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New Hampshire

HOUSE RECORD

Second Year of the 166th General Court Calendar and Journal of the 2020 Session

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Friday, February 14, 2020

No. 7

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

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The next House sessions will be on **Wednesday, February 19th at 10:00 a.m.**, and **Thursday, February 20th at 10:00 a.m.**

Please note that state offices will be closed on Monday, February 17th in observance of Presidents' Day. We are not planning session during the winter break week of February 24th through the 28th; however, committees may choose to meet at the discretion of the chair.

Stephen J. Shurtleff, Speaker of the House

NOTICE

There will be a meeting of chairs and vice chairs **Tuesday, February 18th at 8:30 a.m.** in Rooms 210-211 of the Legislative Office Building.

Stephen J. Shurtleff, Speaker of the House

NOTICE

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

Rep. Doug Ley

NOTICE

There will be a Republican caucus on **Wednesday, February 19th at 9:00 a.m.** in Rooms 301-303, LOB.
There will be a Republican caucus on **Thursday, February 20th 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, February 19, 2020
Wednesday, February 26, 2020
Wednesday, March 4, 2020

AVAILABLE ON:

Friday, February 21, 2020
Friday, February 28, 2020
Friday, March 6, 2020

Paul C. Smith, Clerk of the House

2020 HOUSE DEADLINES

Thursday, February 20, 2020
Thursday, March 5, 2020
Thursday, March 12, 2020
Thursday, March 19, 2020
Thursday, March 26, 2020
Thursday, April 16, 2020
Thursday, April 23, 2020

Last day to act on House Bills going to a second committee
Last day to report House Bills not in a second committee
Last day to act on House Bills not in a second committee
Last day to report all House Bills
CROSSOVER – Last day to act on all House Bills
Last day to report Senate Bills going to a second committee
Last day to act on Senate Bills going to a second committee

Thursday, May 7, 2020
 Thursday, May 14, 2020
 Thursday, May 21, 2020
 Thursday, May 28, 2020
 Thursday, June 4, 2020

Last day to report all Senate Bills
 Last day to act on all Senate Bills
 Last day to form committee of conference
 Last day to sign committee of conference reports (4:00 p.m.)
 Last day to act on committee of conference reports

NOTICE

The **2016 House Permanent Journals** have arrived. **2016 House Members who ordered a Journal** may pick it up in the Clerk's office. Thank you.

Paul C. Smith, Clerk of the House

2020 HOUSE BILLS AMENDED BY THE SENATE

HB 253, relative to criminal records checks in the employee application process. (SJ 1/30/2020)

HB 466, relative to the capacity of electricity customer generators for eligibility for net energy metering. (SJ 1/8/2020)

HB 496, (Second New Title) relative to the definition of antique snowmobiles, relative to water quality rules, and relative to the disposition of administrative fines for asbestos management violations. (SJ 1/8/2020)

HB 715, relative to electrical energy storage. (SJ 1/8/2020)

BILLS LAID ON TABLE

HB 221, renaming Columbus Day as Indigenous People's Day. (Pending Question: Ought to Pass)

HB 478-FN-A, establishing a road usage fee and making an appropriation therefor. (Pending Question: Ought to Pass with Amendment)

HB 655, regulating disorderly houses. (Pending Question: Inexpedient to Legislate)

HB 683-FN, relative to the rights of property owners abutting certain highways and railtrails. (Pending Question: Ought to Pass with Amendment)

HB 735-FN-A, relative to carbon pricing. (Pending Question: Ought to Pass with Amendment)

SB 138, relative to the degree granting authority of Signum University. (Pending Question: Inexpedient to Legislate)

WEDNESDAY, FEBRUARY 19

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1180, relative to certain assets in a divorce proceeding. **OUGHT TO PASS.**

Rep. Elaine French for Children and Family Law. This bill prevents the court from requiring the sale of marital assets if one party is able to fully and fairly compensate the other party for their interest. **Vote 18-0.**

HB 1193, relative to attorneys fees in child support cases. **INEXPEDIENT TO LEGISLATE.**

Rep. Erika Connors for Children and Family Law. While the committee understands the importance of child support, the committee believes this bill will impact access to justice. **Vote 18-0.**

HB 1348, relative to guardianship by grandparents. **OUGHT TO PASS.**

Rep. Werner Horn for Children and Family Law. By adding the definition of grandparent to the chapter on family law, we provide the opportunity to add great-grandparents and great-great-grandparents to the definition for this term. This expands the family members eligible to provide continuity of care for children. **Vote 18-0.**

HB 1710, relative to the disclosure of the results of child day care monitoring visits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Skip Berrien for Children and Family Law. This bill addresses the critical need for child care providers. The provisions of this bill permits the child care providers to have extended periods of time to respond to deficiency findings before posting same on the department website. **Vote 17-0.**

HB 1712, relative to the appeals process for child day care licensees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Skip Berrien for Children and Family Law. This bill permits child care providers to appeal unfavorable informal dispute resolutions unless there is a present and credible threat to health and safety, a child care agency may continue to operate pending termination procedures. Furthermore, this bill provides a recess for daycare providers who perceive licensing retaliation. **Vote 16-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 1230, relative to credit for reinsurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill is model legislation from the National Association of Insurance Commissioners and adds a new type of reinsurance company which is domiciled in a "reciprocal jurisdiction." This was supported by the insurance carriers as NH needed to act now, or the state would have been required to take action or face potential federal preemption by the Federal Insurance Office. The amendment corrected an incorrect reference. **Vote 20-0.**

HB 1300, relative to the definition of specialty cider. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill amends some definitions in the liquor laws. The committee is trying to find a way to regulate higher alcohol cider from out of state producers. The situation was created last year when a new law allowed an in-state beverage manufacturer to produce and sell a limited amount of higher alcohol-content cider. Federal law and laws in other states, however, license cider producers as wineries while only NH licenses them as beverage manufactures. This bill does not solve this complication. **Vote 20-0.**

HB 1375, relative to cancellations of commercial insurance policies. **OUGHT TO PASS.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill was requested by the Insurance Department to bring the commercial policies in line with personal lines policies. Currently, any mid-term cancellation must have prior approval by the Insurance Commissioner. This bill would not change any of the restrictions or notice to the insured regarding mid-term cancellations, but would allow a cancellation to be processed, subject to a market conduct audit. Mid-term cancellation is used very rarely by insurance companies and occurs when there is a substantial change in hazard not contemplated by the original application. Only one other state requires prior approval and this would reduce some regulation. **Vote 19-1.**

HB 1398-FN-A, establishing a special license for restaurants allowing certain restaurants to sell liquor. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. Under current law, a restaurant can sell beer, wine, and alcohol (distilled liquor) up to 48 proof with a license that costs \$480. If a restaurant wants to sell alcohol over 48 proof, the license costs \$840 as long as the restaurant food service always remains open. If they do close the restaurant and want to continue serving liquor until closing, then the license is \$1200. The intent of the bill was to allow a restaurant that has the \$480 license to sell alcohol at certain hours for just an additional \$50. The committee felt the hours would create an enforcement issue and any restaurant that wants to can sell an alcoholic drink can as long as they purchase the premix alcohol products that are available at the liquor store. **Vote 20-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1112-FN, requiring programs for female parolees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Julie Radhakrishnan for Criminal Justice and Public Safety. This bill, as amended, forms a study committee to address the educational, employment, housing and other needs of formerly incarcerated women. Empirical research shows that comprehensive rehabilitation significantly reduced recidivism. The goal of this legislation is to gather information about resources within the prison system as well as in the community and to coordinate services and referrals for women to help them successfully re-integrate into society. **Vote 19-1.**

HB 1130-FN, relative to assault against an elderly person. **INEXPEDIENT TO LEGISLATE.**

Rep. John Bordenet for Criminal Justice and Public Safety. While this seems to have merit, this bill needs additional work. It attempts to make an assault against someone 60 or older to a class A felony. No provision was made if the assailant was the same age or older. **Vote 17-3.**

HB 1141-FN, establishing the crime of unsolicited disclosure of an intimate image. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Linn Opderbecke for Criminal Justice and Public Safety. It is illegal to flash someone in prison. This bill as amended makes it illegal to do so digitally (cyber flashing.) The first offense will be a violation, further offenses will be a misdemeanor. **Vote 20-0.**

HB 1198, relative to the use of physical force by persons with special responsibilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for Criminal Justice and Public Safety. Having studied the proposed bill, the committee found that the goal of the bill could not be achieved as written. In order to achieve the sponsor's goal, multiple areas of existing law would need to be altered and a careful study conducted of the possible effects on each area. **Vote 20-0.**

HB 1271-FN, relative to 911 immunity relative to possession of drugs. **OUGHT TO PASS.**

Rep. Beth Rodd for Criminal Justice and Public Safety. This is a Good Samaritan bill. It provides immunity from prosecution for drug possession for persons reporting a violent crime to the police. It pertains to the

reporter who might possess drugs as well as to another crime victim. The bill encourages the reporting of violent crimes by a person who might otherwise fail to report for fear of prosecution. It is designed to save lives. **Vote 18-2.**

HB 1338-FN, relative to penalties for violations of the wiretapping law. **INEXPEDIENT TO LEGISLATE.** Rep. John Bordenet for Criminal Justice and Public Safety. This bill would reduce the penalty from a class B felony to a misdemeanor. The department of safety stated that they had a lot of work to implement a legal wire-tapping and saw no reason to reduce the penalties. The sponsor offered no reason for this change. **Vote 20-0.**

HB 1354-FN, prohibiting the wearing of a mask while participating in a public demonstration. **INEXPEDIENT TO LEGISLATE.**

Rep. Dave Testerman for Criminal Justice and Public Safety. This bill was submitted with the goal of encouraging people to attend demonstrations without obscuring their faces. The intention was for people to stand by their values and express their views openly. It became clear through testimony from a person from a country with a totalitarian government that the bill would have had unintended consequences. The author of the bill decided to withdraw his support and recommend an ITL instead. **Vote 20-0.**

HB 1529, prohibiting the release of the name of a mass murderer. **INEXPEDIENT TO LEGISLATE.**

Rep. Beth Rodd for Criminal Justice and Public Safety. Although it would be desirable to prohibit the release of the name of a mass murderer to prevent copy cat criminal activity, it would be virtually impossible to do so in an internet society where information of this nature is readily available. **Vote 20-0.**

HB 1598-FN, relative to prosecutions for interference with freedom. **OUGHT TO PASS.**

Rep. Beth Rodd for Criminal Justice and Public Safety. This bill changes the statute of limitations for the prosecution of first degree and second degree assault charges adding six years from a victim's 18th to 24th birthday. By extending the statute, a young adult victim will be given an extended period of time to report abuse. **Vote 20-0.**

HB 1602-FN-LOCAL, establishing a registry for persons convicted of animal cruelty. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for Criminal Justice and Public Safety. The committee, having heard testimony from stakeholders on both sides of the proposed legislation found that the bill as written was unworkable. With the relative ease of travel across state lines and the availability of pet purchases online, the effect of the bill towards restricting those convicted from owning animals could not be achieved. Further, without minimizing these crimes, facing a lifetime of public humiliation and scorn for the possibility of a conviction for misdemeanor animal cruelty (which could include leaving your pet outside on a cold night), is disproportionate to the crime. **Vote 20-0.**

HB 1611-FN, relative to incarceration under a suspended sentence. **OUGHT TO PASS.**

Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. A critical step in advancing public safety is reducing recidivism by making sure incarcerated individuals successfully reenter their communities after incarceration. Successful reentry may be affected if they are unable to identify housing, employment, or state identification requirements, to name a few. This bill allows an incarcerated person to petition for the suspension of the remainder of their sentence within 18 months prior to the 2/3 minimum sentence. The early commitments to rehabilitation and the challenges of release would allow their release on the 2/3 date of the minimum sentence, a win-win situation. **Vote 20-0.**

HB 1614-FN, relative to the penalties for use or possession of a controlled drug. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura Pantelakos for Criminal Justice and Public Safety. This is one of three bills that came before the committee concerning changes in the penalties for possession or use of a controlled substance. At the public hearing the sponsor recognized that there were some flaws in the bill. The committee will address changes in penalties for controlled substances in HB 1625 and HB 1641, and therefore voted to recommend that this bill be inexpedient to legislate. **Vote 20-0.**

HB 1641-FN, reducing the criminal penalty for certain controlled drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. The committee, having carefully reviewed the bill and the existing high incarceration levels for drug offenses, agreed to incrementally lower the maximum sentences for drug offenses. The committee likewise considered the lethality of even the smallest amounts of fentanyl and lowered the threshold amounts required to trigger higher sentences accordingly. We recommend the bill pass as amended. **Vote 18-2.**

HB 1647-FN, relative to post-conviction DNA testing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill as amended updates current law on post-conviction DNA testing. In addition to the housekeeping changes made by the bill as introduced, the

amendment addresses these four areas raised at the hearing: re-inserting the word “indigent” which was inadvertently deleted when the bill was drafted; clarifying that discoverable items at trial are covered under the NH rules of criminal procedure; clarifying that the new DNA testing is capable of producing “new or more informative” results; and updating the name of the appropriate accrediting body for testing. While NH has not yet seen an exoneration based on DNA evidence, we want to make sure that people have access to justice. The small changes made by the amended bill will make very large changes in the lives of those who have been wrongfully convicted. The committee urges passage of this bill as amended. **Vote 20-0.**

HB 1656-FN, relative to an act granting immunity from prosecution for prostitution for reporting a sexual assault. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura Pantelakos for Criminal Justice and Public Safety. The bill allows everyone to be equally protected when seeking medical services for an assault or rape regardless of the profession of the victim. With the additions in the bill a person need not fear being arrested when reporting a crime they suffered or witnessed. The committee believes all people, regardless of personal circumstances, should be allowed the same protection under the laws of this state. **Vote 19-0.**

EDUCATION

HB 1371, proclaiming March 2 Reading in New Hampshire Day. **OUGHT TO PASS.**

Rep. Sue Mullen for Education. This bill brought our committee lots of fun. Reading for both work and play, illuminates our world each day. Not a person could disagree; a unanimous vote reflects our glee. **Vote 20-0.**

SB 558, extending the reporting date of the commission to study school funding. **OUGHT TO PASS.**

Rep. David Luneau for Education. The current state budget recognized that it is time to take a look at how the state funds public education, and it established a commission to study school funding. The committee recognizes the importance and significance of this work to our constituents and to our economy, and that the effort will take the better part of a year. The committee feels the reporting date in the statute does not give the commission time to complete its work. The bill extends the report date to on or before January 10, 2021. **Vote 20-0.**

SB 684-FN, relative to Medicaid to schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sue Mullen for Education. Emergency rules put in place by the state last fall created a disruption between who could bill Medicaid for services and how the billing would be accomplished. Schools employing certified professionals, delivering speech, behavioral and emotional counseling, and social services to students could no longer bill Medicaid unless the service was ordered by someone licensed from one of New Hampshire’s medical or health care boards. This new obstacle has resulted in losses of hundreds of thousands of dollars per district. This bill establishes the changes in statute needed to allow schools across the state to start billing Medicaid again for professional services provided during the school day. It is critical for this legislation to be enacted to provide relief for the schools and taxpayers of New Hampshire that are bearing the burden for the new rules that were put in place. The amendment clarifies a definition so that the New Hampshire statute is consistent with federal law. **Vote 19-1.**

ELECTION LAW

HB 1214, permitting certain political organizations to appear on a general election ballot after holding a nominating convention. **INEXPEDIENT TO LEGISLATE.**

Rep. Wayne Moynihan for Election Law. This bill proposes adding another method of granting political organizations statewide ballot access for its candidates. A somewhat complicated filing process was set out in the bill, and a fairly low total number of statewide voters (500) is proposed to establish the recognition and rights associated with the status as a party. The committee was not persuaded by the proponent of the bill that it either solved a problem or met a need. NH election law has a number of longstanding, statutory methods by which a candidate may have his or her name printed on a ballot. There are good and sufficient reasons for the existence of the current rules regarding ballot access. The regulations have been well tested and adjudicated over time. This change would not improve the current system. **Vote 18-0.**

HB 1357, relative to the distribution of campaign materials inside a polling place. **OUGHT TO PASS.**

Rep. Edith DesMarais for Election Law. The purpose of this bill is to make a simple clarification to RSA 659:43 II so that the prohibition on distributing campaign material or electioneering activities apply to the inside as well as the outside of polling places. While RSA 659:44-a I covers public employees who are required to be present during elections, and clarifies the meaning of electioneering (for the purposes of this section, “electioneer” means to act in any way specifically designed to influence the vote of a voter on any question or office), it does not address others and candidates who come in to vote. This minor clarification of RSA 659:43 II, adding “or within a polling place,” ensures that all behavior in a polling place is appropriate. **Vote 19-0.**

HB 1403, relative to removing party columns from general election ballots. **INEXPEDIENT TO LEGISLATE.** Rep. Wayne Moynihan for Election Law. This bill proposes to change the format of the ballots used in the state's general election. Presently, and for most of recent history, NH ballots have been presented to the voters in a format referred to as the "party column" ballot. Some other jurisdictions use a format referred to as the "office grouping" ballot. The proponents of the bill believe that changing from the current arrangement, with its reference to political party, and instead emphasizing the office or person, would diminish the divisiveness evident in recent elections. Other witnesses, including persons directly responsible for managing the election process in cities and towns, opposed the bill. The committee concluded that the change would create unnecessary confusion, cause lines and increase workload for poll workers to explain the changed format. Also, voting by party is not unfair, and voters reasonably use the party or independent designation to assist their voting choices. Finally, it was not clear that political divisions would likely be lessened after such a change. **Vote 18-1.**

HB 1457-FN-LOCAL, requiring election officers and supervisors of the checklist to visit skilled nursing facilities and elderly and disabled residences within their jurisdiction for the purpose of assisting with voter registration and casting absentee ballots. **REFER FOR INTERIM STUDY.**

Rep. Paul Bergeron for Election Law. This bill would require that supervisors of the checklist, in company with the town or city clerk, visit every residential facility or institution in the community that, generally, provides for the care or protective oversight of elderly or disabled persons for the purpose of registering residents to vote and assisting with absentee ballots. The bill would also require posting of public notice 30 days prior to such a visit. While this legislation is well-intentioned, concerns were raised during the public hearing by the NH City and Town Clerks Association that the 30-day posting requirement was too restrictive and would not enable the clerks to flex their schedules based on staff needs and/or election preparation priorities heading into a town or state election. Further, a supervisor of the checklist expressed concern about the limited scheduling opportunities that might be available to coordinate visits to these facilities in the company of the town or city clerk. The fiscal note acknowledges that there could be a fiscal impact on the municipalities for staff time and fuel. Finally, the 30-day public notice requirement might disenfranchise voters in these facilities who would otherwise be able to receive voter registration or absentee voting assistance when Election Day is less than 30 days away. Nevertheless, the bill's intent has merit, and the committee felt the proposal warranted further discussion to consider some of the logistical and implementation concerns that were raised during the public hearing and, therefore, the committee is recommending that the bill be referred for Interim Study. **Vote 20-0.**

HB 1531, relative to the release of voting information in a presidential election. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Komi for Election Law. This bill would prohibit officers, employees, and contractors of the state and its political subdivisions from releasing information relating to the number of votes cast in an election, subject to certain exceptions, and until the time set for the meeting and voting of presidential electors has passed. The provisions of the bill are suspended until states that cumulatively possess a majority of the electoral votes have enacted the National Popular Vote Interstate Compact in substantially the same form and the enactments by such states have taken effect in each state. The committee unanimously believes the bill to be unnecessary, as its terms are suspended until such a time as may never occur, it is of dubious constitutionality, and is antithetical to the spirit of public elections and the people's right to know. **Vote 20-0.**

ENVIRONMENT AND AGRICULTURE

HB 1117-FN, relative to penalties for dog theft and tampering with a dog's radio collar. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Comtois for Environment and Agriculture. This bill, as amended, is important as recently more and more people are removing tracking collars from dogs they do not own while the dogs are out in the woods. The owners are usually with their dogs, but at times a dog may run ahead of its owner. The collar provides a way for the owner to find the dog. The cost of these collars run within the range of \$100 to \$1,500. This bill prohibits the general public from removing any type of identification, including collars, tags, and microchips, unless they are the lawful owner, or by law enforcement if the dog is in imminent danger. Currently, there is no statute making it unlawful for someone other than the owner to remove a tracking collar or a microchip. **Vote 20-0.**

HB 1389-FN, relative to criminal penalties for not providing adequate food, water, and shelter for animals. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard Pearl for Environment and Agriculture. This bill sought to impose additional standards for shelter and allowed outside exposure for dogs. There was overwhelming testimony outlining the issues that the requirements would impose on several cold weather breeds, state police dogs, and working farm dogs. The committee feels that the existing laws are sufficient and encourages improved law enforcement training in administering our current statute. **Vote 20-0.**

