacity is deployed on the electricity system to reduce the peak demand by 2 percent when discharging coincidentally, by December 31, 2022. The commission shall measure this reduction by using the 2018 peak demand as a baseline. In order to achieve this target, the commission shall create programs and tariffs, or tariff riders, that enable energy storage to be compensated for services it provides.

II. Within one year of the effective date of this section, the commission shall initiate a proceeding to determine if a higher energy storage target than that established in paragraph I would provide net benefits to ratepayers. This proceeding shall consider:

(a) Energy costs that energy storage projects might avoid, including but not limited to potential reductions in ISO-New England energy and capacity market clearing prices.

(b) Transmission and distribution costs that energy storage projects might avoid, including but not limited to deferring or avoiding the need for new transmission or distribution infrastructure as well as reducing regional and local network service charges.

(c) Any potential ability energy storage projects might have to reduce electricity price volatility.

(d) Any potential grid reliability and resiliency benefits energy storage projects might provide.

(e) Any environmental or renewable portfolio standard compliance costs energy storage might help avoid or reduce through such means as enabling more cost-effective renewable energy integration, reducing emissions from less efficient peaking power plants, and reduced cycling at thermal power plants.

(f) The likely cost to ratepayers of a higher target.

(g) Any other benefit the commission deems relevant.

III. The commission shall complete the proceeding under paragraph II no later than December 31, 2022.

IV. If the commission, following the proceeding under paragraph II, finds a higher target than the one specified in paragraph I would provide net benefits to ratepayers, it shall raise the target to up to 15 percent of peak demand.

(a) The commission shall establish a compliance timeline for the higher target to ensure that it is reached by December 31, 2030. The compliance timeline shall also require that enough energy storage capacity to reduce peak demand by at least an additional one percent per year above the paragraph I target is built each year following December 31, 2022, until the full target is met.

(b) Nothing in this paragraph shall affect the compliance timeline paragraph I establishes for the initial target.

374-H:3 Target Implementation.

I. Within one month of the effective date of this section, the commission shall initiate rulemaking or proceedings relative to programs and tariffs or tariff riders, or both, that implement the provisions of this chapter. The commission shall determine the amount of megawatts of power and megawatt-hours of energy storage capacity needed to reduce peak demand by 2 percent. The commission shall complete this rulemaking or issue orders no later than one year after the effective date of this section.

II. Subject to paragraph V, the commission's regulations or orders shall ensure non-utilities develop and own at least 1/2 of the energy storage capacity required under RSA 374-H:2. The commission's regulations or orders shall create a preference for non-utility energy storage projects that avoid or reduce transmission and distribution costs. Such avoided or reduced costs shall include, but are not limited to, deferring the need for new distribution and transmission infrastructure or reducing the utility's regional and local network charges.

III. The commission shall ensure that any utility proposed behind-the-meter energy storage project or program shall incorporate a meaningful opportunity for non-utilities to develop and own a significant portion of the energy storage systems that comprise the project or that will be developed as part of the program.

IV. If the commission finds that non-utilities can prudently develop more than 1/2 of the energy storage capacity required to meet a target under RSA 374-H:2, the commission shall give a preference to such non-utility energy storage projects over utility energy storage projects.

V. If the commission finds that a non-utility cannot develop enough energy storage projects to meet its share of a target under RSA 374-H:2, the commission shall allow such utility to develop and own whatever additional number of energy storage projects are needed to meet such target.

VI. Notwithstanding any provision of RSA 374-F or RSA 374-G, the commission's regulations or orders shall require a utility to compensate a non-utility for the value of all transmission or distribution costs the utility will likely avoid because of the non-utility energy storage project.

(a) For behind-the-meter storage, the regulations or orders shall accomplish this by creating a "bring your own device" peak reduction program. As part of this program, the commission shall create special tariffs or other mechanisms, including but not necessarily limited to time-of-use rates, that ensure utilities compensate such projects for their peak reduction value, as well as the value of all transmission or distribution costs the utility will likely avoid because of such projects.