HB 1557-FN-A, establishing a value added grant matching fund for New Hampshire agricultural producers. **REFER FOR INTERIM STUDY.**

Rep. Donna Ellis for Environment and Agriculture. This bill would have provided matching funds for farmers to apply for US Department of Agriculture grants. The committee likes the idea but felt that the financial aspects of the bill needed more study. **Vote 20-0.**

HB 1683-FN, prohibiting the docking of dog tails and the cropping of dog ears. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard Pearl for Environment and Agriculture. This bill would have made it illegal to perform ear cropping or tail docking of dogs. The committee received convincing testimony to the medical necessity of these procedures in certain breeds and felt this was a decision that should be left to the dogs owner. The veterinarians supported keeping these procedures available and spoke of the education that they provide to dog owners. **Vote 20-0.**

HB 1692-FN, establishing a certification for mushroom harvesters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Megan Murray for Environment and Agriculture. This bill was filed to address a finding of the Mushroom Foraging Study Commission that NH foraged mushrooms are not approved for sale to food establishments in NH according to federal FDA regulation. This bill establishes a licensing program for wild mushroom harvesters within the Department of Health and Human Services so that such mushrooms will be considered as being an "approved source" and thereby able to be purchased by food establishments. The bill requires harvesters to receive the written permission of land owners or managers prior to harvesting on the land of others. The amendment eliminates the need for a state mycologist position, thereby substantially reducing the cost shown in the fiscal note. **Vote 19-1.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1204-FN, relative to the emergency exception for limitations on part-time employment within the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Merchant for Executive Departments and Administration. Current law exempts hours worked in an emergency declared by the Governor or while working under the direction of the Director of the Division of Forests and Lands during woodland fire control, from the limitation on part-time employment in the NH Retirement System. The bill would expand the exception to include any emergency response or training by a retired firefighter working for a municipal fire department. The committee heard testimony about the challenges in hiring firefighters and that expansion of the exception would allow municipalities to use retired firefighters in any emergency and training without impacting the retirement benefit of the retiree. This would assist a municipality to expand personnel resources during emergencies and training new hires. The committee felt the expansion of the exception was too broad and current law is reasonable. **Vote 16-1.**

HB 1222, adding a member to the aviation users advisory board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. This bill adds a representative of the unmanned aircraft systems industry that is certificated as a remote pilot pursuant to 14 CFR 107.53 at the time of appointment, to the Aviation Users Advisory Board. With the onset of this technology, the committee supports this change in statute. **Vote 18-0.**

HB 1259, relative to the rulemaking authority of the department of information technology. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. This bill is based on a recommendation in a recent performance audit of the Department of Information Technology that was conducted by the Legislative Budget Assistant. The bill addresses consistency in language associated with the rulemaking and policy making process. The amendment makes the bill effective upon passage rather than the 60 days in the original bill. **Vote 19-0.**

HB 1260-FN, relative to penalties for certain occupational licensing violations. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. This bill reduces or eliminates the penalties in statutes regulating a variety of occupations and professions including cosmetologists, estheticians, barbers, landscape architects, and septic system designers, installers and evaluators. As in the past, when a similar bill was heard by the ED&A Committee, the committee did not agree with reducing the penalties from misdemeanor to a violation because the penalties are doing what they are designed to do and are effective in protecting the public. **Vote 18-1.**

HB 1292-FN, revising certain benefit provisions in the city of Manchester employees contributory retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill was a request of the city of Manchester and seeks to make 4 changes to their retirement system for members who commence service on

or after January 1, 2021. The first change is to the definition of “final average earnings.” It will be calculated using the average of the employees highest 5 years of earnings as opposed to the current 3 year average. The second change addresses early retirement. When someone retires early they pay an offset to adjust for it, which is currently 1/6 of 1 percent. Under the bill, this will be changed to 7/12 of 1 percent. The third change is to increase the normal retirement age from 60 to 62. The final change, for new hires only, is an increase in the employee contribution rate from 3.75 percent to 5.75 percent. The reduction in future benefits will improve the funded ratio of the system and accelerate the accrued liability amortization period by approximately one year and result in a savings to the city of Manchester over that period of approximately \$14 million. The amendment to the bill returns the employee contribution rate to 3.75 percent once the fund reaches the 100 percent level. **Vote 19-1.**

HB 1293, relative to the city of Manchester employees’ contributory retirement system. **OUGHT TO PASS.** Rep. Jeffrey Goley for Executive Departments and Administration. This bill provides the Manchester Employees’ Contributory Retirement System the ability to stay in compliance with the applicable provisions of the Internal Revenue Code and related Treasury regulations through the rules process, when needed, instead of through the legislature. The bill also changes the time frame in which the retirement board shall grant or deny a hearing from “within 14 days of the members request” to “at the next scheduled meeting.” The final change amends the time period for which a trustee who is vacating a position on the board may continue to serve, from a period “not to exceed 6 months” to “until the next regularly scheduled trustee election.” This bill is a request of the city of Manchester and the board of the Manchester Employees Contributory Retirement System. **Vote 20-0.**

HB 1318, relative to security detail for political candidates. **INEXPEDIENT TO LEGISLATE.** Rep. Mark Proulx for Executive Departments and Administration. This bill would require the security personnel hired by national political candidates to be licensed. This would create a hindrance to our First in the Nation Primary by making it more difficult for candidates to travel to our state with their protective services. The committee felt this bill was unnecessary. **Vote 19-0.**

HB 1324, exempting rentals of shared facilities from requirements under the real estate practice act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. This bill exempts non-profit home shares from the requirements of the Real Estate Practice Act. Home share rentals allow a homeowner to rent, on a temporary basis of 90 days or more, a spare bedroom to someone who needs a home. These non-profit groups neither act as real estate agents nor require realtors to function. Representatives of the Real Estate Commission attended the hearing and the commission has no position on the bill. **Vote 19-0.**

HB 1377, making a technical correction in the law governing death benefits for emergency medical technicians and rescue squad members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Proulx for Executive Departments and Administration. This bill adds language that was inadvertently omitted from one section of the bill adopted last year to make emergency medical technicians and rescue squad members eligible for death benefits if killed in the line of duty. The amendment clarifies the definition of rescue squad member in response to a request from Fish and Game Department. **Vote 20-0.**

HB 1416, authorizing certification for the microblading of eyebrows. **OUGHT TO PASS.**

Rep. Carol McGuire for Executive Departments and Administration. This bill authorizes the Executive Director of the Office of Professional Licensing and Certification to approve courses and create a certificate for microblading eyebrows. Microblading is a permanent makeup technique that is, technically, a tattoo, and currently requires a tattoo artist license with a minimum of one year’s apprenticeship. The course (estimated to take 40-50 hours) will train cosmetologists and estheticians in the specific microblading techniques and hygiene requirements, so that with their previous training, they can safely microblade eyebrows. **Vote 20-0.**

HB 1447-FN, relative to penalties for retired members of the retirement system exceeding part-time hourly limit. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. This bill changes the penalty for New Hampshire Retirement System (NHRS) retirees who exceed the part-time work limitation from a forfeiture of the state annuity portion of their retirement allowance to a penalty of 23% of their paid compensation. The current policy was put in place to, among other reasons, eliminate the double dipping into the retirement system and the committee is not in favor of this modification. In this bill, the assessment of the penalty is the responsibility of the part-time employer or employers; the committee does not consider this to be a feasible method for applying the penalty. Furthermore, the NHRS representative noted there may be potential Internal Revenue Code and labor wage issues relating to whether the penalty is an employee contribution subject to limitations on contributions, whether wages may be withheld and remitted to NHRS, and if the penalty is paid on a post-tax basis and withheld from the remaining wages paid. For all of these reasons, the committee opposes the adoption of the bill. **Vote 19-1.**

HB 1528, establishing a committee to study the salaries of classified and unclassified state employees, directing the department of administrative services to issue a request for proposals to conduct the study, and making an appropriation therefor. **REFER FOR INTERIM STUDY.**

Rep. Kristina Schultz for Executive Departments and Administration. This bill establishes a legislative committee to study the salaries of classified and unclassified state employees. In anticipation of the imminent retirement of a significant number (easily more than 50% in the next 10 years) of our state employees from the Baby Boomer generation, we need to make sure New Hampshire keeps competitive pace with the salaries of surrounding states. This is a serious concern which we must urgently address. It is such a good idea that NH's Commissioner of Administrative Services has already started this process under an appropriate discretionary section of his budget. This begs the question, "why not just kill the bill?" Excellent question: if there are any hiccups with the existing request for proposals and appropriations of funds for this study, we need to have this bill ready. Thus the committee recommends Interim Study. **Vote 19-0.**

HB 1561-FN, allowing a county to exempt its chief administrative officer from compulsory participation in the retirement system. **OUGHT TO PASS.**

Rep. Gary Merchant for Executive Departments and Administration. The bill allows, but does not require, a board of county commissioners to exempt the county's chief administrative officer at the time of initial hiring or appointment from participation in the New Hampshire Retirement System (NHRS). Current law allows a city council or board of selectmen of municipalities to exempt their chief administrative officer at the time of initial hiring or appointment from participation in the NHRS. This bill creates parity between municipalities and county government regarding the retirement benefit for chief administrative officers. Often the chief administrative officer of either a municipality or county government does not occupy the position for ten years, the time needed to be fully vested in the retirement system. **Vote 16-2.**

HB 1574-FN, relative to state health savings accounts. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. This bill requires the Department of Administrative Services (DAS) to offer health savings accounts for a high deductible health plan. The bill also allows both public and private employees to elect this plan. The state has one plan that is offered to active and retired state employees including both Medicare and non-Medicare participants. The DAS has no capacity to offer more than one plan and no capacity offer their one plan to private employees. Although well intentioned, the committee supports the position of the DAS and does not support the bill. **Vote 19-0.**

HB 1634-FN, relative to certain additional part-time employment of retirees in the retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. This bill exempts a state retirement system retiree's part-time employment with a different employer from the 28-day waiting period for part-time employment following retirement. This type of exemption request has been before the ED&A Committee in the past and the committee's position on this matter has not changed. The committee feels strongly that the current 28-day waiting period prevents misuse of the retirement program and post-retirement part time employment. Furthermore, the Decennial Retirement Commission recommended the 28-day cooling off period to reduce the illusion of a revolving door. It also addresses the certification of those in law enforcement requiring less than 30 days. **Vote 18-0.**

HB 1706, establishing a committee to study the solid waste practices of state agencies. **OUGHT TO PASS.**

Rep. Jaci Grote for Executive Departments and Administration. This bill is recommended by the Committee to Study Recycling Streams and Solid Waste Management in New Hampshire (HB 617, 2019). State agencies can have influence on recycled materials by promoting the use of products with high recycled content, reducing all waste (including food) and increasing recycling, thus lowering the demand on our landfills. This committee will study this influence and consider how state agencies can model good waste management practices throughout the state. Included in the scope of the study are the decentralized waste disposal policies currently in statute and the exploration of possible methods to support new existing businesses in the field of recycled goods that utilize paper and plastic. **Vote 17-1.**

FINANCE

HB 385-FN-A, (New Title) relative to making a maternity room available on state house grounds. **INEXPEDIENT TO LEGISLATE.**

Rep. Erin Hennessey for Finance. With the recent addition of the maternity pod in the LOB basement and State House renovation plans to include a maternity room in the basement, the committee deemed this bill no longer needed. **Vote 20-0.**

HB 1107-A, making an appropriation to the Gunstock area commission for reconstruction of the main parking area. **INEXPEDIENT TO LEGISLATE.**

Rep. William Hatch for Finance. This bill would make an appropriation of \$890,000 to the Gunstock Area Commission for the reconstruction of the main parking area. The committee considered factors such as this

is not a budget year and it would be an appropriation outside of the budget. If the project was to be paid for by the state it should go through the capital improvement process. Also noted was the ski area is not owned by the state, but the county, so the county could issue a bond to fund this project. In consideration of these factors, the committee recommends Inexpedient to Legislate. **Vote 20-1.**

HB 1679-FN-A, making an appropriation for the purposes of meals on wheels. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joelle Martin for Finance. This bill authorizes the Department of Health and Human Services to transfer un-obligated funds between accounting units and makes these funds non-lapsing in order to address the funding needs due to increased demand for Meals on Wheels. **Vote 20-0.**

SB 269-FN-A, making an appropriation to the department of natural and cultural resources to perform an ecological integrity assessment. **INEXPEDIENT TO LEGISLATE.**

Rep. William Hatch for Finance. This bill would make an appropriation to the Department of Natural and Cultural Resources to perform an ecological integrity assessment. The department testified that it had ample resources to do this from moose plate sales and did not need an appropriation for this, thus the committee voted to recommend Inexpedient to Legislate. **Vote 19-0.**

SB 283-FN, relative to post-election audits of electronic ballot counting devices. **OUGHT TO PASS.**

Rep. William Hatch for Finance. This bill would require the Secretary of State to study the use of high-speed counting devices for post-election audits. It was determined the department can do this without additional money, thus the committee voted to recommend Ought to Pass. **Vote 19-0.**

FISH AND GAME AND MARINE RESOURCES

HB 1433, establishing a commission to develop a statewide strategy on tick management. **REFER FOR INTERIM STUDY.**

Rep. James Bosman for Fish and Game and Marine Resources. This bill may duplicate the work published in a previous statewide plan to control the tick population. The committee unanimously agreed to refer this bill for additional study. **Vote 15-0.**

HB 1585, relative to fines imposed by the fish and game commission. **REFER FOR INTERIM STUDY.**

Rep. Timothy Egan for Fish and Game and Marine Resources. The committee believes the study required by this bill can be done adequately by the committee itself. The goal of the bill was to support Fish and Game's efforts to ease legal versus administrative hearings or rulings, as well as to support the department's difficult efforts in fine enforcement and collection from out-of-state residents who are illegal hunters or fisherman. **Vote 17-0.**

HB 1596-FN-A, relative to the funding for search and rescue operations of the fish and game department and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Eisner for Fish and Game and Marine Resources. This bill provides a funding mechanism to address the chronic lack of funds for the search and rescue operations of the Fish and Game Department. It provides an annual source of General Funds for search and rescue operations, and allows the department to invest in technology to enable the solicitation and collection of donations from private businesses for search and rescue purposes. **Vote 15-1.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1239, relative to eligibility for the Supplemental Nutritional Assistance Program. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Salloway for Health, Human Services and Elderly Affairs. This bill, though intended to facilitate registration for the Supplemental Nutritional Assistance Program (SNAP) via electronic means, violates federal regulations which require face-to-face validation. **Vote 20-0.**

HB 1246, relative to reporting of health care associated infections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Woods for Health, Human Services and Elderly Affairs. Currently, reviews of residential care and health care facilities are centered on monitoring infections. This bill, as amended, expands monitoring to include other "measures" as identified by the Department of Health and Human Services. Also included in this bill is the requirement to use national standards appropriate for each class of facility. These standards are defined by agencies such as Centers for Disease Control, Centers for Medicare and Medicaid Services, and the National Quality Forum. This ensures the highest standards of review and therefore an enhanced measure of certainty of the quality of care provided for New Hampshire residents. **Vote 20-0.**

HB 1264, extending the commission on the seacoast cancer cluster investigation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bill Nelson for Health, Human Services and Elderly Affairs. This bill, as amended, extends the life of the commission to June 2022 and adds interim reporting dates in 2020 and 2021. **Vote 20-0.**

HB 1411, establishing a commission to study long-term supports and services in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Freitas for Health, Human Services and Elderly Affairs. This study commission would examine the provision and funding of long-term care services for elders and persons with disabilities. The amendment specifically directs the commission to look at the implications of choice in settings for long-term care supports, and costs and implications for insurance premiums. **Vote 20-0.**

JUDICIARY

HB 1133-FN, relative to violations of constitutional rights **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Hopper for Judiciary. This bill would allow citizens to sue law enforcement and others for up to \$10,000 and a year in jail when they believed their constitutional rights have been violated. This would subject government workers to being sued for carrying out laws that the legislature has enacted. Although this legislation is well intended, it would likely have a very negative effect on the people of New Hampshire. **Vote 19-1.**

HB 1157, relative to liability of New Hampshire news media for failure to update stories on criminal proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Horrigan for Judiciary. This bill, if passed, would violate media organizations' rights of free speech under both the state and federal constitutions. Moreover, the bill lacks any definition of "New Hampshire media organization." Many out of state media outlets report on happenings in New Hampshire. And, with a very few exceptions (e.g., The Union Leader), every media outlet in New Hampshire is owned and operated by corporate entities who also have outlets in other states. The committee agrees that running updates of old stories is a good thing and that the media should be reporting more news, not less. This bill would discourage media outlets from writing stories about criminal proceedings, and would also discourage them from pushing news stories on the internet. **Vote 20-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1106, relative to noncompete agreements for certain mental health professionals. **OUGHT TO PASS.**

Rep. William Bordy for Labor, Industrial and Rehabilitative Services. The committee supports the expansion of the removal of noncompete agreements to mental health employees as currently provided in law for physicians, podiatrists, and nurses. **Vote 17-0.**

HB 1185, establishing a committee to study a dual system apprenticeship program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lino Avellani for Labor, Industrial and Rehabilitative Services. The committee sees the advantages of studying the dual apprenticeship program to enhance our existing apprenticeship opportunities to other industries. It would also afford our community college program to be part of the process of studying and possibly developing a dual apprenticeship program for the future. **Vote 17-0.**

HB 1543, relative to employee drug testing. **INEXPEDIENT TO LEGISLATE.**

Rep. Dan Toomey for Labor, Industrial and Rehabilitative Services. This bill would prohibit an employer from firing an employee due to a failed drug test for cannabis use. While a trace of cannabis in an employee's drug test result does not necessarily signify impairment, cannabis is a federal scheduled drug and any accident caused by that employee could open the employer to a lawsuit. **Vote 19-0.**

LEGISLATIVE ADMINISTRATION

HB 1183, establishing a committee to study the registration of lobbyists. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Wilhelm for Legislative Administration. This bill establishes a committee to study the administration, enforcement, compliance and funding of the law regulating lobbyists. Due to the number of study committees and commissions, the committee believes it is challenging to prioritize this issue over the other important issues facing the state of New Hampshire. **Vote 13-0.**

HB 1359, relative to employment as a lobbyist. **REFER FOR INTERIM STUDY.**

Rep. Matthew Wilhelm for Legislative Administration. This bill prohibits members of the General Court, Executive Council, and Governors from becoming lobbyists for a period of time after leaving office. The committee believes that while the bill is well intended, the length of time between a member leaving office and becoming a lobbyist was of concern. Future legislation would benefit from additional work and data. **Vote 12-1.**

HB 1413, requiring lobbyist forms submitted in writing to be legible. **INEXPEDIENT TO LEGISLATE.**

Rep. Allison Nutting-Wong for Legislative Administration. This bill requires all lobbyist registration forms and financial statements to be legible when filed. The committee supports the notion of legibility, however, the bill does not define the term and finds legibility to be subjective. The committee also believes this issue will be resolved in the future without putting something into statute. **Vote 13-0.**

HB 1584, relative to the penalty for failure to comply with the requirements for lobbyists. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Ley for Legislative Administration. This bill permits the Secretary of State to suspend the registration of any lobbyist who fails to comply with any provision of the lobbyist registration law. At present, enforcement of penalties regarding violations of lobbyist requirements rests with the Attorney General. The proposed bill contains no appeals process for decisions made by the Secretary of State on guidelines as to when suspension would be in order. With no data on how many potential violations exist, the committee recommends the proposed legislation to be Inexpedient to Legislate. **Vote 12-1.**

HB 1669-FN, requiring electronic filing of lobbyist's forms and statements. **REFER FOR INTERIM STUDY.** Rep. Douglas Ley for Legislative Administration. The Secretary of State's Office testified that they are preparing to implement electronic filing by lobbyists. The committee will monitor said electronic filing implementation and can provide further legislation as needed. **Vote 13-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1139, establishing a committee to study eligibility criteria for property tax credits, exemptions, and deferrals available to persons with limited income and the effect of such credits, exemptions, and deferrals on municipalities. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Josephson for Municipal and County Government. The majority of this committee felt that this bill was too narrow in scope while also lacking definition. While it may be a good idea to study all property tax exemptions on the books sometime soon, this bill only wanted to study those exemptions having to do with limited income requirements. As each town has different thresholds and requirements as to what constitutes "limited income," compiling that data would be time-consuming and onerous for a mere study committee. The prime sponsor did not testify on the bill and so the committee was unable to ascertain the intent and direction desired. A motion to send the bill to interim study failed and as such, the majority of the committee found this bill inexpedient to legislate. **Vote 17-2.**

HB 1154, enabling municipalities to exclude principal of retirement and pension accounts from assets used for eligibility for property tax exemptions. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurel Stavis for Municipal and County Government. Those with retirement savings or pensions who may qualify for the exemption proposed in this bill are fortunate to have been able to acquire those savings. Research shows that most people entering or in retirement have very few resources. We should not be privileging those who are already privileged. The bill also is vague in its description of exactly what might qualify for the exemption and thus presents an onerous and possibly futile responsibility for municipalities to determine individuals assets. What constitutes a "qualified pension" or why do IRA's and pensions alone make one eligible? What about those who have inherited wealth or entrepreneurs whose assets are not in the bill's categories? Finally, New Hampshire is an aging state. Providing exemptions for retirees or those with substantial assets shifts tax responsibility to those who can least afford it, such as the young families we so badly need to attract. **Vote 18-1.**

HB 1155-FN-LOCAL, relative to exemptions from timber taxes for certain residential cutting. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna Mombourquette for Municipal and County Government. Current law allows for 7 exemptions for the taxation of cut timber. This bill would combine 2 exemptions which would create confusion for land owners, municipalities and those in the timber business. Testimony from the NH Timberland Owners Association indicated that the current system is clearly understood and does not require change. A 1942 amendment to Part II, Article 5 of the NH Constitution split taxation of land and standing timber to establish a tax on cut timber only, with tax exemptions amended throughout the subsequent years. This bill would result in a loss of revenue to municipalities currently estimated at \$3.5M. **Vote 19-0.**

HB 1199, relative to telephone costs for county prisoners. **REFER FOR INTERIM STUDY.**

Rep. Tom Dolan for Municipal and County Government. The difference in cost for county prisoners vs. state prisoners is two order of magnitude. The leaders of these organizations need to understand the reasons for these cost differences and resolve them. Lower cost long distance calls to family may help to reduce recidivism. **Vote 19-0.**

HB 1305-LOCAL, relative to consideration of home-share income. **REFER FOR INTERIM STUDY.**

Rep. Timothy Josephson for Municipal and County Government. The committee feels that this bill has merit in order to help our state's seniors age in place in their homes. However, the committee would like to study this bill for future legislation. **Vote 17-0.**

HB 1392, relative to the procedure for filing federal tax liens. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Dargie for Municipal and County Government. A register of deeds testified to the committee that they are not legally allowed to use the process required by this bill, so the committee finds this bill should be inexpedient to legislate. **Vote 13-2.**

HB 1393, relative to the election of Grafton county commissioners. **OUGHT TO PASS WITH AMENDMENT.** Rep. Vincent Paul Migliore for Municipal and County Government. This bill provides for Grafton County commissioners to be elected on a staggered basis to enable preservation of institutional knowledge when new commissioners are elected to the role. **Vote 18-1.**

HB 1406, relative to the property tax exemption for solar energy systems. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin Pratt for Municipal and County Government. The majority believes this enabling bill amends RSA 72:62 and 72:66 to allow towns and cities to adopt specific exemptions from assessed value for property tax purposes for solar and wind-power energy systems. The towns and cities may adopt specific exemptions limits for off-grid, net metering, group net metering and direct retail sales arrangements. This bill allows for greater flexibility to better tailor exemptions to the municipal and tax payers needs. **Vote 19-1.**

HB 1441, relative to the perambulation of town lines. **INEXPEDIENT TO LEGISLATE.**

Rep. Tom Dolan for Municipal and County Government. The current law was determined by the committee to be fine as currently configured. **Vote 16-1.**

HB 1442, relative to the Gunstock area commission and ski resort. **OUGHT TO PASS.**

Rep. Jim Maggiore for Municipal and County Government. This bill modifies the appointing authority for the member of the Gunstock area commission, as well as the distribution of revenues. It also removes a limit on bonding for the commission. A business study model committee report on this issue was unanimously approved by the 5 member Gunstock area commission. The term limit provides a natural process for adding new members with fresh ideas to the Commission. The change to the revenue distribution provides for a smoothing of revenue expectations from the 1.75% of yearly gross operating income. Lastly, removing the limit on bonding allows the Commission to pay BANS within one full year. **Vote 19-0.**

HB 1479, relative to municipal energy commissions. **INEXPEDIENT TO LEGISLATE.**

Rep. Jim Maggiore for Municipal and County Government. The Office of Strategic Initiatives requested this bill; however, OSL no longer believes the bill addresses the intended objective. This bill covers municipal energy commissions, but not committees; there are approximately 80 energy committees and commissions in NH but only 11 commissions. For those municipalities with a municipal energy body chartered under NH RSA 38-D, those communities would have to re-vote on their charter. But the vast majority of municipal energy bodies are not chartered. There is value in collecting data, but this bill does not provide for any standardized data points or reconciliation of data. The Public Utility Commission opposes this bill, as does the NHMA. **Vote 20-0.**

HB 1510-LOCAL, enabling municipalities to adopt a property tax exemption for qualifying accessory dwelling units. **INEXPEDIENT TO LEGISLATE.**

Rep. Tom Dolan for Municipal and County Government. This bill will not allow owners to rent the additional dwelling unit to a relative and achieve the tax exemption. While expanding housing units in the marketplace is a positive goal, making ADUs tax exempt was determined to be unnecessary. **Vote 19-1.**

HB 1631-FN-LOCAL, relative to taxation of certain hydro-electric generation facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for Municipal and County Government. Some of the funds collected from hydro-electric generation facilities subject to the utility tax in RSA 83-F are currently distributed to the Department of Revenue Administration and sent to the Education Trust Fund. This bill seeks to divert those funds to the local municipalities for their local education funding. The majority believes that the current funding distribution should be maintained as is the case for all utility taxes. **Vote 17-1.**

PUBLIC WORKS AND HIGHWAYS

HB 1553-FN, prohibiting the posting of certain state properties as no trespassing areas. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Towne for Public Works and Highways. This bill raised more questions than it solved. There was overwhelming opposition from several state agencies that would be impacted by this bill. It was clear that it would be costly in terms of additional staff with no clear statewide benefit. Finally, it was also clear that established channels of authority were not utilized to try to resolve this issue. **Vote 19-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1394-FN, relative to fees for park use. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin Maes for Resources, Recreation and Development. The current policy of the Department of Natural and Cultural Resources, Division of Parks and Recreation, follows current industry standards as it relates to activities after checkout from campgrounds. Should guests wish to continue to use the facility following their

stay, they are expected to pay the standard admission or facilities fee upon returning to the park for day use activities. Because the committee feels that it is important that all who use the parks have a positive experience, it may be in order to take a closer look at the current fee structure for those individuals who wish to extend their stay. But instilling this policy in statute is not the answer. Our state parks are a gateway for all to experience the beauty of New Hampshire at its best. **Vote 19-0.**

HB 1569-FN, requiring the department of environmental services to maintain a public registry of where certain fire suppressants have been used. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rosemarie Rung for Resources, Recreation and Development. Class B firefighting foams, which contain per and poly fluoroalkyl substances (PFAS) are important resources for emergency responders to save lives and prevent property losses. However, their use has been a source of groundwater contamination that has threatened the quality of drinking water for thousands of Granite Staters. This bill, as amended, establishes a registry within the Department of Environmental Services (DES) to track the storage, use, and discharge of class B foams and requires municipalities and people making such discharges to report the discharges. This information will provide DES information to assess and remediate, if necessary, environmental exposure. **Vote 19-0.**

HB 1603-FN, establishing the per and polyfluoroalkyl substances contamination remediation and mitigation revolving loan program and fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rosemarie Rung for Resources, Recreation and Development. The expanding PFAS contamination of groundwater and scientific reports of its negative health impacts has prompted the Department of Environmental Services (DES) to set lower Maximum Contaminant Levels (MCLs) for drinking water. Municipalities, community water systems, and private well owners are faced with high remediation costs to meet the MCLs. This bill, as amended, establishes a dedicated fund, administered by DES into which PFAS related lawsuits, settlements, fines and other moneys will be deposited. The fund will provide revolving loans and grants to those seeking assistance with these costs. Priority will be given to projects that address drinking water sources that have the highest contamination levels affecting the most people. **Vote 19-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1146, relative to the duties of the site evaluation committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Somssich for Science, Technology and Energy. The committee understands the concerns of the sponsor regarding the possible impact that a liquefied natural gas tank could have on a host community and shares the desire to ensure that the Site Evaluation Committee (SEC) properly takes into account this impact when it assesses an energy infrastructure project proposed in New Hampshire. The committee also believes that the economic interests of the residents of an affected community should likewise be considered during the evaluation process. However, the SEC already is obligated to consider both of those factors when they assess a proposed energy project, making this bill unnecessary. **Vote 18-0.**

HB 1237-FN, relative to reporting of information required for utility property valuation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. George Saunderson for Science, Technology and Energy. This bill represents another attempt to find a satisfactory solution to the problems with local property tax assessments on utility properties, both generating facilities and transmission lines. There is a wide disparity in assessments between towns that share portions of these facilities. In addition, the current uncertainty has resulted in a large number of lawsuits. The committee worked diligently with the stakeholders in an attempt to find a solution that could be acceptable to all involved. Despite this effort, including the work of a subcommittee, it ultimately was decided that the issue needs more work. Hence, the committee accepted an amendment to establish a study committee to continue to seek a generally acceptable solution. **Vote 19-0.**

HB 1355, establishing a committee to study energy efficiency programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jacqueline Cali-Pitts for Science, Technology and Energy. As amended, this is a straightforward bill to study the consolidation of information concerning weatherization programs. There are many programs both public and private which are very helpful but little known to the public. The committee feels that it would be helpful to have all of the information in one place that is easily accessible and which can be advertised to the public. **Vote 19-1.**

HB 1497, relative to the air pollution advisory committee. **INEXPEDIENT TO LEGISLATE.**

Rep. John Mann for Science, Technology and Energy. The sponsor agreed that this bill was not needed as its purpose is addressed adequately in another bill. **Vote 19-0.**

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1420, relative to the use of force at New Hampshire national guard facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Al Baldasaro for State-Federal Relations and Veterans Affairs. The committee unanimously believes that this bill will ensure that the state military force, state employees and contractor personnel follow consistent rules on the use of force (RUF) when conducting security functions at our National Guard facilities. These RUF are consistent with the established Department of Defense standards. Passing this bill will align the state and federal standards. **Vote 14-0.**

TRANSPORTATION

HB 1128, adding deaf or hard of hearing to the medical conditions that may be indicated on a driver's license or nondriver's identification. **OUGHT TO PASS.**

Rep. Casey Conley for Transportation. This bill adds to the list of medically recognized disorders displayed on New Hampshire drivers' licenses. It would add deaf and hard of hearing to that list. Such a designation on the license would be completely optional. **Vote 17-0.**

HB 1156, establishing a committee to study minimizing the use of public roads in the OHRV trail system known as Ride the Wilds in Coos county. **INEXPEDIENT TO LEGISLATE.**

Rep. Donovan Fenton for Transportation. The Transportation Committee has seen many bills regarding Off-Highway Recreational Vehicles (OHRV) on public roads. HB 1182 encompasses all of them in a commission, not just the narrow scope of this bill. **Vote 19-0.**

HB 1182, establishing a commission to study road usage by non-traditional motor vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman Packard for Transportation. This bill establishes a commission to study all types of non-traditional motor vehicles. This includes anything from flying cars to golf carts and OHRVs. The amendment adds more groups to the commission vital to being effective and extends the final reporting date to November 1, 2021. **Vote 18-0.**

HB 1298, adding the New Hampshire Motorcyclists' Rights Organization to the traffic safety commission. **OUGHT TO PASS.**

Rep. Sherman Packard for Transportation. The Traffic Safety Commission reviews and analyzes topics related to highway safety issues. This bill adds a member of the motorcycle group (NHMRO) to the commission. This commission now has no member representing motorcyclists. Currently, there are over 100,000 licensed motorcyclists in New Hampshire who need a voice on the commission. **Vote 18-0.**

HB 1363, relative to motorist service signs on limited access highways. **OUGHT TO PASS.**

Rep. Daniel Pickering for Transportation. This bill addresses the large blue signs used on limited access highways to alert motorists as to what services are available within 3 miles of a particular exit. Under existing law, these signs are prohibited north of Concord, but allowed south of Concord. This bill would create uniformity throughout the state. This type of signage would be in accordance with federal rules. **Vote 19-0.**

HB 1383, prohibiting commercial trucks from left lane travel on multi-lane highways. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Vail for Transportation. This bill attempts to restrict commercial trucks from the left lane during rush hour, twice daily, to alleviate traffic congestion. There is concern about application of this on multi-lane highways, such as the Everett Turnpike, where sections expand and contract from five to two lanes. Additionally, the bill had no provisions for signs that would designate times of day the provision would be in effect. The committee felt this bill would create too much confusion on the highway at both the slowest and the busiest times of day. **Vote 19-0.**

HB 1409, relative to the use of special license plates. **OUGHT TO PASS.**

Rep. Laura Telerski for Transportation. This bill clarifies the use of official cover plates and specifies that the two sets of issued cover plates may be attached to more than two vehicles. As long as the vehicle registrations are properly marked, signed, and embossed by the Division of Motor Vehicles (DMV), the cover plates can be moved to any vehicle owned by the person to whom the plates are issued. The DMV confirmed this bill clarifies existing practice. **Vote 18-0.**

HB 1431, relative to motorcycle auxiliary lamping. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman Packard for Transportation. Currently, all motor vehicles, motorcycles included, are limited to three auxiliary lamps (ex. fog lights). This bill applies to motorcycles only. It will allow motorcycles to add up to no more than four lamps, only one more than what is already allowed. Typically, additional motorcycle lamps are added in pairs. This practice is common to allow riders to see the road more visibly and to allow drivers to better see motorcycle riders. This bill, as amended, was proposed by the Department of Safety (DOS) and has their support as well as the support of the New Hampshire Automobile Dealers Association that represents many motorcycle dealers, and the New Hampshire Motorcyclist Rights Organization that represents riders. **Vote 19-0.**

HB 1438, permitting OHRVs on certain public ways. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura Telerski for Transportation. This bill would have allowed Off-Highway Recreational Vehicles (OHRV) to be used on any non-divided public way in the state. The committee believes that HB 1182, a commission to study road usage by non-traditional motor vehicles, will address the concerns of having OHRVs on roads. In addition to safety concerns, the bill also raises issues with required equipment on the vehicles, registrations and violations and how to address them. **Vote 19-0.**

HB 1453, establishing a commission to study the implementation of enhanced automation of traffic lights. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nicole Klein-Knight for Transportation. This bill, as amended, establishes a commission to study more advanced traffic technology that is more adaptive in relaying traffic signals. These signal control systems, when implemented in other states, have seen traffic efficiency and safety improve up to 30-35% with reductions of vehicle emissions as much as 20%. **Vote 19-0.**

HB 1458, allowing for mailing of driver's license suspension notices by first class mail. **OUGHT TO PASS.**

Rep. Daniel Pickering for Transportation. This bill allows for driver's license suspension notices to be mailed by first class mail instead of certified mail. Testimony from the NH Division of Motor Vehicles indicates that this bill, in practice, would save money and be more efficient. **Vote 19-0.**

HB 1604, relative to agricultural registration for certain utility vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Nicole Klein-Knight for Transportation. This bill was an attempt to address agricultural registrations for utility vehicles. HB 1182, which establishes a commission to study road usage by non-traditional vehicles, will look at this problem in conjunction with other questions. **Vote 18-1.**

HB 1612-FN, relative to utility terrain vehicle operation on roads. **INEXPEDIENT TO LEGISLATE.**

Rep. Skip Cleaver for Transportation. This bill is much too broad and all-encompassing, which would lead to serious safety issues throughout the state. The issue of road usage by ATV/OHRV vehicles is being addressed by a commission, which will determine when and where road usage may be appropriate or not. To allow utility terrain vehicles on any road where a speed limit is 45 mph or less is simply too broad and poorly defined. **Vote 19-0.**

HB 1667-FN, relative to the suspension of drivers' licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel Pickering for Transportation. This bill was introduced to clarify the situations under which a person (defendant) could have their driver's license suspended or revoked for failure to comply with a court order. It includes motor vehicle violations. The bill, as amended, follows federal guidelines regarding orders of failure to provide child support. It also establishes a committee to study the creation of restricted driving licenses for participants in drug court. This bill, as amended, strengthens the nexus between driver license suspensions and motor vehicle offenses. **Vote 20-0.**

HB 1688-FN, relative to OHRV speed limits on roads. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Vail for Transportation. This legislation seeks to hold all drivers on state highways, including Off-Highway Recreational Vehicle (OHRV) riders, to face the same consequences as drivers of motor vehicles. A motorist traveling in excess of the speed limit on a state highway may be warned, ticketed, fined, and penalized for speeding under present motor vehicle law, up to and perhaps including suspension of the driver's license. If an OHRV operator is stopped for speeding on the same state road, they may receive a fine, but further consequences such as license suspension and points on the driver's license are not applied. The fine structure under Fish and Game applies to recreational use of OHRV, whether on trails or on state road connectors. The committee heard testimony that the recreational fines imposed by Fish and Game become revenue allocated to the provision of enforcement. The laws enforced by the Department of Safety are not interchangeable with the recreational vehicle statutes and fine structure. The confusion and potential loss of direction for revenue raised by the fines, defeat the purpose of this bill, which is to improve safety on shared highways. The bill also seeks to provide a mechanism that will help residents of an abutting road to participate in re-determination of that road's speed limit. There is an existing process through the Department of Safety to petition for that reevaluation. **Vote 19-0.**

WAYS AND MEANS

HB 1110-FN, relative to the application of the tax on meals and rooms to certain Dartmouth College property. **INEXPEDIENT TO LEGISLATE.**

Rep. Edith Tucker for Ways and Means. This bill is not needed because rent charged for use of the cabins on the Dartmouth Second College Grant, located in Coos County, is already subject to meals and rooms tax under RSA 78-A. Although the college has not previously paid this tax at this location, the college now acknowledges its obligation. **Vote 20-0.**

HB 1161-FN, relative to electronic filings of meals and rooms tax returns and interest on payments of state taxes. **OUGHT TO PASS.**

Rep. Jennie Gomarlo for Ways and Means. In regards to filing meals and rooms monthly tax returns, this bill removes the telefile option and replaces it with electronic filing through Granite Tax Connect. This will decrease the Department of Revenue Administration's (DRA) general fund expenditure by approximately \$100,000 per year. This bill also allows the DRA to not assess interest providing a portion of the tax is paid within a prescribed time, not to exceed 30 days after notice. **Vote 20-0.**

HB 1474, relative to deductions from the business profits tax for investment in federal Opportunity Zones in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. David Karrick for Ways and Means. This bill proposes a deduction from the business profits tax based on the federal form's gross business profits attributable to capital gains that would be invested in federal opportunity zones as established by the Tax Cuts and Jobs Act of 2017. The intent is to give extra encouragement to investors in New Hampshire, but the Tax Cuts and Jobs Act of 2017 allows the investment to be made anywhere in the country. Because we conformed to this provision of the US Internal Revenue Code in the budget, the extra deduction is already available for our business profits tax and the bill is unnecessary. **Vote 20-0.**

HB 1492-FN-A-LOCAL, establishing a tax on the retail sale of certain electronic devices to fund education. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa Bunker for Ways and Means. This bill proposes to tax certain electronic devices sold in the state, with revenues to go to education funding. There is no question that state education funding needs to be increased, but, as on other occasions, the committee had concerns about the troubles that arise when attempts are made to arbitrarily tax one narrowly defined sector of the retail economy. Reservations were expressed about the inexactness of the definition of taxable items. We also talked about the negative impact the bill would have on retail outlets near the borders with other states, and on cross-border traffic in search of tax savings generally. **Vote 20-0.**

HB 1579-FN, relative to collection of tax for short-term rentals under the meals and rooms tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis Malloy for Ways and Means. This bill modifies the percentage retained by an operator of a short term rental under the meals and rooms tax and credits the revenue to the affordable housing fund. The bill reduces the percentage from 3% to 1.5% and is repealed in 5 years. According to the sponsors, this bill does not affect inns and hotels. The committee recommends the bill Inexpedient to Legislate because the reference to "short term rentals" in this bill was not defined, and therefore the bill is unworkable. **Vote 20-0.**

WEDNESDAY, FEBRUARY 19 REGULAR CALENDAR- PART ONE

CHILDREN AND FAMILY LAW

HB 1601-FN, removing the exception for married minors from the definition of sexual assault. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary Jane Mulligan for the **Majority** of Children and Family Law. The majority of the committee discussed the seven loopholes, or exceptions, to the Aggravated Felonious Sexual Assault statutes that this bill seeks to close. These reflect the recent change in the increase of the age of marriage to 16 years old and to close the loophole currently in statute that provides an exception for "married spouses in which one of the spouses has a disability that renders him or her incapable of freely arriving at an independent choice as to whether or not to engage in sexual conduct and the actor knows or has reason to know that the victim has such a disability." The majority of the committee believes that when a sexual assault occurs, the shield of marriage should not be used to absolve the perpetrator of a criminal act. **Vote 10-7.**

Rep. Josh Yokela for the **Minority** of Children and Family Law. The minority is concerned about the criminalization of sex between married seniors who are diagnosed with conditions like dementia and other conditions which may affect an adults ability to consent. Their is also a concern about the ramifications it might have on married couples from other states like MA, MD and HI where there are possibilities of marriage which might create felons of visitors to NH.