(b) For front-of-the-meter storage, the regulations or orders shall accomplish this through any mechanism the commission deems just and reasonable.

(c) Notwithstanding any provision of RSA 374-F or RSA 374-G, if a non-utility energy storage project is not eligible or chooses not to participate in wholesale electricity markets, the commission's regulations or orders shall enable the non-utility to be compensated for any energy costs avoided because of the energy storage project.

(d) If the non-utility energy storage project avoids the need for a new distribution or transmission project the utility could have added to its rate base, the commission may allow the utility to include all or part of the value of the corresponding portion of its payment to the non-utility in its rates. However, the commission may allow this only if it finds doing so is just and reasonable.

VII. Notwithstanding any provision of RSA 374-F or RSA 374-G, the commission's regulations or orders shall also provide that a utility may develop and own front-of-the-meter energy storage projects that reduce transmission or distribution costs.

(a) A utility may contractually sell the right to bid such utility-owned energy storage projects that serve a transmission or distribution purpose into wholesale electricity markets to a non-utility. Any such contract shall provide that any compensation the non-utility pays to the utility for this right shall in no way depend upon the energy storage project's performance in wholesale electricity markets, such that the non-utility bears all risk of project underperformance in the wholesale market.

(b) The utility shall use all compensation a non-utility pays the utility for the contractual right under subparagraph (a) to reduce transmission and distribution charges for all ratepayers.

(c) A utility may not give a contractual right under subparagraph (a) to a non-utility that is an affiliate of the utility.

VIII. Nothing in this section shall give a utility the right to bid any energy storage project it owns into wholesale electricity markets itself, or to otherwise directly participate in wholesale electricity markets.

IX. The provisions of RSA 374-H:3, VI-VIII shall remain in effect after the targets in RSA 374-H:2 are met. 3 Effective Date. This act shall take effect 60 days after its passage.

2019-0742h

AMENDED ANALYSIS

This bill establishes target goals for energy storage capacity. The bill also requires the public utilities commission to adopt rules or undertake proceedings to achieve the target goals.

Amendment to HB 717-FN (2019-0932h)

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

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

1 New Subdivision; Prescription Drug Discount Prohibition. Amend RSA 318 by inserting after section 66 the following new subdivision:

Prescription Drug Discount Prohibition

318:67 Prescription Drug Discount Prohibition; Exceptions.

I.(a) Except as provided in paragraph III, a pharmacy shall not accept as payment from a patient on behalf of a person who manufactures a prescription drug, a discount, repayment, product voucher, or other reduction in an individual's copayment associated with his or her health insurance, health care service plan, or other health coverage, for a prescription drug if a lower cost generic drug is covered under the individual's health insurance, health care service plan, or other health coverage on a lower cost-sharing tier that is designated to be therapeutically equivalent as indicated by the United States Food and Drug Administration's (FDA) "Approved Drug Products with Therapeutic Equivalence Evaluations."

(b) The prohibition in subparagraph (a) shall not apply to a branded prescription drug, until the time that the first drug designated in the FDA's "Approved Drug Products with Therapeutic Equivalence Evaluations" as therapeutically equivalent to that branded prescription drug has been nationally available for 6 calendar months.

II. Except as provided in paragraph IV, a pharmacy shall not accept as payment from a patient on behalf of a person who manufactures a prescription drug, a discount, repayment, product voucher, or other reduction in the individual's copayment associated with his or her health insurance, health care service plan, or other health coverage, for a prescription drug if the active ingredients of the drug are contained in products regulated by the FDA, are available without prescription at a lower cost, and are not otherwise contraindicated for treatment of the condition for which the prescription drug is approved.

III. The prohibitions in paragraphs I and II shall not apply to any of the following:

(a) A discount, repayment, product voucher, or other payment to a patient or another person on the patient's behalf for a prescription drug required under a FDA Risk Evaluation and Mitigation Strategy for the purpose of monitoring or facilitating the use of that prescription drug in a manner consistent with the approved labeling of the prescription drug.