COMMERCE AND CONSUMER AFFAIRS

HB 1662-FN, relative to the purchase, use, and possession of tobacco products and e-cigarettes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kristina Fargo for the **Majority** of Commerce and Consumer Affairs. As amended, this bill will increase the age for purchase, use and possession of tobacco products and e-cigarettes to 21. It will allow that change to occur over 2 years so that those who are currently using those products and who are at the age of 19, the current legal age, will be able to continue to use until the legal age becomes 21 for all. This is consistent with the change in federal law which raises the legal age to 21 and which the committee understands will take effect in 2022. **Vote 12-8.**

Rep. Jason Osborne for the **Minority** of Commerce and Consumer Affairs. Adults under the age of 21 are able to enter life changing contracts such as marriage and military service. They are able to vote and pilot motor vehicles on public roadways. Why should they be prohibited from purchasing consumer products available to other adults?

HB 1696-FN, relative to fees for notices and applications for financial institutions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kristina Fargo for Commerce and Consumer Affairs. This bill is a recommendation of the Committee to Study the Effects of Past New Hampshire Trust Code Legislation, established pursuant to 2019, Chapter 230. It is also at the request of the New Hampshire Banking Commissioner and supported by both the New Hampshire Bankers' Association and the New Hampshire Cooperative Credit Union Association. The bill includes a long overdue increase of the application fee to process new applications for banks, credit unions and trust companies. It also provides for a per diem to cover any expenses in excess of the established fees. Since the Banking Department is self-funded, this bill will insure that costs are recouped appropriately and that incurred costs are borne by the appropriate parties. **Vote 17-3.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1555-FN-LOCAL, requiring prisoners to be paid the applicable minimum wage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sandy Swinburne for Criminal Justice and Public Safety. This bill has been amended to become a study committee. It will examine increasing inmate wages, educational opportunities and the corresponding impact on recidivism among prisoners incarcerated in a state correctional facility. **Vote 16-4.**

HB 1663-FN-A-LOCAL, relative to the legalization and regulation of cannabis and making appropriations therefor. **REFER FOR INTERIM STUDY.**

Rep. Beth Rodd for Criminal Justice and Public Safety. There are multiple problems with this bill which came up during testimony. The regulation piece needs more work and some of the stakeholders were not present to give important information to the committee. For these reasons, the bill is being referred for interim study. **Vote 11-7.**

EDUCATION

HB 1509, relative to emergency threat protection orders for individuals at post secondary educational institutions. **REFER FOR INTERIM STUDY.**

Rep. Mark Vallone for Education. University System of New Hampshire campus safety officials are seeing an increase in threats involving firearms and have asked the legislature for tools to help address reducing these threats to the safety of students, faculty, and staff. This bill enables campus safety officials to investigate and take action based on reports made by friends, family, roommates, and others concerned about the safety and well-being of another member of the school community or a potential threat to persons on campus. Officials will have the authority to remove weapons from an individual if they find that specific conditions exist to substantiate the report. The individual's rights are protected through a process that is based on the state's involuntary emergency admissions statute, which involve a hearing before a judge in the circuit court and the right to an attorney. The bill applies only to persons who are or were recently members of the college community, is narrowly limited to threats of suicide by gun or mass shooting, and safeguards civil rights with a proven method taken from existing state law. The amendment clarifies these limitations and the due process protection. However, this is a bill that needs more study. Further work is needed on technical and language issues. Vote 11-6. **Vote 11-6.**

ENVIRONMENT AND AGRICULTURE

HB 1387, prohibiting the declawing of cats. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Judy Aron for the **Majority** of Environment and Agriculture. The majority of the committee does not support this bill because, based on testimony, the decision to declaw a cat should be left between the cat owner and the veterinarian. Most veterinarians discourage this procedure and use it as a last resort. It was shown that this procedure is not done very often in New Hampshire and when it is, there is good reason and may prevent the cat from being euthanized. **Vote 12-8.**

Rep. Sherry Dutzy for the **Minority** of Environment and Agriculture. The intent of the bill was to stop the declawing of cats merely for the convenience of the owner. Medically necessary declawing was still allowed. The minority felt there were enough protections in the law for medically compromised owners to declaw their cats in order for the cat to remain in the home. Data does not support the opinion that declawed cats are easier to adopt or that they are less likely to be surrendered.

HB 1627-FN, creating an animal health certificate database. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter Bixby for the **Majority** of Environment and Agriculture. This bill creates a database in the Department of Agriculture, Markets, and Food for handling animal records. Currently, the state requires health certificates for animals sold in NH, but does not have an effective way to handle these documents. Health certificates help limit the spread of infectious disease, provide consumer protection, and allow the state to determine who should be licensed as a pet vendor. The department has requested this bill because the language in HB 4 from last year requires them to determine who must have a pet vendor license based on the number of animals transferred, but they currently do not have the staff or record keeping capacity to do that. By making the record keeping process for health certificates and rabies certificates entirely electronic, the state will be able to handle these records more efficiently. The system will have the capacity to handle other types of animal records as the need for them is recognized. The amendment clarifies that the data submission process is electronic, removing the need for extra staff that was cited in the fiscal note, and substantially reducing the start-up and maintenance costs of the program. The amendment also establishes robust privacy, confidentiality, and security requirements based on confidentiality provisions found in the Prescription Drug Monitoring program and the current dog licensing statutes. **Vote 17-3.**

Rep. Barbara Comtois for the **Minority** of Environment and Agriculture. This bill creates another statewide computerized database with the intention of making sure that anyone who transfers dogs, cats, and ferrets above the threshold passed in HB 4 (passed without any House hearing) is complying and gets a license. The monies for the design and implementation for this database will come from funds administered by the Department of Agriculture, Markets and Food that were meant for personnel. Thereafter, the estimated yearly cost will be \$250,000 to be raised by fees to veterinarians for every health and rabies certificate that they issue. If there are not enough funds available, the department can raid another fund in that department to fund the database. Privacy issues were addressed, but collection of any personal information in a database is always at risk no matter how secure. Access to the database will be given to town and city clerks for animals within their jurisdiction.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1205-FN, relative to the reduction in the calculation of state retirement system annuities at age 65. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dianne Schuett for the **Majority** of Executive Departments and Administration. Group I retirees, state and municipal employees and teachers, in the New Hampshire Retirement System (NHRS) see a 10% decrease in their benefit at age 65. The historical reason for the decrease is that the age 65 coincided with the age at which the retiree would be entitled to full Social Security benefits at the time it was adopted. It was felt that the Social Security benefit would more than compensate for the decrease in the state benefit. However, Social Security benefits have been graduated now so that retirees do not receive full benefits until the age of 66 or even 67. This bill would make the age for the reduction in the NHRS pension match the age at which the retiree is eligible to receive full Social Security benefits. The majority agreed with this recommendation of the 2017 Decennial Retirement Commission. **Vote 11-8.**

Rep. Carol McGuire for the **Minority** of Executive Departments and Administration. This bill gives early-retiring teachers and employees 10% more in their pension check for up to two years, from age 65 to the Social Security full retirement age, which increases to age 67 for younger employees. Employers have never promised this; the current rules have been in place for over thirty years. The bipartisan minority of the committee is concerned with the cost of this change and the increase in unfunded liability to our underfunded pension system. We are only 11 years into the 30 year payoff of this \$5+ billion liability and increasing benefits makes the problem worse. Even more, this bill does not fund the cost of this change but simply leaves it up to the retirement system, creating a 20-year payout plan for a benefit that only applies to current workers hired before 2011. Property taxes are our constituents' number one concern. Let's not make the problem worse.

HB 1235-A, establishing a committee to study ensuring workforce maintenance through enhancement of the retirement system, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. This bill will evaluate the impact of changes to the NH Retirement System (NHRS) and their role in attracting a workforce for state agencies in NH. Several changes have been made over the last decade to the NHRS and the benefit structure for all member groups. National data shows that public employees are dedicated to serving their communities and that retirement benefits are crucial to longevity and dedication to public service careers. Recruiting and retaining a strong public workforce is essential for the strength and stability of our state and local economies. It is important to understand the necessary role retirement benefits play in securing a qualified and skilled workforce that remains dedicated to public service in New Hampshire. **Vote 12-7.**

HB 1341-FN-A, relative to vested status of group II members in the state retirement system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Pearson for the **Majority** of Executive Departments and Administration. This bill as amended restores some of the retroactive pension cuts made to active Group II employees (Police and Fire) in 2011 during the economic downturn. This bill does not add any additional benefits to anyone who did not have those benefits when they commenced service. This legislation restores previously cut state funding and will not be downshifted to the local communities. There are serious retention issues for employees working in Group II careers as experienced staff leave their professions or move to jobs out of state. These ongoing losses are forcing local emergency departments to hemorrhage overtime payouts and force first responders to work excessive amounts of overtime. This is compounded by already difficult recruitment issues resulting in many agencies running short staffed. According to testimony, one of the main reasons stated in exit interviews as to why seasoned employees are leaving is the retroactive cuts made to the pension system. **Vote 14-5.**

Rep. Carol McGuire for the **Minority** of Executive Departments and Administration. This bill increases pensions for police, fire and corrections officers who were working but not vested in 2011, when a major package of changes to the state retirement system passed in the state budget. The cost is not known exactly, but it is approximately \$140 million. The bipartisan minority of the committee is concerned with the cost of this change, and the increase in unfunded liability to our underfunded pension system. We are only 11 years into the 30 year payoff of this \$5+ billion liability, and increasing benefits makes the problem worse. Even more, this bill does not fund the cost of this change. The committee amendment finesses this issue by stating that the state will resume contributions to the pension payments for local employers; but since the legislature has repeatedly refused to do so, most recently in 2019 with an unprecedented budget surplus on hand, the minority is extremely skeptical of the likelihood of this attempt to bind a future legislature succeeding. So, we all anticipate higher property tax payments for the next 20 years to fund pension enhancements for the cohort of police, fire and corrections officers hired between 2001 and 2011.

HB 1580-FN, regulating the use of drones. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Carol McGuire for the **Majority** of Executive Departments and Administration. This bill, as amended, sets a framework for New Hampshire regulations on drones. It updates terminology to "unmanned aircraft systems (UAS)"; exempts them from registration with the state; forbids weapons on UAS; requests the state Bureau of Aeronautics to work with the Federal Aviation Authority (FAA) to expand the definition of "critical infrastructure" to include state and county prisons and jails; restricts law enforcement agencies

from surveillance of targeted individuals and from gathering evidence without a warrant, by making such evidence inadmissible in court; and amends the current crime of violation of privacy by making it a class A misdemeanor (rather than an unspecified misdemeanor) if performed via drone. This bill recognizes that the FAA has jurisdiction of the airspace of the entire country and places minimal restrictions on private operators. As amended, the state Bureau of Aeronautics and the drone users' groups support the bill, and the State Police UAS unit has no objections. **Vote 14-6.**

Rep. John Burt for the **Minority** of Executive Departments and Administration. The minority of the committee knows that air space is controlled by the Federal Aviation Administration (FAA). The minority also knows several bills have been introduced in years past to restrict drones over the state prison. Those bills all died. The FAA said the state prison can ask the FAA to restrict drones over the prison yet the state prison will not do that. This bill, with amendment as written, is too restrictive to the public to fly drones in NH and should not be passed. The FAA is working on issues with drones and the FAA controls our airspace and this bill is not needed.

HB 1642-FN, prohibiting the state or a state official from using a facial surveillance system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill addresses an issue of growing concern in the citizenry in these times, namely the overwhelming surveillance which people experience virtually everywhere they go in public. This bill would ban the state and all its subdivisions, as practiced by all its agents, except law enforcement officers in specific instances, from using face recognition technology (FRT) to process face images and identify people in public. FRT permits mass identification of individuals in rapid time frames. This represents a great risk to our increasingly less free society and should not be engaged in by, and in, New Hampshire. **Vote 18-2.**

FISH AND GAME AND MARINE RESOURCES

HB 1606-FN, relative to cruelty to a wild animal, fish, or wild bird. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. James Bosman for the **Majority** of Fish and Game and Marine Resources. This bill as amended, establishes an enhanced criminal penalty for cruelty to any wild animal, fish, or wild bird. New Hampshire is one of only five states that do not prohibit deliberate acts of cruelty toward wildlife in statutes. Malicious torture of domestic animals will result in cruelty charges, but there is no recourse if someone is deliberately cruel to wildlife. This bill closes this loophole by making it unlawful to beat, whip, torture, or mutilate any wild animal, fish, or wild bird. This bill does not pertain to lawful hunting practices. **Vote 9-7.**

Rep. Kevin Craig for the **Minority** of Fish and Game and Marine Resources. The minority, having considered the significant changes to the bill brought by the amendment, including the affirmative defense language which places a burden upon the accused to prove their innocence, disagrees with the majority's recommendation and suggests the bill be referred for further review and improvement within the committee and the receipt of further public input.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1513, requiring the commissioner of the department of health and human services to study the conversion of the Medicaid program to block grant funding and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jerry Knirk for the **Majority** of Health, Human Services and Elderly Affairs. This bill would require the commissioner of the Department of Health and Human Services (DHHS) to conduct a study of converting the current Medicaid program into a block grant. The Medicaid Act provides for unlimited federal matching funds for all state spending under Medicaid's federal rules. Block granting places a cap on the dollar amount contributed to a state's Medicaid program by the federal government. If an economic downturn occurs and Medicaid enrollment increases, New Hampshire would be responsible for the increased spending needed without additional federal support. This loss of support would likely result in restrictions of benefits. Analysis of major federal block grants has shown that the conversion to block grants most often results in loss of value of the block-granted program. The sponsor argued that block grants would allow New Hampshire to move to value-based payment systems, such as ACOs, but that can be done without the move to block granting. The NH Medicaid Director assured the committee that DHHS will be assessing the questions of block grants as part of their normal work. The majority of the committee felt that the negatives of converting to block grants outweigh any potential benefits. **Vote 15-6.**

Rep. William Marsh for the **Minority** of Health, Human Services and Elderly Affairs. We have an issue with the Granite Advantage Care Trust Fund. Pursuant to RSA 126-AA:3, IV-VI, if there are inadequate funds to cover costs, the New Hampshire Granite Advantage Health Care Program terminates. A modified block grant similar to that filed by Tennessee this fall offers a unique opportunity to renegotiate Medicaid

to New Hampshire's advantage. In exchange for sharing any savings with the federal government, Tennessee has asked for annual increases based on the inflation rate and population growth, and the exclusion of pharmaceutical costs. The best possible time for New Hampshire to apply for a block grant is when we have increased the costs to the Medicaid program for the baseline year, upon which future grant calculations are made. We have, for some time, talked about value replacing volume and the emergence of Accountable Care Organizations (ACO) as a means to lower the cost of healthcare. But these changes are slow in coming. One barrier is that healthcare systems have to be sufficiently large to make ACOs actuarially sound. With the consolidation of healthcare under MGH in the south, and DHMC/Granite One in the north, this barrier is going away. The transformation of Medicaid into an ACO with the associated cost savings has also been impeded because ACOs require the expenditure of funds for such things as social determinants of health, which are not matched by federal funds under the current system. An 1115 waiver for a block grant could be crafted including these costs, enabling federal matching, and allowing us to move forward. Switching from volume to value and providing better quality health care at lower cost is in the interest of every New Hampshire citizen. Therefore, the minority recommends that this bill ought to pass with amendment.

HB 1600-FN-A, relative to smoking cessation therapy and pharmacist reimbursement under Medicaid and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Marsh for the **Majority** of Health, Human Services and Elderly Affairs. In a January 2020 report, US Surgeon General Jerome Adams reports only 51% of daily smokers have received advice from a health care professional to quit smoking. Further, recent federal legislation has created a cohort of 18 to 21-year-olds who are required by law to quit smoking. This bill expands access to smoking cessation products with enabling legislation, allowing pharmacists to dispense such products by a standing order without a prior prescription from a physician. It also recognizes pharmacists as providers when they provide screening and diagnostic services in carrying out such standing orders, allowing their reimbursement for cognitive services under Medicaid and otherwise. An appropriation is made, which the Department of Health and Human Services (DHHS) says is sufficient to start up this program. Amendment 2020-0418h requires the submission of a Title XIX Medicaid State Plan Amendment if necessary, removes pills from the program at the request of the NH Medical Society, removes a section about collaborative practice which might have had unintended consequences, allows the Pharmacy Board more flexibility in required education and requires communication with primary care providers, and replaces two sections insurers objected to with sections which simply provide for contracts between insurers and pharmacies to govern this. **Vote 16-5.**

Rep. John Fothergill for the **Minority** of Health, Human Services and Elderly Affairs. This bill allows pharmacists to become primary care providers with respect to smoking cessation counseling and prescribing. The pharmacists report that they want to build on the success of their ability to provide birth control using a standing order. Unfortunately, that program has not begun and so we have no experience as to how that program works with respect to standing orders, billing, prior authorization, or communication with the patient's providers. Smoking is a significant and public health hazard that requires our attention, but adding more and more responsibilities to the overworked pharmacist is unwise.

HB 1638-FN-A, relative to the administration of the SNAP incentive programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill, as amended, directs the Department of Health and Human Services to implement statewide an existing pilot program which allows a Supplemental Nutrition Assistance Program (SNAP) recipient to receive a dollar-for-dollar match of up to \$20 per day of fresh fruits and vegetables with an emphasis on locally grown produce at participating farmers markets and grocery stores. The pilot program has proven beneficial both to SNAP recipients who are able to enhance access to locally grown fresh foods and to local farmers as well. Much of the matching funds are provided through outside grants, but this bill includes an appropriation of \$150,000 to enhance access to the program. **Vote 20-0.**

HB 1660-FN, establishing a protective order for vulnerable adults. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary Woods for the **Majority** of Health, Human Services and Elderly Affairs. This bill, as amended, outlines a framework for assisting vulnerable adults who are being exploited. Care has been taken in several areas to address concerns present in previous bills. Emphasis is placed on helping the vulnerable individual leave the failing environment, if necessary, thus providing safety and interrupting any ongoing exploitation. Attention has been given to clarify the appropriate legal proceedings for the vulnerable individual. Issues involving children or domestic violence are not addressed in this bill as they are the subject of separate statutes. Applicants for a protective order are informed they may need to seek a domestic violence protection order to ensure their physical safety. **Vote 12-9.**

Rep. William Marsh for the **Minority** of Health, Human Services and Elderly Affairs. A side-by-side comparison of this bill as introduced and HB 696 as vetoed by the Governor on July 19, 2019, finds the only differences are the addition of a sentence to the purpose statement saying this new law shall not prohibit the filing of a

petition for relief under RSA 173-B or RSA 633:3-a and a change in the effective date. The minority believes these changes are insufficient to address the Governor's concerns, specifically by not adding any protection for pro se victims or their children who might file under this new statute; by not addressing protections for a vulnerable adult's minor children; by not restraining the defendant from entering the plaintiff's place of employment or school; by not allowing for the appointment of guardians ad litem to represent best interests of minor children involved; and by creating potential for violating the fourth amendment protections against unreasonable search and seizure. Until and unless these concerns are addressed, the minority believes this bill should be found Inexpedient to Legislate. The minority appreciates the majority amendment which removes the concern about second amendment violations by removing firearm confiscation from this bill, possibly excepting the "not limited to" clause on page 3 line 10 of the amendment.

HB 1707-FN, expanding the family-centered early supports and services (FCESS) program to children under the age of 3 who are born substance-exposed. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Schapiro for Health, Human Services and Elderly Affairs. This bill is derived from a recent study committee report on Adverse Childhood Experiences (ACEs). It explicitly states that any infant knowingly born exposed to substances will be referred to Family-Centered Early Supports and Services (FCESS) since one of the report's key findings was that the earlier intervention occurs, the better the chance of mitigating long term effects and building family resiliency. The original bill was amended to add a clear definition of "substance-exposed." **Vote 20-0.**

JUDICIARY

HB 1563-FN, relative to the use of funds in the drug forfeiture fund. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Sylvia for the **Majority** of Judiciary. This bill moves administration of the Attorney General's drug forfeiture fund to the offices of the governor and executive council. It directs that those funds may be used for drug treatment, mental health treatment, rehabilitation, prevention or education. The committee believes that the governor and council are better situated to direct the funds in the most necessary areas in the most timely fashion. **Vote 14-3.**

Rep. Timothy Horrigan for the **Minority** of Judiciary. The minority agrees with the majority that our state has a serious substance abuse crisis. Drugs and alcohol abuse is a leading cause of death for healthy young adults. The minority also agrees with more funding for treatment programs, but prevention is just as necessary as treatment, and this relatively small funding source is essential for local law enforcement agencies.

HB 1599-FN-A, establishing a special marriage officiant license. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Woodbury for the **Majority** of Judiciary. This bill permits the Secretary of State to issue a special officiant license to permit an individual to be authorized to perform the designated civil wedding, but not to perform weddings generally. The fee shall be \$85.00, with \$80.00 to go to the Department of Health and Human Services to a fund for domestic violence prevention. This measure allow a couple to have a special person who might not be a justice of the peace solemnize their marriage. Keeping the ceremony more personal or family centered is a major goal of this legislation. **Vote 11-9.**

Rep. Jason Janvrin for the **Minority** of Judiciary. The minority of the committee believes that tying marriage to domestic violence is not a policy that the General Court should support. There is under current law a possible option for a person to perform a marriage with a justice of the peace to complete the associated paperwork and submission of the same to a municipal clerk which would negate the need for this bill.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1248-LOCAL, relative to community revitalization tax relief incentives. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Clyde Carson for the **Majority** of Municipal and County Government. This bill as amended expands RSA 79-E Community Revitalization Tax Relief Incentive statute to include affordable housing in designated areas of the community. This enabling legislation clarifies the definition of low, moderate, and very low income under RSA 204-C Affordable Housing fund and sets minimum levels of housing for each group to qualify for financial assistance under that statute. The majority of the committee believes that this bill offers communities a very workable tool to be used in addressing the lack of affordable housing in NH. **Vote 12-4.**

Rep. Max Abramson for the **Minority** of Municipal and County Government. As amended, the bill would create three new classes of people: low income persons, moderate income persons, and very low income persons. It ignores a well understood issue called "Income Mobility." Someone attending community college who made \$14,000 in 2018 might have made \$24,000 in 2019, but they may have just landed a job starting at over \$60,000. Which calendar year will be looked at when someone is moving into the housing unit? Like many other income-based legislation, it encourages people to turn down work, pay raises, and adds to the famous

“welfare cliffs” if someone is also on benefits, discouraging people from working harder or moving ahead. The additional complications and headaches for local boards, potential litigation, increased meetings and confusion, and the shifting of more of the tax burden to other property owners and taxpayers made the bill too problematic. The minority did not raise objection to the original bill.

HB 1632-FN-A-LOCAL, relative to financial investments and incentives for affordable housing development. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Clyde Carson for the **Majority** of Municipal and County Government. This bill is one of two bipartisan bills emerging from the Governor’s Commission on Affordable Housing. The bill, as amended, has three key policy components that were addressed by the committee. First, it permits municipal economic development and revitalization districts as defined in RSA 162-K to be used to increase workforce housing and other residential development within a municipality. Second, it increases the community revitalization tax relief incentive period for eligible housing projects under RSA 79-E. Thirdly, it establishes the New Hampshire housing champion certification program in the Office of Strategic Initiative and provides a method for determining how a municipality would qualify. Municipalities that achieve housing champion certification will be given a priority for various state grants and programs. The majority of the committee believes the incentives to municipalities contained in this bill will spur construction of affordable housing in the state. This bill will go to the House Ways and Means Committee as a second committee to assess the revenue impact on the state. **Vote 16-2.**

Rep. Max Abramson for the **Minority** of Municipal and County Government. The amended version of this well-intentioned bill creates a procedure for municipalities to become certified as a “New Hampshire housing champion.” Of course, not every community can be awarded a trophy, but perhaps not every community should. There was some confusion over whether or not an ADU or apartment over a garage would help meet the requirements for an aspiring town to become a “champion.” While the minority agrees with the sponsors’ intent, this is clearly a case of promising “a trophy in every pot and two cars in every garage.”

PUBLIC WORKS AND HIGHWAYS

HB 1650-FN-A-LOCAL, establishing a road usage registration fee and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. John Graham for the **Majority** of Public Works and Highways. This bill as written is flawed in several ways. First, it would require changes to other existing RSAs in order to work in the manner described by the sponsors. Second, most of the testimony in support of the bill was in regards to the building of sound barriers. However, given the amount of money that would be raised for these projects as proposed in the bill, it would take some 50 years to complete just the existing backlog. Third, the vehicle miles driven portion of the formula contained in the bill treats all miles equally whether driven in NH or not. Fourth, as written the Department of Safety, and several municipalities, would have to overhaul their automated registration systems at an undetermined cost. Finally, there is an annual escalation cost increase of 2.4 percent, thus putting all future increases to both registration fees and the tax on miles driven on autopilot. For these reasons, the majority of committee recommends the bill be found Inexpedient to Legislate. **Vote 15-4.**

Rep. Ivy Vann for the **Minority** of Public Works and Highways. The minority believes that the necessity of continuing the conversation around using weight and road miles as the basis for road fees makes it essential to retain this bill for continuing study.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1273-FN, waiving the admission fee to state parks for military dependents. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kevin Maes for the **Majority** of Resources, Recreation and Development. NH State Parks are a valuable asset for all of NH citizens and visitors to the state. From Pisgah to Hampton Beach to Franconia Notch and beyond, people from near and far enjoy hiking, swimming and relaxing at our parks. NH State Parks rely on admission fees to keep our parks safe and more enjoyable for visitors. Presently in statute, active military, including active and reserve members of the NH National Guard and all NH disabled veterans are granted free admission to day use areas. Retired NH National Guard in pay grade E6 or below are granted free admission to day use areas. Active military and their families already enjoy free admission at Hampton Beach South and Wallis Sands, where the parking fee covers all of the car’s occupants. The committee believes the State Parks Fee Package, approved by the Fiscal Committee, is a better option for offering new discounts to user groups, including military and their dependents - whether it is free skiing on Military Appreciation Day or other individualized discount programs. **Vote 16-3.**

Rep. James Spillane for the **Minority** of Resources, Recreation and Development. New Hampshire greatly values its active duty military, and allowing access free of charge to our great natural resources is one way we can say thank you. The minority believes active duty military personnel should be encouraged to visit our state parks with their families, and providing free access to direct dependents serves that goal.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1364, relative to payments to the public utilities commission in lieu of meeting renewable portfolio standards for biomass. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Kenneth Vincent for the **Majority** of Science, Technology and Energy. This bill would reduce alternative compliance payments (ACPs) to zero for Class III renewable energy projects. ACPs are an important measure to help assure that NH meets its renewable energy goals. Reducing the ACP to zero, on the grounds that there is no longer any need to support the biomass plants in NH is unwise. Since some of these plants are still open and could potentially reopen, the ACP for the class should remain in place. **Vote 12-7.**

Rep. Michael Harrington for the **Minority** of Science, Technology and Energy. For years we have been told by representatives of the old (prior to 2006), inefficient biomass generators that without additional ratepayer subsidies above what they already receive from the Renewable Portfolio Standard law, these plants will close. There have been numerous bills put forward that were based on this same premise, i.e. the plants will close without additional ratepayer subsidies. As all these bills were either not passed or found not legal under the Federal Power Act, one must assume that all these plants will close. Without these plants operating, there is no need for an alternate compliance price for class III renewable energy credits.

HB 1402, establishing procedures for municipal host customer-generators of electrical energy. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Kat McGhee for the **Majority** of Science, Technology and Energy. This bill would permit municipalities to engage in net metering above the present 1 MW cap. Passage of it would be redundant as its contents are now contained in HB 1218, and therefore it is unnecessary. **Vote 12-8.**

Rep. Michael Harrington for the **Minority** of Science, Technology and Energy. This bill represents a compromise from the existing 1 MW cap on net metering and other proposals to lift that cap to less than 5 MWs. The compromise was developed by various representatives working with people from the Governor's office. While lifting the cap to anything under 5 MWs, it limits the use of this higher cap to municipal hosts which means qualifying generation that is owned by or only provides electricity to a municipality. Although there may be potential cost shifting, limiting the use to municipal hosts whose total annual output is less than its total annual consumption will limit this. This bill is supported by the NH Municipal Association.

HB 1661-FN-LOCAL, relative to the exemption from property taxes for water and air pollution control facilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael Harrington for the **Majority** of Science, Technology and Energy. This bill would eliminate the tax exemption for pollution control equipment previously installed in electric generating plants using fossil fuels or that generate high level radioactive waste. This equipment was installed with the understanding that it would receive the tax exemption over the useful life of the equipment. Additionally, it singles out Seabrook Station as it is the only electric generator in NH that produces high level radioactive waste. This waste is safely stored and results in no cost to NH municipalities. **Vote 15-5.**

Rep. Peter Somssich for the **Minority** of Science, Technology and Energy. This bill would end the mandated granting of property tax breaks required under existing law for certain fossil and nuclear plant generators. These exemptions are supposedly for water and air pollution devices, which fossil fuel plants and nuclear reactors are not. Exemptions end up requiring increased taxes to be assessed on other property tax payers. Exemptions should not be perpetually mandated for associated devices which are not voluntarily undertaken, but are required by law, such as pollution control devices on fossil fired generating plants or waste storage for the high level waste resulting from atomic chain reactions in nuclear power plants.

HB 1664-FN, establishing a climate action plan, an office of the environmental advocate, and an oversight commission on environmental services. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. George Saunderson for the **Majority** of Science, Technology and Energy. This bill, as amended, establishes greenhouse gas emission reduction goals for the state and gives the Department of Environmental Services the authority to develop and update regularly a climate action plan. The majority of the committee believes that climate change is an important and difficult problem and that establishing a climate action plan with continued monitoring and measuring of greenhouse gasses in New Hampshire's atmosphere is a very helpful start. **Vote 11-8.**

Rep. Fred Plett for the **Minority** of Science, Technology and Energy. This bill tasks the Department of Environmental Services (DES) to develop a climate action plan to mandate reduction in statewide greenhouse gas emissions by 20%, 50%, and 80% below 1990 levels by 2025, 2035 and 2050, respectively. The original bill granted DES rule-making authority. Even though the amendment takes away that authority, it still mandates development of plans to meet mandated public policy goals. It has no enforcement mechanism, yet the targets are not aspirational goals but are indeed mandates. It could potentially impose major costs to all consumers, likely very large sums of money. It is a carbon tax bill in disguise, since such targets can

only be met with drastic taxes and other inducements, yet the bill is silent as to the costs. It represents an unfunded mandate on cities and towns. It has language about protecting low income and minority constituents, but by its nature it will raise energy costs for all residents and businesses, hurting low income and minor constituents disproportionately. It will necessitate driving existing generators out of business, requiring expensive transmission investments by ISO-New England to maintain a reliable transmission system. It will necessitate turnover of the transportation fleet in radical new directions. No state has ever implemented such a drastic law. The targets are pie in the sky impossible to meet by the deadlines specified, but they are mandates.

HB 1684-FN-A-LOCAL, establishing an energy conservation program and an energy conservation project fund and establishing the state PACE reserve fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Mann for the **Majority** of Science, Technology and Energy. This bill modifies the existing PACE (Property Assessed Clean Energy) legislation (RSA Chapter 53-F), which provides a framework for municipalities to assist in funding durable energy efficiency projects on properties within their boundaries by placing an assessment on the property through the local tax system, payable regularly by successive owners until the funding is fully recovered. This enables costly projects to be repaid at a reasonable rate by successive owners of the property. The bill aims to correct problems found in the original PACE legislation and the amendment removes from the bill state involvement in the process, leaving it to the municipalities that adopt PACE.

Vote 11-8.

Rep. Fred Plett for the **Minority** of Science, Technology and Energy. This bill establishes a funding mechanism using private equity in an energy efficiency and clean energy district established by a municipality through which equity is paid back through municipally imposed special assessments to the recipient of the energy efficiency grant until the equity is paid in full. The bill works in conjunction with municipal Property Assessed Clean Energy (PACE) programs enabled under RSA 53-F. An amendment was proposed to the committee, but it is extremely complicated. The proponents did not know the answer to many questions at the hearing or during later sessions. Given the complexity and uncertainty, the minority believes that this bill would have been better had it been changed into a bill establishing a study committee to answer some of the questions and work out details.

TRANSPORTATION

HB 1620-FN, relative to electric vehicle parking spaces. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Skip Cleaver for Transportation. This bill, as amended, establishes protections to help ensure availability of electric charging stations for all electric or plug-in hybrid electric vehicles. It is functionally similar to availability of handicap parking spaces in terms of law and enforcement. In other words, it prohibits cars and trucks with internal combustion engines from parking in spaces allotted to electric vehicles on any public way; that is, where electric charging stations are available for public use. **Vote 11-8.**

WAYS AND MEANS

HB 1708-FN-A, relative to certain liquor license fees and establishing 2 liquor investigator positions. **OUGHT TO PASS.**

Rep. Susan Almy for Ways and Means. The committee worked during the fall to develop a system of registration fees for vaping that would allow for the expansion of the Liquor Commission Enforcement Bureau by two positions. The bureau was already falling behind in regulatory visits to tobacco and liquor establishments, and the state budget added extra duties relative to vaping. The vaping crisis is such that proper regulation of age limits and product quality is essential, even more because of our position as the state with the lowest vaping taxes in New England. An error in legislation passed two decades ago to bring tobacco regulation under the Liquor Commission caused a major discrepancy in retail tobacco regulation fees, and the small group of tobacco retailers who do not also sell alcohol have been paying \$6 per year for the same services that neighboring convenience stores selling both beer and tobacco are paying \$336 for. Vape shops fall into this category, and their association told us they would be willing to pay the \$336 to have proper regulation guarding their product from unscrupulous sellers. The fee was meant as an add-on only, but was misdrafted. This bill also requires 162 stores with registrations to sell tobacco but no alcohol to pay the same fee that the rest have been paying. None of those stores appeared at the hearing or communicated with the committee. The higher fee should, within a year, allow the Liquor Commission to hire at least one more regulator, without making a further charge on the state budget. The rest of the bill cleans up some drafting confusion in the liquor fees that deal with tobacco and liquor together, making it easier for outsiders to determine what fees are being charged, and it clarifies the issue of registers. **Vote 20-0.**

REGULAR CALENDAR- PART TWO

COMMERCE AND CONSUMER AFFAIRS

HB 1281-FN, requiring insurance coverage for epipens. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Garrett Muscatel for the **Majority** of Commerce and Consumer Affairs. This bill requires insurance coverage for epinephrine auto-injectors and requires cost sharing to be limited according to similar covered benefits. The committee heard that the cost of epinephrine auto-injectors has skyrocketed in recent years, with a 400% increase in the price since 2007. We heard that those with allergies who need epinephrine auto-injectors often need 3-4 at any given time, and this increase in cost has become prohibitive and life-threatening. The amendment expands this bill from just applying to brand-name Epipens to include generics as well. The committee believes that this bill is of urgent necessity. **Vote 15-5.**

Rep. Mark Warden for the **Minority** of Commerce and Consumer Affairs. This bill establishes yet another mandate on insurers in New Hampshire to cover the cost of single-use epinephrine injectors. It is legislation that will lead to higher premiums for everyone. If passed, this mandate could be easily exploited by individuals, leading to waste and abuse. For example, after an insured has met his or her total deductible or out of pocket, the person could order an unlimited number of these expensive devices and then give them away or resell them, and the insurance company would be required to pay for them. The minority believes it is much better for insurance carriers, medical providers, and patients to find a balance of what products and services should be provided, rather than through piecemeal legislative mandates.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1101-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 any method other than a firearm is more likely to live than a person who uses a firearm. 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. A majority of the committee believes postponing firearm acquisitions until after a visceral state has passed will save lives. 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. Waiting periods are supported by the majority of Americans, the majority of Republicans, and approximately half of all gun owners. After all, waiting periods do not take guns away from anyone, and they do not restrict gun ownership in any way. **Vote 11-9.**

Rep. Terry Roy for the **Minority** of Criminal Justice and Public Safety. This bill was introduced ostensibly as a means to lower suicide and impulsive violent acts using a firearm. Other than several unsourced studies not related to the State of New Hampshire and one anecdotal report from a single firearm dealer, neither the sponsor or supporters could provide actual numbers related to how many firearms are used within 3 days of purchase for either suicide or the commission of a crime. Indeed, the ATF "Time to Crime" study, which tracked weapons used in suicide or crime from the time of sale until use in a crime, found that the average time for New Hampshire firearms recovered at the scene of a crime from time of sale to use in a crime was 8.6 years. This bill would infringe on the rights of over one million Granite Staters based on inconclusive data as to whether or not it would even address the stated purpose. We need to focus on the cause of suicide not the method.

HB 1149-FN, relative to child obscenity. **INEXPEDIENT TO LEGISLATE.**

Rep. David Meuse for Criminal Justice and Public Safety. This bill would make possession and creation of sexualized images of partially clothed children a felony. While creating and possessing images of children engaging in sex acts is already criminalized under the state's child pornography statute, this bill would prohibit creation or possession of images that do not meet the technical definition of pornography, but do depict partially clothed children in suggestive poses for "purely prurient purposes" (sexual gratification or arousal). While the committee was extremely sympathetic to the sponsor and to the members of the Internet Crimes Task Force requesting it, the broad language of the bill clearly has the potential to sweep up images that are not pornography or obscenity as the courts have defined them. To be clear, using any image of children for prurient purposes is offensive and wrong. However, the majority of committee members felt that in order for this activity to be elevated to a felony-level criminal offense, the images in question should be defined more specifically than they were in the bill and cannot solely depend on the intentions or mental state of the offender. **Vote 17-3.**

HB 1350, requiring a locking safety device be provided for commercial firearm sales and transfers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The majority of the committee, having heard testimony from interested citizens, voted this bill inexpedient to legislate. This bill is unnecessary as federal law mandates the inclusion of these devices with all new firearms. Mandating that they be included with used and private sales is a gross intrusion into the citizen's rights to conduct private business and would create the first government mandate that an accessory be included with the private sale of any product. More children die from accidental poisoning and drowning each year. Mandating the inclusion of lockable storage containers with the sale of antifreeze or life jackets with pools would statistically save more lives but would be equally inexpedient to legislate. **Vote 12-8.**

Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. This bill would close an important gap in our law and in child safety. Under federal law, firearms manufacturers are required to include a locking safety device with all new firearms sold commercially. But there is no requirement to include a locking safety device when previously owned firearms are sold in gun shops, gun shows, and online. With an estimated 350 million firearms now in circulation across the US, this bill simply makes it easier for every person purchasing a firearm in New Hampshire to walk away from the sale with a safety device costing as little as \$6. When used as intended, devices such as cable locks, trigger locks, and gun safes reduce, and in most cases, eliminate the risk of a child or mentally ill family member inadvertently accessing and discharging an unsecured weapon or using that weapon to commit a crime or to commit suicide. Owning and employing these devices also reduces the risk of a firearms owner from being burdened with the consequences of an unspeakable tragedy along with a charge of criminal negligence. This bill was supported by the NH Medical Society as common sense safety measure that protects children and adolescents.

HB 1351, relative to immunity from arrest or prosecution for certain alcoholic beverage violations for a person under 21 years of age who reports a situation involving risk of alcohol overdose. **OUGHT TO PASS.**

Rep. Beth Rodd for Criminal Justice and Public Safety. This is a medical amnesty bill. It provides a person under 21 with immunity from prosecution for underage drinking if that individual experiences a medical emergency and if that emergency is reported by the subject or another person. The need for medical attention or police assistance will not result in a prosecution of the minor. This bill will encourage reporting of possibly lethal medical events that, if unreported, could result in dire consequences. **Vote 15-4.**

HB 1378, establishing a committee to study oversight authority and timelines for processing and retaining sexual assault evidence collection kits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Beth Rodd for Criminal Justice and Public Safety. This bill, as amended, adds a representative from the Department of Justice (DOJ) to the committee to study sexual assault collection kits. There are a variety of stakeholders who differ on the length of time kits should be preserved, how best to preserve evidence where space is limited and best practices for the maintenance of kits and evidence. A DOJ audit is underway and those findings will also be considered in the study. **Vote 16-4.**

HB 1379-FN, requiring a background check for commercial firearms sales. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Meuse for the **Majority** of Criminal Justice and Public Safety. This bill is a common sense measure designed to keep guns out of the hands of felons, respondents in domestic violence restraining orders, and other prohibited parties. It requires commercial firearms sales or transfers in New Hampshire to be subject to a criminal background check and provides a criminal penalty for a violation. Currently, the federal law on background checks only applies to sales by federally licensed firearms dealers. This situation effectively exempts commercial transactions between private parties. The bill seeks to close this so-called "private sale loophole" in state and federal law by requiring commercial transactions taking place between private parties who are not licensed firearms dealers to include a criminal background check to be obtained through a licensed firearms dealer. Because of this loophole, an estimated 22% of all gun sales taking place each year are completed without a background check. The bill sensibly exempts transactions between family members and sales to licensed dealers, licensed collectors, licensed manufacturers, and licensed firearms importers. It also exempts law enforcement agencies, law enforcement officers, and active duty members of the US Armed Forces. **Vote 11-9.**

Rep. Daryl Abbas for the **Minority** of Criminal Justice and Public Safety. Federal law already requires background checks on all commercial sales of firearms. It is already illegal to transfer ownership of a firearm to a prohibited person. Despite the confusing and conflicting language inside the bill, this bill would virtually prohibit private commercial sales of firearms including a gift between two individuals.