(b) A single-tablet drug regimen for treatment or prevention of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) that is as effective as a multitablet regimen, unless, consistent with clinical guidelines and peer-reviewed scientific and medical literature, the multitablet regimen is clinically equally effective or more effective and is more likely to result in adherence to the drug regimen.

(c) The individual patient has completed any applicable step therapy or prior authorization requirements for the branded prescription drug as mandated by the individual's present or past health insurer, health care service plan, or other health coverage.

(d) A discount, repayment, product voucher, or other reduction in an individual patient's out-of-pocket expenses is not associated with his or her health insurance, health care service plan, or other health coverage.

(e) Rebates received by a state agency.

IV.(a) This subdivision shall not prohibit a pharmacy from accepting from a patient on behalf of an entity, including an entity that manufactures prescription drugs or a patient assistance program that is solely funded by one or more manufacturers, a pharmaceutical product free of any cost, if the product is free of cost to both the patient and his or her health insurer, health care service plan, or other health coverage.

(b)(1) This subdivision shall not prohibit or limit assistance to a patient provided by an independent charity patient assistance program.

(2) For purposes of this section, "independent charity patient assistance program" means a program that meets all of the following requirements:

(A) The program does not allow a pharmaceutical manufacturer or an affiliate of the manufacturer, including, but not limited to, an employee, agent, officer, shareholder, contractor, wholesaler, distributor, or pharmacy benefits manager, to exert any direct or indirect influence or control over the charity or subsidy program.

(B) Assistance is awarded in a truly independent manner that severs any link between a pharmaceutical manufacturer's funding and the beneficiary.

(C) Assistance is awarded without regard to the pharmaceutical manufacturer's interest and without regard to the beneficiary's choice of product, provider, practitioner, supplier, health insurance, health care service plan, or other health coverage.

(D) Assistance is awarded based upon a reasonable, verifiable, and uniform measure of financial need that is applied in a consistent manner.

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

XVI.(a) Except as provided in subparagraph (c), no contract between a health carrier and a participating pharmacy shall permit the pharmacy to accept as payment anything from a member on behalf of a person who manufactures a prescription drug, a discount, repayment, product voucher, or other reduction in an individual's copayment associated with his or her health insurance, health care service plan, or other health coverage, for a prescription drug if a lower cost generic drug is covered under the individual's health insurance, health care service plan, or other health coverage on a lower cost-sharing tier that is designated to be therapeutically equivalent as indicated by the United States Food and Drug Administration's (FDA) "Approved Drug Products with Therapeutic Equivalence Evaluations." This prohibition shall not apply to a branded prescription drug, until the time that the first drug designated in the FDA's "Approved Drug Products with Therapeutic Equivalence Evaluations" as therapeutically equivalent to that branded prescription drug has been nationally available for 6 calendar months.

(b) Except as provided in subparagraph (d), no contract between a health carrier and a participating pharmacy shall permit the pharmacy to accept as payment, anything from a member on behalf of a person who manufactures a prescription drug a discount, repayment, product voucher, or other reduction in the individual's copayment associated with his or her health insurance, health care service plan, or other health coverage, for a prescription drug if the active ingredients of the drug are contained in products regulated by the FDA, are available without prescription at a lower cost, and are not otherwise contraindicated for treatment of the condition for which the prescription drug is approved.

(c) The prohibitions in subparagraphs (a) and (b) shall not apply to any of the following:

(1) A discount, repayment, product voucher, or other payment to a patient or another person on the patient's behalf for a prescription drug required under a FDA Risk Evaluation and Mitigation Strategy for the purpose of monitoring or facilitating the use of that prescription drug in a manner consistent with the approved labeling of the prescription drug.