HB 1625-FN, reducing the penalty for certain first offense drug possession charges. **OUGHT TO PASS.**

Rep. John Bordenet for Criminal Justice and Public Safety. This bill reduces the penalty for first offense of simple possession cases. We know good reason to charge a first time offender with a serious crime. We are hopeful that the first exposure to our court system will be a wake up call to change their behavior. We also eliminate the mandatory minimum sentences for more serious crimes to allow judges discretion. **Vote 14-6.**

HB 1648-FN, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Scott Wallace for Criminal Justice and Public Safety. This bill eliminates the civil penalty for adults 21 and older possessing 3/4 ounce or less of cannabis, and it eliminates the criminal penalty for adults possessing up to six plants, of which three may be mature. The bill would put New Hampshire's laws more nearly into line with the laws in neighboring jurisdictions, which have all legalized cannabis possession and cultivation. The bill maintains current penalties against selling cannabis and driving while impaired, and public consumption would be punishable by a fine. The majority believes that the state should not continue to expend limited law enforcement resources to enforce a prohibition that two thirds of Granite Staters believe should be repealed. **Vote 13-7.**

HB 1654-FN, relative to previous convictions for driving while intoxicated. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daryl Abbas for the **Majority** of Criminal Justice and Public Safety. Under the current law, to convict a person of a subsequent drunk driving charge, the prior conviction must have occurred within 10 years of the subsequent offense. This bill will extend the look-back period for third and fourth offenses to 20 years. Under the current law, it is unlikely that the third and fourth offenses would occur within the initial 10 year look-back period. People convicted of more than 3 offenses have not been rehabilitated and continue to engage in behavior that creates a serious risk to public safety and should not have such leniency under the law. **Vote 11-9.**

Rep. Beth Rodd for the **Minority** of Criminal Justice and Public Safety. NH has effective, comprehensive DUI laws. Increasing a "look back" period from 10 years to 20 years is excessive and unnecessary. For these reasons the minority recommends inexpedient to legislate.

EDUCATION

HB 1336, relative to disclosure of information regarding high school student assessment. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Luneau for the **Majority** of Education. By statute, the Department of Education can use either the SAT or ACT test as the statewide assessment given to students in the eleventh grade. After the state adopted the SAT for this statewide assessment, scores increased, largely, because students took the test seriously. The SAT and ACT tests are taken by more than a million students each year, making these tests strong national benchmarks. These achievement tests are aligned to New Hampshire standards and serve as a college entrance exam. This bill would open the door to using other college readiness tests for statewide assessment and could jeopardize these advantages. The committee heard no evidence why such a change would be advantageous to New Hampshire students. **Vote 11-9.**

Rep. Barbara Shaw for the **Minority** of Education. This bill simply replaces SAT and ACT reference to read "national college readiness assessment" that would include SAT and ACT. This terminology is suggested and allowed in the Every Student Succeeds Act (ESSA) to assure flexibility in determining the best assessment tool to benefit all students.

HB 1369, relative to the acceptance of high school course credits from certain schools or education agencies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Woodcock for the **Majority** of Education. The intent of the bill, to create as many credit options as possible for a transferring student, has merit. However, within the bill, the limitation and practical application of requiring a high school to create an alternative, that will require graduation on schedule, often is impossible due to the lateness of the transfer or non-availability of an equal course or content assessment. **Vote 11-9.**

Rep. Rick Ladd for the **Minority** of Education. In 2014, the New Hampshire Department of Education and local school districts implemented competency-based learning and developed capacity in school districts for the use of performance assessments to assess student mastery of learning at grade levels and for all high school courses. Each high school is required in accordance with Ed 306 to offer 43 courses, and for each course, there must be a locally approved competency assessment. This bill, as presented with amendment to the committee, is based upon local control and with the intent to; (1) facilitate a transferring student's placement in a receiving school without disadvantaging such student by variations in scheduling, sequencing, grading course content, or assessment, that may exist between the sending and receiving schools; (2) facilitate the on-time graduation of a student; and (3) promote flexibility and cooperation between educational system, parents, and student in order to achieve educational success for the student. This bill is modeled from and similar to the Interstate Compact on Educational Opportunity for Military Children, that is already in law, NH Chapter 110-D. The bill states that if a transferring student satisfactorily completes a course leading toward high school credit in another school, including VLACS, the principal may either accept, or deny the course being transferred. If the principal denies the course then the student may request to take the receiving school's in-place competency assessment for the course. A student who receives a passing grade on the competency assessment would then receive graduation credit for the questioned course and then be placed in another elective, or credit course leading toward graduation. If the student does not pass the competency assessment,

then the student would be required to take the course again. This bill, along with amendment 0098h, applies only to course credit earned at a sending school and not course work completed from an alternative program. It includes best practices; it replicates course approval process established in RSA 110-D designed to support military children transitioning between schools; and it certainly serves the best interests of all students. Lastly, it is aligned with Minimum Standards for Public School Approval and competency-based education as implemented in 2014.

HB 1412, requiring secondary schools to grant educational credit for certain courses completed. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Sue Mullen for the **Majority** of Education. This bill requires schools to grant credit for courses and/or programs completed at other approved schools without defining what a “program” might be. It also requires principals to notify the State Board of Education if there is a disagreement about how many credits should be given for a course while neglecting to involve the superintendent or local school board. **Vote 12-8.**

Rep. Glenn Cordelli for the **Minority** of Education. The minority believes that we have statewide standards, but yet we do not require that approved school credits be accepted by other New Hampshire schools. Who loses - the kids yet again.

HB 1454, relative to credit for alternative, extended learning, and work-based programs. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Linda Tanner for the **Majority** of Education. This bill gives the responsibility for granting academic credit for graduation to the local school board. It allows the local school to provide supervision, safety, rubrics for quality, and assessments for alternative, extended learning, and work based learning experiences. **Vote 11-9.**

Rep. Glenn Cordelli for the **Minority** of Education. This bill is simply an attack on the Learn Everywhere Program. Unfortunately, the committee did not show any interest in the actual program rules that include an approval review committee that would be comprised of local educators. Again, it is students participating in large scale programs with valuable education opportunities that will lose.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1434-FN, repealing premium contribution requirements for certain state and judicial retirees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dianne Schuett for the **Majority** of Executive Departments and Administration. The state provides a health benefit to state retirees that is administered by the Department of Administrative Services. When hired as a state employee, there was a clear pact made between employer and employee that if one worked for 25 to 30 years, one would receive fully paid health insurance for you and your spouse. There was also an understanding that one would probably be paid less than in the private sector but the trade off was retirement security. That trust held true until the changes made by the legislature in the 2017 budget “trailer bill” which, for the first time, required some retirees over 65 to pay 10% of the premium cost. The change arbitrarily took effect only for those born after January 1, 1949. This bill will repeal the premium costs for state and judicial retirees over age 65. **Vote 14-5.**

Rep. Carol McGuire for the **Minority** of Executive Departments and Administration. Despite verbal promises made to state employees of “free health care for life,” there was always the caveat that this benefit would be provided “as the legislature may fund it.” In 2009, faced with a massive state deficit, retirees under age 65 were charged to contribute no less than 12.5% of the cost of their health coverage. In 2017, faced with increasing costs and prospective benefit cuts, the under-65 retirees were charged at least 20% of the cost of their full coverage, and Medicare-eligible retirees born after 1949 were charged 10% of the cost of their Medicare supplement plan. So, current retirees now aged 65-70 pay \$32/month for a very rich health coverage plan, which, even after paying for Medicare, is less than the cost to younger retirees. Retirees over age 70 continue to receive coverage without any contribution. Since this bill does not allocate any additional funding for retiree health coverage, cutting the cost for over-65 retirees means either that under-65 retirees will pay more, or that all retirees will receive a skimpier package of benefits.

FINANCE

HB 677-FN-A, relative to discipline of students, addressing students’ behavioral needs, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan Ford for Finance. This bill provides school districts with guidance to develop a discipline plan. Students suspended over a cumulative period of 20 days within a school year will be provided alternative educational services. If a student is suspended more than 10 school days in any school year, upon returning to school, the school district shall develop an intervention plan designed to proactively address the pupil’s problematic behaviors. Currently the Department of Education (DOE) has a federal grant and is working with 12 school districts. In future bienniums, the DOE shall include a request for appropriations, pursuant to RSA 9:4, for an amount sufficient to meet the estimated expenses of working with school districts and

public charter schools seeking to implement MTSS-B. The sum of \$1 for the biennium ending June 30, 2021 is hereby appropriated to the DOE for the purpose of supporting student behavioral health and wellness under RSA 198:63. **Vote 19-1.**

HB 705-FN, (New Title) relative to the rights of victims of crime, increasing the cap on assistance for victims of crime, and establishing a commission to study the needs of crime victims and enforcement of statutes governing crime victims' rights. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Leishman for Finance. As amended by the House, HB 705-FN increases the per claimant maximum recovery for victims of crimes from the Victims' Assistance Fund from \$30,000 to \$40,000. The committee found that over a five-year average, revenues from the penalty assessment funds collected has exceeded claims from the Victims' Assistance Fund. The committee believes that revenues from the penalty assessment funds will be sufficient to cover this \$10,000 increase. Additionally, at the prime sponsor's suggestion, the committee replaced the 21 member commission with a five member legislative committee. The tasks for this new committee will remain the same as those of the earlier proposed commission. **Vote 21-0.**

HB 1224-FN-A-LOCAL, making an appropriation to the lakeshore redevelopment planning commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia Lovejoy for Finance. This bill as amended appropriates \$500,000 to the Lakeshore Redevelopment Planning Commission, restricted for usage as matching funds for grants. The commission is charged with redevelopment of the state-owned facility in Laconia that was the former home of the Laconia State School. **Vote 21-0.**

HB 1234-FN-A, making an appropriation for the purposes of heating state-owned buildings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Hatch for Finance. This bill appropriates funds to heat state owned buildings. HB 1234-FN-A is necessary to correct an oversight that occurred during the budget process. The funds allocated for this purpose were not carried from HB 2 to the final version of the budget in HB 4, and thus must be put back in if we are going to heat the State House Complex buildings. Note, the amended bill also continues to use savings produced with the new system to pay the principal and interest on bonds and notes issued to fund this project. Considering this, and the fact that without passage we would be very cold, the committee voted to recommend Ought to Pass with Amendment. **Vote 21-0.**

SB 7-FN-LOCAL, establishing the secure modern accurate registration act (SMART ACT). **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patricia Lovejoy for the **Majority** of Finance. This bill as amended would implement an automatic voter registration system named the Secure Modern Accurate Registration Technology Act (SMART). At the time a citizen applies for or renews a driver license at the Department of Motor Vehicles (DMV) they would be automatically registered to vote unless the citizen opts out of being registered to vote. The amendment clarifies the duties of the DMV and the Secretary of State's office. The DMV and the Secretary of State's office have updated their fiscal analysis that now have the financial impact in year one: of \$543,00; year two: \$490,000; year three: \$553,000 and year four: \$563,000. This is in line with the expenses that other states have reported for the implementation of automatic voter registration. Currently 21 states and the District of Columbia (including all of the other New England states) have adopted automatic voter registration. The funding for this program would come from Help America Vote Act (HAVA) funds. The dedicated fund for HAVA funds stands at \$11.9 million as of 6/30/19 and with the appropriations in the last budget and the 2019 additional HAVA grant the balance will increase to \$15.1 million. The state has been notified that it will receive an additional \$3,472,912 HAVA grant in 2020 (which will require a \$694,582 match). Assuming the state accepts the grant and meets the required match, the balance in the fund would rise to \$19.2 million. The state average of spending over the last four years to meet the requirements of the HAVA grant has been approximately \$750,000. The cost of implementing and operating the SMART Act over the next four years is under \$2.2 million, well within the capacity of the HAVA Dedicated Fund to finance and meets the purpose of the Help America Vote Act. **Vote 13-7.**

Rep. Lynne Ober for the **Minority** of Finance. The minority believes that this bill should be Inexpedient to Legislate because there are significant issues. Because of the extreme expense of this bill which tries to turn New Hampshire into a motor voter state when we are a same day registration state, an amendment was drafted to require Help America Vote Act (HAVA) funds to fund the entire bill. Although modifications were made the bill still met significant agency resistance. House Finance was told that a non-partisan group had drafted a better bill that would move our state to online registration. The committee was also told that there were significant bills trying to spend HAVA dollars and the agency would need general fund dollars to pay for elections, which has not been done in our state. Although the bill is written that training and promotional brochures can use HAVA funding and DMV will be able to expend those dollars, the agency testified that they do not expect to do training or produce materials and will be expecting that the Secretary of State will develop both of these. While the Secretary of State did agree, he also pointed out

that additional staff, which is not authorized in the bill, would be mandatory. Testimony was also given that it was expected that general fund dollars be appropriated for the support of such staff rather than expecting an on-going use of HAVA funding. Altogether, this bill should probably be turned into a study committee to look at not only the issues raised, but to be able to marry this bill with other bills expending HAVA dollars to ensure that New Hampshire continues to have adequate election funding into the future and that the best and most legal use of federal HAVA dollars is made. Therefore, the minority believes this bill should be found Inexpedient to Legislate.

JUDICIARY

CACR 14, relating to reproductive medical decisions. Providing that the state shall not infringe or unduly inconvenience the right of reproductive medical decisions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul Berch for the **Majority** of Judiciary. The proposed constitutional amendment would place in the New Hampshire constitution a bar on the state infringing or unduly inconveniencing a person's right to make personal medical reproductive decisions. The Judiciary Committee by a bi-partisan majority, has voted to recommend against passage of this CACR. The majority was composed of members with two differing points of view. Some members felt that the matter of personal reproductive decisions should not be in the constitution and, if it were, certain limitations and prohibitions should be included in the language. Other members of the majority were sympathetic to the intention of the CACR, but found the provisions contradictory, confusing and subject to possible unintended consequences. **Vote 18-2.**

Rep. Timothy Horrigan for the **Minority** of Judiciary. This proposed constitutional amendment would not, if passed, change anything in existing New Hampshire law. It does not make anything legal which is currently legal. It does not make anything illegal which is currently legal. No matter what their gender may be, everyone in New Hampshire will still be allowed to follow their conscience when making the most intimate of all personal choices. CACR 14 simply guarantees that New Hampshire's long-standing tradition of respecting bodily autonomy and reproductive choice will in the future be explicitly protected by our state constitution.

CACR 15, relating to regulation of searches and seizures. Providing that certain information in a legally enforceable contract shall be secure from unreasonable searches and seizures. **INEXPEDIENT TO LEGISLATE.** Rep. Jason Janvrin for Judiciary. In 2018 the General Court sent a proposed constitutional amendment to the citizens of New Hampshire which was passed and became Part First, Article 2-b. The article states "An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent." This proposed amendment seems to refine that amendment and as such should appear in statute, not as a further amendment to the constitution. **Vote 19-1.**

HB 1353, relative to the writ of quo warranto. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. With full respect for former Rep. Marple's desire to see citizens' historically common law rights honored today in statute, the committee feels that the need to go through the Attorney General's office to challenge an office holder's authority was insufficient reason to enact the right of "quo warranto" into a new statute. **Vote 17-2.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1181-FN, allowing the New Hampshire public employer labor relations board to award pain and suffering damages. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Soucy for the **Majority** of Labor, Industrial and Rehabilitative Services. The majority of the committee agreed that the legislation would be burdensome to the NH Public Employer Labor Relations Board and appears to be outside of their scope of work. The committee also agreed that the language in the current law can allow the NH Public Employer Labor Relations Board to award other such relief as the board may deem necessary. **Vote 16-3.**

Rep. Dan Toomey for the **Minority** of Labor, Industrial and Rehabilitative Services. Testimony was given that detailed the emotional distress that is experienced by employees that have been subject to retaliation before and after they have been awarded an unfair labor practices award. This bill would empower the Public Employees Labor Relation Board to award damages.

HB 1221, relative to privacy for an employee's personal financial and credit information. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Cahill for the **Majority** of Labor, Industrial and Rehabilitative Services. The majority feels that credit history should not be a barrier to employment which in fact is needed to repay debt and repair their credit. **Vote 11-6.**

Rep. Jack Flanagan for the **Minority** of Labor, Industrial and Rehabilitative Services. This is a bill that was submitted last year and subsequently vetoed by the Governor. It, as the last one, doesn't allow for business that utilize credit card processing or any other financial transactions by small businesses in the state. The bill had exceptions, however, not ones that resolve the minority's concerns.

HB 1290-FN, relative to public employee labor relations and collective bargaining. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Harrison Kanzler for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill seeks to extend the option of mail-in ballots for employee organizations elections to any organization that requests it. This option provides employees an extra level of anonymity where there is a concern about possible intimidation occurring at an on-site election. **Vote 12-7.**

Rep. Hershel Nunez for the **Minority** of Labor, Industrial and Rehabilitative Services. The bill, as amended, allows the employee organization to request any election be replaced by a ballot by mail. This would alter the current process where mail ballots are allowed only when warranted as specified in rules. In a traditional election, the PELRB oversees the process on-site to ensure it is fair and balanced. The minority is concerned that opening up the voting in both time and location would weaken the integrity of the process.

HB 1322, prohibiting university system funds from being spent to oppose the formation of unions and collective bargaining units. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donald Bouchard for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill prohibits the use of public funds to discourage employees from forming a collective bargaining unit. This bill will allow workers to exercise their rights in organizing without worrying about public university funds being used in fighting their efforts to organize a collective bargaining unit. **Vote 11-6.**

Rep. Jonathan Mackie for the **Minority** of Labor, Industrial and Rehabilitative Services. It was stated during the testimony of the sponsor that this bill was being brought in response to the university system hiring a law firm to assist them during the union organizing efforts. It is the opinion of the university that this is an overreaction to that situation and would effectively muzzle the university system during any future unionizing efforts.

HB 1399, relative to the establishment of public employee bargaining units. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Brian Sullivan for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill as amended allows the establishment of a public sector bargaining unit by the collection of board-approved authorization cards from a majority of the members of the bargaining unit. The collection of these cards indicates a desire by the majority of the unit members to be represented. Holding an election in the face of this would be redundant. **Vote 11-8.**

Rep. Jonathan Mackie for the **Minority** of Labor, Industrial and Rehabilitative Services. It is the opinion of the minority that the existing secret ballot process of certifying an employee organization for collective bargaining purposes is fair. This legislation would eliminate the secret ballot. Selection would be by signed authorization cards. Without the privacy of a secret ballot, this process could become one of intimidation rather than free choice.

HB 1554-FN, relative to elections in collective bargaining. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. William Bordy for the **Majority** of Labor, Industrial and Rehabilitative Services. The majority believes that this bill is unnecessary as there is already a mechanism in place for union members to change their union affiliation if they wish. This includes dissolving the union. **Vote 11-6.**

Rep. Hershel Nunez for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority of the committee agreed this bill should be given an opportunity for further work and would suggest Interim Study.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1125, enabling municipalities to adopt an exemption from property taxes for volunteer firefighters and volunteer emergency medical personnel. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bruce Tatro for the **Majority** of Municipal and County Government. This bill is designed to enable municipalities to grant volunteer firefighters and volunteer emergency medical personnel an exemption from property taxes. The committee feels the exemption would not address compensation for work performed especially for personnel who don't own property in the town. Other towns have resolved the compensation to emergency workers. This bill is not necessary. **Vote 17-3.**

Rep. Max Abramson for the **Minority** of Municipal and County Government. The bill would simply have permitted local towns with volunteer firefighters to offer a property tax exemption as an incentive to encourage its firefighters to live in town. This was both to improve public safety and improve the town's ISO Fire Rating, which would also save property owners money on their fire insurance. One comment made by an opponent of

the bill was that such tax exemptions should only be offered to those who've risked their lives for the safety of the public. The minority agrees with that statement, and, for this reasoning, volunteer firefighters should be eligible for some property tax relief, if a town chooses to offer it.

HB 1158, relative to the adoption of bylaws and ordinances by municipalities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Donna Mombourquette for the **Majority** of Municipal and County Government. This bill is intended to require a municipality to cite the enabling statute in all bylaws and ordinances. While the committee finds the value of such information easily available to citizens, the bill in its current form poses significant challenges for municipalities. First, the process is meant to be retroactive, causing a high administrative (and a therefore, financial) burden on the municipality. Second, the inadvertent citation of an incorrect statute is not addressed. This is further complicated with decisions issued by the Supreme Court and not the legislature. Third, the timeline to implementation is unreasonable at 60 days. Finally, the bill constitutes an unfunded mandate. **Vote 17-2.** Rep. Max Abramson for the **Minority** of Municipal and County Government. The bill would simply require that all municipalities adopt best practices and reference their rules with RSA numbers for future reference. Each time the governing body decided to add an outdoor water use ban, parking restrictions, or land use mandate, the enabling statute should be listed so that the elected officials, code enforcement officer, complainant, and person receiving the notice can look up the statute and definitions without having to contact an attorney to fight it. Although the minority appreciates that some towns and cities would have to spend 20-30 man hours to comply with this mandate, this is work that those inhabitants cited as having to do almost every time a citation is issued. More important, when enabling statutes are changed by the General Court, there is no simple way for the elected officials of a town to figure out which of their ordinances might have been affected. There would be no simple way for next year's selectman to figure out how to untangle decades of linguistic linguini left over without dusting off the minutes of old meetings or contacting legal counsel to find out why the courts are starting to throw out their determinations. A few minutes spent copying down an RSA number today could save taxpayers tens of thousands in legal fees years later. Better to do this work once and have it done for good.

HB 1197, exempting disabled veterans from the payment of property taxes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bruce Tatro for the **Majority** of Municipal and County Government. This bill exempts veterans who are totally and permanently disabled from paying property taxes. HB 130, which was passed last year, covers the same subject, effective April 1, 2020. This bill is the same as HB 130. **Vote 17-3.**

Rep. Vincent Paul Migliore for the **Minority** of Municipal and County Government. The minority felt that yet another micro-class of taxpayers should not be given consideration for an assessment/tax break, burdening all the rest of the local property tax payers with 100% of the remaining burden - except in the case of veterans - of any stature - who put their life on the line for all taxpayers in the entire country. Now that is one special class, and any deference or special treatment of it is indeed a wise incentive which will insure to the future benefit of us all to consider at every opportunity to do so.

HB 1210, establishing a property tax exemption for energy storage systems. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Clyde Carson for the **Majority** of Municipal and County Government. This bill establishes a mandatory tax exemption for energy storage system. In the last session HB 464 defined energy storage systems (RSA 72:84) and enabled municipalities to provide a tax exemption for those systems (RSA 72:75), similar to the existing exemptions for solar energy systems and wind energy systems, also part of RSA 72. The majority of the committee found this bill to be redundant to that legislation. **Vote 19-1.**

Rep. Max Abramson for the **Minority** of Municipal and County Government. The bill simply recognizes that batteries and other portable energy storage systems are appliances and should not be subject to property taxation. There is already case law showing that such objects are not part of the structure of a property and cannot be subject to property taxes. Previous legislation making this a local option gives small towns a false sense of security that they may prevail in court, which is unlikely.

HB 1276, relative to ex-officio members of budget committees and planning boards. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laurel Stavis for the **Majority** of Municipal and County Government. The purpose of having ex officio members on governing boards of all kinds is to add context to the expertise of existing board members. If a member from another board, i.e. an ex officio member, is included in a budget or any other committee, removing their ability to vote would deprive the municipal board of their expertise while also stripping them of their regular board status since all members under the law are entitled to vote. **Vote 10-8.**

Rep. Tony Lekas for the **Minority** of Municipal and County Government. Members of budget committees are elected by the people to protect their interests as taxpayers and to act as a check on the governing body of the municipality and schools. While the information and views contributed by ex officio members of those governing bodies that are appointed to budget committees are valuable to the budget committee, only the

members of the budget committee who were elected to that position should vote. In addition, the votes for and against warrant articles made by the budget committee are listed on the warrant presented to the voters. Limiting those vote totals to those made by people elected to the budget committee will make it clear to the voters the views of the people they elected to that position.

HB 1277-FN-LOCAL, requiring notice to owners of dogs that have failed to license their dog or renew their dog license. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Julie Gilman for the **Majority** of Municipal and County Government. This bill intends to provide dog owners with advanced notice of fines for their late registration renewal. This method already exists in current law among other solutions. It also passes an unfunded mandate on town clerks. **Vote 17-1.**

Rep. Max Abramson for the **Minority** of Municipal and County Government. The minority felt that notifying dog owners before issuing a warrant to take the dog would save taxpayers money and prevent unnecessary interactions or taking of dogs while home owners were away. Dogs are like family members, and having them taken unnecessarily can cause unnecessary trauma to young children and animals alike. One last notice should reduce the number of warrants issued, police or animal control officer visits, and money expended. While some dog owners forget or do not know that they must renew their dog license, others have moved with the family. This bill would also increase the chances that dogs are brought up to date on rabies vaccination, which dog licensing is meant to accomplish.

HB 1372, relative to the election of Carroll county commissioners. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie Porter for the **Majority** of Municipal and County Government. This bill makes a change in the way Carroll County commissioners are elected. Carroll County is divided into three districts, each with its own county commissioner, who is charged with representing the citizens within the district. However, under the current election system, voters within the district do not choose their own commissioner. Instead, voters from the entire county vote for all three commissioners. This bill changes the system, so that only voters living within the district choose the commissioner who represents them. This change brings Carroll County into alignment with eight of the other nine counties within the state. **Vote 10-8.**

Rep. John MacDonald for the **Minority** of Municipal and County Government. This bill would change a well established and reasonable procedure for the election of Carroll County commissioners. The current law provides for three districts, equally spread across Carroll County. Each has candidates for county commissioner that must live in their respected district. The entire county then votes for the candidates in each district. The minority can not support a bill that does not consider the best interests of all the residents of Carroll County.

HB 1546, relative to meeting minutes of county delegations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Clyde Carson for the **Majority** of Municipal and County Government. This bill was brought forward by members of the Sullivan County delegation and would exempt counties from producing meeting minutes where the meeting was for the sole purpose of approving the minutes of the prior meeting. The majority of the committee does not agree and believes it is in the interest of the public to record who was at the meeting and the vote, even if the purpose of the meeting is just to approve minutes. **Vote 12-7.**

Rep. Tom Dolan for the **Minority** of Municipal and County Government. This bill would help with reducing the cost of convening meetings to solely approve minutes. It would have allowed no minutes required when such a meeting was convened.

HB 1629-FN, relative to training and procedures for zoning and planning boards. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie Porter for the **Majority** of Municipal and County Government. This bill, along with its companion bill HB 1632, serves to encourage the development of affordable housing within the state. In amending the bill, the committee worked closely with all major stakeholders to make its provisions enabling rather than mandatory, and to maintain and enhance local control of development. It provides for free training materials of planning boards and zoning boards of appeals. It streamlines the appeals process, clarifies what can be included in inclusionary zoning ordinances, and modifies the criteria for workforce housing. **Vote 16-2.**

Rep. Max Abramson for the **Minority** of Municipal and County Government. We received many emails in opposition to this bill from constituents concerned about the loss of local control and an increasingly heavy handed approach by the state in dictating local land use policy. This bill, as amended, would add more requirements for planning boards, require more meetings to understand the impact of the new rules, and involves the office of strategic initiatives to move more reports between towns and the state. The worst problem with the bill is that communities that have already made provisions for affordable senior housing would lose this if they didn't also add "workforce housing."

SCIENCE, TECHNOLOGY AND ENERGY

HB 1218-FN, relative to net energy metering and 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, as amended, is a comprehensive compromise on clean energy legislation that would bring New Hampshire's energy economy into the 21st century. The broad framework of the bill is a bipartisan proposal, to increase the size limit on net-metered generating projects from 1 MW to 5 MW, which in March 2019 (as HB 365) won the support of a majority of the House. Within that bipartisan framework the committee has now added, in their entirety, two of three clean energy bills (HB 1402 and HB 1262) embraced by the Governor on January 7 of this year, which he noted "would expand access to net metering, open new opportunities for clean energy development, and allow towns to better control their electric bills." The third bill (HB 1481), which was not approved by the committee, would have involved the legislature in rate setting, which should be more properly left to the Public Utilities Commission (PUC), by cutting in half the net-metering rate for "large customer-generators" (the default energy service rate) set by the PUC in DE 16-576 on the basis of settlement agreements supported by all utility companies participating in the docket, as well as clean energy advocates. But the committee bill goes even farther toward compromise. In section 7, it includes important safeguards suggested in HB 1481, namely, that the PUC must (1) continuously monitor the effect on retail rates of an increase in the size limit for large customer-generators, in order to prevent cost-shifting or any other adverse effect on retail rates; (2) report annually to the legislature as to whether it finds evidence of cost increases or cost-shifting resulting from increased penetration levels of "distributed energy resources" or any other factors deemed relevant by the PUC; and (3) promptly initiate new proceedings to adjust the net-metering rate if it finds any significant evidence of such cost increases or cost-shifting. In short, this bill offers not just municipalities but also New Hampshire businesses the opportunity to use their own home-grown renewable power to lower energy costs by using zero-cost fuel and avoiding unnecessary transmission charges, while protecting our environment by promoting a shift to small-scale, clean distributed energy resources. **Vote 12-8.**

Rep. Michael Vose for the **Minority** of Science, Technology and Energy. As filed, this bill included provisions duplicating the contents of SB 159 passed in January of 2020 and subsequently vetoed by the Governor. As with many earlier net-metering bills, it seeks to raise the current ceiling on payments made to customers who create surplus electricity and want to export it to the grid. Statute currently sets this limit at 1 megawatt and the bill would raise it to 5 megawatts. The bill further seeks to set the payment, actually a credit, for this power to the same price that a utility announces it will charge for default electric service to customers who do not want to buy power from a third-party supplier. The amendment adopted by the committee adds several new components, some of which were copied from other bills that were filed with support from the Governor's Office of Strategic Initiatives (OSI). The minority supports standalone versions of the bills that attracted the interest and support of the Governor as a path forward to a sensible clean energy policy. While the aforementioned additions do make some modest reforms to the original bill, they do not address the major problem with this bill and all the net metering legislation offered over the past few sessions, namely, setting the price for net metering credits too high. Numerous rationales have been offered to justify this price (the so-called default service rate), but the actual value of the electricity that a net-metered customer puts back on the grid cannot be worth more than the power that comes from any other generator. Think of it this way - the raw cut of meat that a skilled chef transforms into a scrumptious repast delivered to your table cannot have the same value as the chef's masterly creation. The same can be said of the reliable and dependable power that awaits the flick of a switch at your home. That finished product is worth more than the raw electricity from which it was derived because the power requires conditioning and the supplier incurs risks in making sure it is always available. One of the bills supported by the Governor's OSI set the price for net-metered electricity to a price more in line with its actual worth. Net metering engenders a great deal of interest from municipal officials. They find, as agreed by one town manager that testified on this bill, that taxpayers "want solar energy, but don't want to pay for it." Net metering at a rate such as the one provided by this bill offers a way to entice taxpayers to agree to the costs of such systems. But doing so transfers local taxpayer liability to utility ratepayers who end up paying the difference between the cost of a finished product and its raw electricity component.

HB 1480, relative to the use of system benefits charges. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Mann for the **Majority** of Science, Technology and Energy. The future of energy will feature a mix of generation to meet demand and energy efficiency to lower demand. Under long standing authority delegated to the Public Utilities Commission (PUC) by the General Court, the PUC has for more than a century set utility rates without need for specific legislative action to approve the rates, which would in fact be totally impracticable. Although the System Benefits Charge (SBC) is not a typical rate, it is a small part of the electric charges that the PUC has decided, within its general requirement that rates be "just and reasonable," since

the General Court mandated the restructuring of the electric utility industry in 1996. The majority believes that this task should continue to be left to the PUC. This bill, by demanding prior legislative approval of future increases in the SBC, would hinder the PUC's efforts to advance energy efficiency in NH. **Vote 11-8.** Rep. Michael Vose for the **Minority** of Science, Technology and Energy. In 2018, the Governor signed into law a requirement that the legislature, as stipulated by the State Constitution, must approve any changes to a de-facto tax known as the Systems Benefits Charge (SBC). This state-mandated charge on electric bills raised \$80 million in 2019 for energy efficiency and to help low-income residents afford heat and power. A projection for 2020 foresees a substantial increase to \$90 million with additional increases forecast in 2021 and 2022. Such charges currently add \$3-\$5 to every electric bill, and future increases would raise the energy costs of municipal and county governments. In 2019, a state budget compromise stalled the legislature's oversight authority over the SBC with an amendment to the budget trailer bill. This bill would restore that legislative authority and protect the SBC from any potential constitutional challenge.

TRANSPORTATION

HB 1408, relative to license plate covers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven Smith for Transportation. This bill allows clear protective covers to be installed over license plates. This does not impact the current rule that license plates may not be hidden or obscured. The committee amendment clarifies the original language by stating simply that you may not install a cover that is "colored, smoked, or tinted." **Vote 13-6.**

HB 1427, removing the authorization for OHRV use on certain sections of state highway. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Gagne for Transportation. This bill would remove the authorization for Off-Highway Recreational Vehicle use for certain sections of state highways. The concerns contained in this bill, and other similar bills, will be better addressed in HB 1182, and will address the concerns of all stake holders. HB 1182 establishes a commission addressing all the issues relating to road usage by non-traditional motor vehicles. Therefore, the majority of the committee, on a bipartisan vote, deemed this bill should be found Inexpedient to Legislate. **Vote 16-3.**

HB 1621-FN, relative to the use of protective head gear while operating motorcycles and motorized bicycles. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Nicole Klein-Knight for the **Majority** of Transportation. This bill would require all motorcyclists wear protective headgear. Current law is adequate as the rider may choose. Although the committee believes wearing a helmet promotes safety, it does not believe that helmet usage should be mandatory. **Vote 16-4.**

Rep. Casey Conley for the **Minority** of Transportation. Helmets save lives. Motorcycle helmets are mandatory in more than a dozen states. Mandatory helmets are supported by a myriad medical and safety organizations. Helmets also can reduce medical costs in serious accidents that all of us pay through taxes and insurance premiums.

WAYS AND MEANS

HB 1652-FN-A, including ski area ticket sales under the meals and rooms tax and dedicating the revenue to the governor's scholarship program for New Hampshire resident students. **INEXPEDIENT TO LEGISLATE.**

Rep. Jerry Stringham for Ways and Means. This bill calls for expanding the meals and rooms tax to include ski tickets. The supporters are looking for a revenue source for higher education scholarships, a laudable goal. A new tax that would suppress visitors would not be good for northern New Hampshire or the granite state as a whole. This tax would be viewed as a sales tax on skiing and the state's no sales tax reputation helps promote our tourism, which leads to meals and rooms tax revenues, as well as liquor, tobacco, and lottery revenues. Tourists have a choice of where to spend their vacation dollars and we welcome them in NH. While sympathetic to the goals of the bill, the committee recommended the bill Inexpedient to Legislate. **Vote 20-0.**

HB 1699-FN-A, relative to a tax on electronic cigarettes. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Ames for the **Majority** of Ways and Means. This bill proposes to tax electronic cigarettes at a unitary rate of 40% on the wholesale price of nicotine-based e-liquid, replacing the bifurcated rates enacted as part of last year's budget bill of 8% of e-liquid wholesale price for open systems and 30 cents per milliliter of e-liquid for closed systems. Devices used for vaping e-liquids will not be taxed under this proposal unless sold as part of a package containing both a device and e-liquid. Any e-liquid that is approved by the Food and Drug Administration (FDA) for smoking cessation purposes is exempt from the current tax and will be exempt from the proposed 40% tax, but there has been no such FDA approval to date. This bill responds to several major vaping developments that came after the time in June 2019 when budget conferees negotiated the bifurcated open system/ closed system tax rates that were eventually enacted. First, in November 2019, Massachusetts enacted a 75% of wholesale price vaping tax (the tax reaches both e-liquids and e-devices

regardless of their packaging; Massachusetts' retail sales tax also applies to these products). Second, in July 2019, Maine adopted a 43% of wholesale price vaping tax (this, too, reaches vaping liquids and devices regardless of packaging and these products, too, are also subject to Maine's retail sales tax). Third, in January 2020, the Centers for Disease Control and Prevention (CDC) reported 2600 vaping-related hospitalizations and 57 deaths country-wide in the second half of 2019. And fourth, there have been multiple reports in recent months of student vaping levels in NH higher than anywhere else in the country. In sum, we now know that this bill's proposed 40% rate on e-liquids will be lower than the rates in all of our surrounding states (Vermont went to 92% early in 2019). The nicotine delivered by electronic cigarettes is a toxic addictive chemical derived from the tobacco plant. We know it is addictive. But we don't yet fully understand the extent of the damage to vital human organs, particularly the lungs and heart, that may be caused by its inhalation through the vaping process. We don't yet know its effect on the human brain, particularly its effect on the still developing brain of a young person. Reflecting a belief that the damage done is significant and potentially irreversible, the federal government has recently acted to prohibit sale of this product to young people under the age of 21. NH currently taxes all tobacco products other than cigarettes and electronic cigarettes at the rate of 65.03% of the wholesale price. Given the risk of harm, there is a solid argument to be made that electronic cigarettes should also be taxed at this "other tobacco products" rate of 65.03%. But, in deference to the long-standing tradition in New Hampshire of staying slightly below the lowest tax rates in our neighboring states and in recognition of the belief held by many that vaping can have a significant smoking cessation effect, the committee majority agreed that this bill's proposed 40% rate represents a reasonable compromise. **Vote 12-8.**

Rep. Patrick Abrami for the **Minority** of Ways and Means. The minority of the committee feels that the vape taxes passed in the recent budget that went in effect on January 1, 2020 need at least a year to settle in before we consider increasing them. In addition, there are numerous vaping bills making their way through the legislature this session. It is unclear what the final statutes will be concerning the state's public policy stance concerning vaping. The minority feels that any change in our taxing policy should support any revised position of the legislature on this issue. The final concern is that this bill increases the tax on both closed systems and open systems. The open systems are for the most part what are sold at our vape shops. Increasing the tax on open systems from 8% to 40% would place great financial strain on our vape shops, since they testified they would not be able to pass this tax on to their customers. The vape shops feel if they increase their overall pricing, that their customers would be lost to the internet where these products would be less expensive. This phenomenon is what has led the legislature not to tax premium cigars to protect our smoke shops from losing their business to the internet.

COMMITTEE MEETINGS

FRIDAY, FEBRUARY 14

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

9:30 a.m. Subcommittee work session on **HB 1151**, relative to the determination of homeowners insurance rates; **HB 1209**, requiring fidelity insurance coverage for condominium board members, managers, and employees; **HB 1287-FN**, relative to the duration of antibiotic therapy for tick-borne illness; **HB 1340**, relative to rebates under the law governing unfair insurance practices; **HB 1440**, relative to membership on the board of psychologists and the board of licensing for alcohol and other drug use professionals, and relative to insurance credentialing of out-of-state applicants for licensure as alcohol and drug counselors; **HB 1464-FN**, relative to insurance coverage for yoga therapy as an alternative or substitute for opioids; **HB 1476-FN**, prohibiting motor vehicle dealers from requiring the purchase of automobile insurance from the dealer as part of the sales contract.

1:00 p.m. Subcommittee work session on **HB 1302**, relative to the authority of limited liability company members or managers to execute real property transactions; **HB 1417**, prohibiting the use or collection of biometric data; **HB 1419**, relative to New Hampshire banks offering small dollar loans and credit building products; **HB 1446**, establishing a committee to study the labeling of products containing PFAS; **HB 1470**, permitting elementary, middle, and high schools to produce and sell certain amounts of maple syrup for educational purposes; **HB 1471**, prohibiting banks from re-ordering transactions to increase overdraft fees; **HB 1472**, restricting the distribution of plastic straws.

COMMISSION TO STUDY THE ENVIRONMENTAL AND HEALTH EFFECTS OF EVOLVING 5G TECHNOLOGY (RSA 12-K:12), Room 202, LOB

8:30 a.m. Regular meeting.

COMMISSION TO STUDY THE INCIDENCE OF POST-TRAUMATIC STRESS DISORDER IN FIRST RESPONDERS (RSA 281-A:17-b, Chapter 251:3, Laws of 2019), Room 304, LOB

10:00 a.m. Regular meeting.

COMMISSION TO STUDY TEACHER PREPARATION AND EDUCATION PROGRAMS (RSA 190:8), Room 207, LOB

8:30 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

10:30 a.m. Audits:

State of New Hampshire New Hampshire Commission For Human Rights

Financial Audit Report for the nine months ended March 31, 2019

The Unique College Investing Plan Annual Report September 30, 2019

The Fidelity Advisor 529 Plan Annual Report September 30, 2016

STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, D), Room 104, LOB

9:30 a.m. Regular meeting.

TUESDAY, FEBRUARY 18

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. **HB 1138**, establishing a commission to expand the rights of minors to legal representation.

10:45 a.m. **HB 1250**, prohibiting corporal punishment of children in state agency programs.

1:00 p.m. **HB 1203**, expanding the definition of a neglected child to include cases involving sibling violence.

1:30 p.m. **HB 1516**, raising the minimum age for marriage.

2:00 p.m. **HB 1597-FN**, relative to dispositional hearings under RSA 169-B.