(2) A single-tablet drug regimen for treatment or prevention of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) that is as effective as a multitablet regimen, unless, consistent with clinical guidelines and peer-reviewed scientific and medical literature, the multitablet regimen is clinically equally effective or more effective and is more likely to result in adherence to the drug regimen.

(3) The individual member has completed any applicable step therapy or prior authorization requirements for the branded prescription drug as mandated by the individual's present or past health insurer, health care service plan, or other health coverage.

(4) A discount, repayment, product voucher, or other reduction in an individual member's out-of-pocket expenses is not associated with his or her health insurance, health care service plan, or other health coverage.

(5) Rebates received by a state agency.

(d)(1) This paragraph shall not prohibit a pharmacy from accepting from a member on behalf of an entity, including an entity that manufactures prescription drugs or a patient assistance program that is solely funded by one or more manufacturers, a pharmaceutical product free of any cost, if the product is free of cost to both the member and his or her health insurer, health care service plan, or other health coverage.

(2)(A) This paragraph shall not prohibit or limit assistance to a member provided by an independent charity patient assistance program.

(B) For purposes of this subparagraph, "independent charity member assistance program" means a program that meets all of the following requirements:

(i) The program does not allow a pharmaceutical manufacturer or an affiliate of the manufacturer, including, but not limited to, an employee, agent, officer, shareholder, contractor, wholesaler, distributor, or pharmacy benefits manager, to exert any direct or indirect influence or control over the charity or subsidy program.

(ii) Assistance is awarded in a truly independent manner that severs any link between a pharmaceutical manufacturer's funding and the beneficiary.

(iii) Assistance is awarded without regard to the pharmaceutical manufacturer's interest and without regard to the beneficiary's choice of product, provider, practitioner, supplier, health insurance, health care service plan, or other health coverage.

(iv) Assistance is awarded based upon a reasonable, verifiable, and uniform measure of financial need that is applied in a consistent manner.

3 Effective Date. This act shall take effect January 1, 2020.

Amendment to HB 730-FN-A

(2019-0620h)

Proposed by the Committee on Finance - c

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

1 New Section; CART Provider and Sign Language Interpreter Net Tuition Repayment Program; Fund Reestablished. Amend RSA 200-M by inserting after section 4 the following new section:

200-M:4-a CART Provider and Sign Language Interpreter Net Tuition Repayment Fund. There is hereby established a fund to be known as the CART provider and sign language interpreter net tuition repayment fund. The fund shall include any sums appropriated for such purpose. In addition, the department of education, division of workforce innovation may accept public sector and private sector grants, gifts, or donations of any kind for the purpose of funding the provisions of this chapter. The moneys in this fund shall be non-lapsing and shall be continually appropriated to the department of education. The fund may be expended by the department of education to accomplish the purposes of this chapter.

2 CART Provider and Sign Language Interpreter Net Tuition Repayment Program; Definition of Net Tuition. Amend RSA 200-M:1, II to read as follows:

II. "Net tuition" means tuition costs for postsecondary school education that was directed toward the completion of a degree or certificate in judicial reporting, broadcast captioning, real time transcription, or sign language interpretation, or any other degree or certificate that the department of education, division of ~~educator support and higher education~~ **workforce innovation** deems acceptable for purposes of CART provider and sign language interpreter net tuition repayment.

3 CART Provider and Sign Language Interpreter Net Tuition Repayment Program; Reference Change to Division of Workforce Innovation. Amend RSA 200-M:2 and 200-M:3 to read as follows:

200-M:2 CART Provider and Sign Language Interpreter Net Tuition Repayment Program Established. The department of education, division of ~~educator support and higher education~~ **workforce innovation** shall administer a program for the promotion, acquisition, and retention of CART providers and sign language interpreters in the state.

200-M:3 Application; Repayment. An individual who has completed eligible CART or sign language interpreter training in accordance with rules adopted pursuant to RSA 200-M:5, including internships and residencies, and agrees to work as a CART provider or a sign language interpreter in this state, may apply to the department of education, division of ~~educator support and higher education~~ **workforce innovation** for repayment under the CART provider and sign language interpreter net tuition repayment program and become eligible to be reimbursed up to 100 percent of his or her qualifying tuition not to exceed the cost of 4 years of in-state tuition at the university of New Hampshire, during a 5-year period of working as a CART provider or sign language interpreter. A 10 percent net tuition repayment shall be made upon completion of the first year of employment in this state, with an additional 10 percent made after the second year of work, an additional 20 percent after the third year of work, an additional 30 percent after the fourth year of work, and an additional 30 percent after the fifth year of work.

4 Administration; Rulemaking. Amend RSA 200-M:5 to read as follows:

200-M:5 Administration; Rulemaking. The department of education, division of ~~higher education~~ **workforce innovation** shall adopt rules, pursuant to RSA 541-A, relative to procedures, eligibility, and qualifications for applicants, qualifying educational costs, criteria for terms of service by a CART provider and/or sign language interpreter, procedures for repayment of net tuition costs, and the administration of the program by the department of education, division of ~~educator support and higher education~~ **workforce innovation**. The commissioner of the department of education shall annually report to the general court on the effectiveness of this program.

5 New Subparagraph; Application of Receipts; Fund Added. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

(344) Moneys deposited in the CART provider and sign language interpreter net tuition repayment fund under RSA 200-M:4-a.

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

2019-0620h

AMENDED ANALYSIS

This bill reestablishes the CART provider and sign language interpreter net tuition repayment fund, and provides that the department of education, division of workforce innovation shall be responsible for administering the program.

Amendment to HB 740

(2019-0449h)

Proposed by the Committee on Commerce and Consumer Affairs - c

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

1 Licensing of Nondepository Mortgage Bankers, Brokers, and Servicers; Exemptions. Amend the introductory paragraph of RSA 397-A:4, III to read as follows:

III. Federal, state, or local governmental agencies, instrumentalities, and corporations and the employees of such entities who act as loan originators and mortgage servicers pursuant to their official duties as employees of the entities provided that ~~[-limited to]~~ **with regard to those** activities that would otherwise be within the scope of this chapter:

2 New Subparagraph; Licensing of Nondepository Mortgage Bankers, Brokers, and Servicers; Exemptions. Amend RSA 397-A:4, III by inserting after subparagraph (b) the following new subparagraph:

(c) In addition, if a second mortgage loan is offered in conjunction with a first mortgage loan funded by a state entity exempt under this paragraph, but such second mortgage is negotiated, arranged, found, or procured through a licensed loan originator that is not employed by the exempt state entity, such second mortgage shall be exempt if:

(1) The second mortgage is offered consistent with the standards in subparagraph III(a); and

(2) The licensed loan originator is not compensated for the second mortgage in a manner that incentivizes the loan originator to act other than in the best interest of the consumer.

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

Amendment to HB 737

(2019-0991h)

Proposed by the Committee on Resources, Recreation and Development - c

Amend RSA 126-A:78, II(a) as inserted by section 1 of the bill by deleting RSA 126-A:78, II(a)(7) and renumbering the original RSA 126-A:78, II(a)(8)-(12) to read as RSA 126-A:78, II(a)(7)-(11), respectively.

Amend RSA 126-A:78, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The commission shall solicit information from any person or entity the commission deems relevant to its study. State agency participation, if existing resources are shown to be insufficient, may be based upon additional appropriations recommended by the commission and approved by the general court.

Amendment to HCR 3

(2019-0577h)

Proposed by the Committee on Executive Departments and Administration - r

Amend the resolution by replacing the second paragraph after the resolving clause with the following:

That the general court hereby designates September as welcoming month and urges state and local government officials, small business owners, and community members to celebrate the month with appropriate events and activities.

2019-0577h

AMENDED ANALYSIS

This resolution designates September as welcoming month and urges public and private organizations to celebrate both occasions with appropriate events and activities.