Pursuant to House Rule 43(b), executive session may be held at the conclusion of committee hearings.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

9:30 a.m. Subcommittee work session on **HB 1484**, relative to retroactive denials of previously paid claims; **HB 1633-FN**, relative to insurance coverage for tick-borne illness; **HB 1697-FN**, relative to prescription drug discount prohibition; **HB 1455-FN**, relative to vehicle repairs; **HB 1280-FN**, relative to copayments for insulin.

1:00 p.m. Executive session on **HB 1109**, requiring disclosure by motor vehicle manufacturers of proprietary repair information; **HB 1179**, relative to contract powers of condominium unit owners' associations; **HB 1215**, relative to the installation of solar energy systems in condominiums and homeowner associations; **HB 1320**, establishing a renter's insurance notification requirement; **HB 1437**, relative to the qualifications of the banking department commissioner and deputy commissioner, relative to consumer complaints, and relative to applications for money transmitters; **HB 1151**, relative to the determination of homeowners insurance rates; **HB 1209**, requiring fidelity insurance coverage for condominium board members, managers, and employees; **HB 1287-FN**, relative to the duration of antibiotic therapy for tick-borne illness; **HB 1340**, relative to rebates under the law governing unfair insurance practices; **HB 1440**, relative to membership on the board of psychologists and the board of licensing for alcohol and other drug use professionals, and relative to insurance credentialing of out-of-state applicants for licensure as alcohol and drug counselors; **HB 1464-FN**, relative to insurance coverage for yoga therapy as an alternative or substitute for opioids; **HB 1476-FN**, prohibiting motor vehicle dealers from requiring the purchase of automobile insurance from the dealer as part of the sales contract.

4:30 p.m. Executive session on **HB 1578-FN**, requiring Internet service providers to reimburse customers for interruptions in service; **HB 1589-FN**, requiring businesses in the state to take cash for monetary transactions.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **HB 1514**, relative to the presence of a fire department at a class B fireworks display.

10:30 a.m. **HB 1263**, relative to victims compensation fund eligibility.

11:00 a.m. **HB 1272**, prohibiting prison privatization.

1:00 p.m. **HB 1468**, relative to criminal mischief.

1:30 p.m. **HB 1269**, relative to posthumous exonerations and annulments.

EDUCATION, Room 207, LOB

9:00 a.m. Subcommittee work session on **HB 1582-FN**, providing free tuition at colleges and universities for children of veterans who are totally and permanently disabled.

10:00 a.m. Continued executive session on **HB 1321**, establishing a committee to study the reporting criteria of chartered public schools. Immediately following, executive session on **HB 1682-FN-L**,

requiring schools to maintain food allergy plans to address food allergy safety and training; **HB 1686-FN-L**, relative to the Medicaid to schools program; **HB 1687-FN**, relative to the installation of video surveillance cameras in special education school buses; **HB 1328**, relative to a change of school or assignment due to manifest educational hardship; **HB 1282**, relative to changing a pupil's school or assignment because of a manifest educational hardship; **HB 1501**, establishing a commission to study financial literacy in New Hampshire and to make recommendations for a multi-generational approach to financial education; **HB 1127**, relative to school lunch payment policies; **HB 1361**, relative to the pledge of allegiance or other patriotic ceremonies; **HB 1362**, relative to courses in New Hampshire's cultural heritage and ethnic history.

ELECTION LAW, Room 308, LOB

- 9:30 a.m. Subcommittee work session on **HB 1534**, establishing a commission to study the creation of online voter registration for the 2022 state elections.
- 10:00 a.m. Subcommittee work session on **HB 1665-FN-A**, establishing an independent redistricting commission.
- 11:00 a.m. Subcommittee work session on **HB 1415**, establishing a committee to study the Montana disclosure act and anonymous out-of-state contributions preceding an election; **HB 1525**, relative to the definition of political advocacy organization; **HB 1191**, relative to the use of campaign contributions for personal use expenditures.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 9:00 a.m. Subcommittee work session on **HB 1448**, relative to animal health certificates and requiring dogs imported into the state for transfer to be tested for *Brucella canis*.
- 10:00 a.m. **HB 1562**, including soil health and soil conservation in the state soil conservation plan.
- 11:00 a.m. **HB 1418**, authorizing funds of the department of agriculture to be used for increasing farm energy efficiency.
- 1:00 p.m. **HB 1570-FN**, establishing an architectural paint program.
- 2:00 p.m. **HB 1658-FN**, establishing a registration program for growers and producers of hemp and hemp products.
- 3:00 p.m. **HB 1702**, establishing a solid waste working group on solid waste management planning.
- 3:30 p.m. **HB 1704**, relative to compost.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. **HB 1121**, proclaiming October 9 as PANDAS/PANS Awareness Day.
- 10:30 a.m. **HB 1242**, establishing every 4th Thursday in August as Jamaican Appreciation Day.
- 11:00 a.m. **HB 1228**, proclaiming Climate Change Awareness Day on October 1.
- 1:00 p.m. **HB 1382**, establishing April 8, 2024 as Solar Eclipse Day.
- 2:30 p.m. Or at the conclusion of public hearings, subcommittee work session on **HB 1407**, relative to adopting rules relative to departmental forms.

FISH AND GAME AND MARINE RESOURCES, Room 307, LOB

- 10:00 a.m. **HB 1220**, relative to disabled veterans fishing and hunting licenses.
- 11:00 a.m. **HB 1566-FN**, relative to fishing licenses for senior veterans.

Rooms 305-307, LOB

- 2:00 p.m. **HB 1504**, establishing a committee to study prohibiting recreational trapping.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 209, LOB

- 10:00 a.m. Subcommittee work session on **HB 1424**, allowing therapeutic dispensaries to sell products containing CBD oil produced outside of the dispensary.

Room 205, LOB

- 10:00 a.m. Subcommittee work session on **HB 1456-FN**, relative to a PFAs testing program for pregnant women; **HB 1538**, creating a commission to develop and implement environmental education, outreach, and training programs and initiatives for qualified health care professionals relative to environmental toxins and health; **HB 1577-FN**, relative to initiating amendments and corrections to birth records; **HB 1610-FN**, establishing the manufacturer pharmaceutical drug take-back program; **HB 1628-FN**, increasing the age for vaping; **HB 1655-FN**, expanding the New Hampshire vaccine association to include adult vaccines.
- 1:00 p.m. Continued executive session on **HB 1150**, permitting qualified patients visiting from out-of-state to access New Hampshire therapeutic cannabis dispensaries; **HB 1265**, relative to the requirement of qualifying medical condition for prescriptions for therapeutic cannabis; **HB 1356**, repealing the therapeutic use of cannabis advisory council; **HB 1424**, allowing therapeutic dispensaries to sell products containing CBD oil produced outside of the dispensary; **HB 1591-FN**, relative to cannabis use during pregnancy; **HB 1331**, relative to organ donation on

a driver's license. Immediately following, executive session on **HB 1619-FN**, relative to organ transplants; **HB 1521-FN**, adding a peer support specialist to the board of mental health practice; **HB 1548**, establishing a secure psychiatric unit facility advisory council; **HB 1623-FN**, relative to telemedicine and substance use disorder; **HB 1705-FN**, relative to adverse childhood experiences and the family support clearinghouse; **HB 1275-FN**, relative to laboratory testing; **HB 1520**, establishing the New Hampshire health policy commission; **HB 1616-FN**, relative to the age for minor's visits to mental health practitioners.

JUDICIARY, Room 208, LOB

- 10:00 a.m. Subcommittee work session on **HB 1312**, relative to persons held in civil contempt.
- 1:00 p.m. Executive session on **HB 1120**, requiring periodic water tests of rental property; **HB 1169**, relative to requiring a roll call vote when one member of a public body participates electronically; **HB 1170**, adding a definition of "reasonably described" to the right-to-know law; **HB 1178**, relative to safety requirements for pools on foreclosed residential property; **HB 1202-L**, relative to matters discussed in nonpublic session under the right-to-know law; **HB 1207**, requiring landlords to notify prospective tenants of the use of pesticides or other toxins in the premises; **HB 1212**, relative to the effect of homicide on distribution at death; **HB 1247**, relative to notice of rent increases in certain residential rental property; **HB 1461**, relative to the penalty for carnival or amusement ride operators; **HB 1511**, relative to actions against tenants; **HB 1539**, relative to the relocation of children with elevated lead levels; **HB 1559**, relative to sealing records in nonpublic session under the right-to-know law.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 9:30 a.m. **HB 1309**, relative to the effect of warrant articles.
- 10:00 a.m. **HB 1105-L**, relative to warrant articles in official ballot town, school district, or village district meetings.
- 10:30 a.m. **HB 1173-L**, relative to the use of an official ballot in towns.
- 11:00 a.m. **HB 1115**, relative to the discharge of a firearm in the compact part of a city or town.
- 1:30 p.m. Executive session on **HB 1104**, relative to the acquisition, sale, or demolition of municipal land or buildings; **HB 1111**, relative to the removal and replacement of telephone and electric poles; **HB 1119**, relative to banking by municipal and county treasurers; **HB 1129**, relative to notice requirements for certain municipal public hearings; **HB 1147**, prohibiting municipalities from requiring a license for a lemonade stand operated by a person under the age of 18; **HB 1311**, relative to the semi-annual or quarterly collection of taxes in certain municipalities; **HB 1421-L**, relative to the application of the equalization rate to be used for the calculation of a property tax abatement by the New Hampshire board of tax and land appeals, the superior court, and all cities, towns, and counties; **HB 1467-L**, relative to the taxation of commercial and residential property; **HB 1490**, establishing a committee to study the taxation of property owners on private roads; **HB 1533-L**, limiting the increase in property taxes for certain persons

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. Full committee work session on **HB 2020**, relative to the 10-year transportation improvement plan.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. Executive session on **HB 1126**, relative to removal of trees from state property; **HB 1414**, relative to notification to abutters of an intent to cut timber; **HB 1526**, relative to the division of ports and harbors mooring wait list; **HB 1532**, establishing a commission to review and propose initiatives to implement the recommendations of the 2020 forest resources plan.
- 11:30 a.m. Full committee work session **HB 1380**, relative to the operation of personal water craft around the marshlands or flats of the Rye estuary and the New Castle back channel.

RULES, Room 212, LOB

- 12:30 p.m. Rules meeting.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. **HB 1116**, relative to the definition of "eligible facility" as it pertains to renewable generation to provide fuel diversity.
- 11:00 a.m. Executive session on **HB 1225**, allowing increased net energy metering limits for municipal hydroelectric facilities; **HB 1262**, relative to the purchase of output of limited electrical energy producers.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. **HB 1547**, eliminating fees for walking disability placards.
- 10:30 a.m. **HB 1617-FN**, clarifying the prohibition against the use of mobile electronic devices while driving.
- 11:00 a.m. **HB 1137**, relative to the definition of "excessive speeding."

- 11:30 a.m. **HB 1152**, relative to driving to the left of an unbroken painted line.
- 1:00 p.m. **HB 1153**, relative to limited driving privilege after operating under the influence revocation or suspension.
- 1:30 p.m. **HB 1216**, relative to the impaired driver education program.
- 2:00 p.m. **HB 1502**, relative to equipment required for vehicle inspections.

WAYS AND MEANS, Room 202, LOB

- 10:00 a.m. Full committee work session on **HB 1646-FN**, relative to historic racing.
- 1:00 p.m. Full committee work session on **CACR 17**, relating to taxation. Providing that a new state broad-based tax may be enacted only to reduce property taxes; **HB 501-FN**, using fees from registration of commercial animal food sellers to fund the cost of care program in the department of agriculture, markets, and food; **HB 1132**, establishing a committee to study the establishment of a multi-state agreement to phase out corporate giveaways; **HB 1200**, relative to the tax expenditure report; **HB 1477-FN**, relative to the rate of the tobacco tax for cigarettes; **HB 1567-FN-A**, relative to worldwide combined reporting for unitary businesses under the business profits tax; **HB 1646-FN**, relative to historic racing.

THURSDAY, FEBRUARY 20

COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T), New Hampshire Hospital Association, 125 Airport Road, Concord

- 2:00 p.m. Regular meeting.

PUBLIC-PRIVATE PARTNERSHIP TRANSPORTATION INFRASTRUCTURE OVERSIGHT COMMISSION (RSA 228:107), Portsmouth City Hall, 1 Junkins Avenue, Conference Room A, Portsmouth

- 6:00 p.m. Public hearing.
- 6:30 p.m. Public hearing on Draft RFP for Transit Facilities Project(s).

FRIDAY, FEBRUARY 21

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

- 9:00 a.m. Regular meeting.

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 9:00 a.m. Continued public hearing on **HB 1680-FN**, relative to the collection of personal information by businesses.
- 9:30 a.m. Continued public hearing on **HB 1274**, relative to the labeling of bottled water.

COMMISSION ON PRETRIAL DETENTION, PRETRIAL SCHEDULING, AND PRETRIAL SERVICES (RSA 597:43), Room 206, LOB

- 10:00 a.m. Regular meeting.

COMMISSION TO STUDY CAREER PATHWAYS FROM FULL-TIME SERVICE YEAR PROGRAMS TO POSTSECONDARY EDUCATION AND EMPLOYMENT OPPORTUNITIES IN SUPPORT OF NEW HAMPSHIRE'S FUTURE WORKFORCE NEEDS (RSA 187-A:44), Room 303, LOB

- 1:00 p.m. Regular meeting.

COMMISSION TO STUDY GRANDFAMILIES IN NEW HAMPSHIRE (RSA 170-G:17-a), Rooms 305-307, LOB

- 10:00 a.m. Regular meeting.

COMMISSION TO STUDY SCHOOL FUNDING (RSA 193-E:2-e), Rooms 210-211, LOB

- 2:00 p.m. Regular meeting.

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

- 10:00 a.m. Regular meeting.

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

- 9:00 a.m. Regular meeting.

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

- 1:00 p.m. Regular meeting.

SHORELAND SEPTIC SYSTEM STUDY COMMISSION (RSA 485-A:44-a), Room 304, LOB

- 9:00 a.m. Regular meeting.

SUNDAY, FEBRUARY 23

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, FEBRUARY 24

COMMISSION ON NEW HAMPSHIRE BEER, WINE, AND LIQUOR TOURISM (RSA 425:2-b), Flag Hill Winery, 297 North River Road, Lee

1:00 p.m. Regular meeting.

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

1:30 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.

THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD (RSA 170-G:6-a), Room 205, LOB

2:00 p.m. Regular meeting.

TUESDAY, FEBRUARY 25

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 1211**, relative to a capital reserve fund in towns under the control of the budget committee.

10:30 a.m. **HB 1352**, relative to municipal budget meetings.

11:00 a.m. **HB 1451**, relative to the definition of contracts relative to official ballot default budgets.

11:30 a.m. **HB 1460**, relative to the form of municipal budgets.

WEDNESDAY, FEBRUARY 26

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 206, LOB

10:30 a.m. Executive session on **HR 12**, urging Congress to declare per-fluoroalkyl and polyfluoroalkyl substances (PFAS) a superfund chemical and provide sufficient programming and funding for education, treatment, and remediation of the effects of PFAS; **HR 10**, urging the return of armed service members from the Middle East; **HCR 9**, rescinding all requests by the New Hampshire legislature for a federal constitutional convention; **HB 1493**, establishing a committee to study the effects of deportation of primary earners on United States citizen family members; **HB 1330**, proclaiming an annual observance of a day commemorating caregivers of wounded veterans.

FRIDAY, FEBRUARY 28

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

12:00 p.m. Subcommittee meeting - Equalization.

1:00 p.m. Regular meeting.

COMMISSION ON DRINKING WATER (RSA 485-F:6), Department of Environmental Services, 222 International Drive, #175, Portsmouth

2:00 p.m. Regular meeting.

MONDAY, MARCH 2

COMMISSION ON MENTAL HEALTH EDUCATION PROGRAMS AND BEHAVIORAL HEALTH AND WELLNESS PROGRAMS (RSA 193-E:6), Room 207, LOB

8:30 a.m. Regular meeting.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS - Division I, Room 104, LOB

10:00 a.m. Subcommittee work session on **HB 1150**, permitting qualified patients visiting from out-of-state to access New Hampshire therapeutic cannabis dispensaries; **HB 1265**, relative to the requirement of qualifying medical condition for prescriptions for therapeutic cannabis; **HB 1356**, repealing the therapeutic use of cannabis advisory council; **HB 1424**, allowing therapeutic dispensaries to sell products containing CBD oil produced outside of the dispensary; **HB 1591-FN**, relative to cannabis use during pregnancy.

COMMISSION TO STUDY WAKE BOATS (RSA 270:133), Room 305, LOB

10:00 a.m. Regular meeting.

LEGISLATIVE ADMINISTRATION, Room 303, LOB

10:00 a.m. **HB 1245**, establishing a legislative committee to review non-regulatory boards, commissions, councils, advisory committees, and task forces.

10:15 a.m. **HB 1694**, relative to recusal by members of the general court for conflicts of interest.

1:00 p.m. Executive session on **CACR 13**, relating to compensation of the legislature. Providing that members shall receive mileage for attendance on veto days and when voting on a budget following a continuing resolution; **CACR 16**, relating to recall elections. Providing that the general court may authorize recall elections; **CACR 18**, relating to the general court. Providing that the house or the senate may independently order a referendum to reduce a penalty established in law; **HB 1297**, directing the legislative budget assistant to conduct a financial audit of the secretary of state's office; **HB 1385**, relative to portraits and memorial objects in the state house, legislative office building, and Upham Walker house.

TUESDAY, MARCH 3**ELECTION LAW, Room 308, LOB**

11:00 a.m. Executive session on **HB 1191**, relative to the use of campaign contributions for personal use expenditures; **HB 1266**, relative to absentee ballot request forms; **HB 1279**, relative to the terms resident, inhabitant, residence, and residency; **HB 1390**, relative to access to ballots and verification counts of machine-counted ballots; **HB 1395**, establishing a committee to study ballot access and ways to improve civic engagement in New Hampshire; **HB 1415**, establishing a committee to study the Montana disclosure act and anonymous out-of-state contributions preceding an election; **HB 1525**, relative to the definition of political advocacy organization; **HB 1534**, establishing a commission to study the creation of online voter registration for the 2022 state elections; **HB 1651-FN**, relative to prisoners' voting rights; **HB 1653-FN**, relative to domicile, residency, voter registration, and investigation of voter verification letters; **HB 1665-FN-A**, establishing an independent redistricting commission; **HB 1668-FN-L**, relative to early voting for persons with disabilities; **HB 1672-FN**, allowing voters to vote by absentee ballot.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

10:00 a.m. Subcommittee work session on **HB 1536**, relative to pharmacists-in-charge, the inspection and regulation of prescription drugs by the pharmacy board, and disciplinary actions by the pharmacy board.

11:00 a.m. Subcommittee work session on **HB 1713**, relative to continuing education requirements for child day care workers.

JUDICIARY, Room 208, LOB

1:00 p.m. Executive session on **HB 1143**, repealing limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition; **HB 1164**, concerning support for cats and dogs that are neglected or treated cruelly; **HB 1176**, establishing a committee to study the attorney general's authority over certain municipal and county employees; **HB 1177**, relative to qualifications of referees in the superior courts and circuit courts; **HB 1192-FN**, relative to forfeiture of seized personal property; **HB 1294**, relative to the limited immunity of pharmacists; **HB 1307-FN**, relative to the cost of production of records under the right-to-know law; **HB 1312**, relative to persons held in civil contempt; **HB 1325-FN-L**, relative to minutes and decisions in nonpublic sessions under the right-to-know law.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

10:00 a.m. **HB 1223**, relative to schedule I and unscheduled drug take-back programs; **HB 1275-FN**, relative to laboratory testing; **HB 1332**, relative to an electronic prescription drug program; **HB 1404**, relative to HIV/AIDS prophylaxis treatment for minors without parental consent and allowing pharmacists to dispense a limited supply of pre-exposure prophylaxis for the human immunodeficiency virus; **HB 1428-FN-L**, relative to inspections for bedbugs.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Executive session on **HB 1309**, relative to the effect of warrant articles; **HB 1105-L**, relative to warrant articles in official ballot town, school district, or village district meetings; **HB 1173-L**, relative to the use of an official ballot in towns; **HB 1115**, relative to the discharge of a firearm in the compact part of a city or town; **HB 1211**, relative to a capital reserve fund in towns under the control of the budget committee; **HB 1352**, relative to municipal budget meetings; **HB 1451**, relative to the definition of contracts relative to official ballot default budgets; **HB 1460**, relative to the form of municipal budgets.

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

5:00 p.m. Regular meeting.

WAYS AND MEANS, Room 202, LOB

1:00 p.m. Executive session on **CACR 17**, relating to taxation. Providing that a new state broad-based tax may be enacted only to reduce property taxes; **HB 501-FN**, using fees from registration of commercial animal food sellers to fund the cost of care program in the department of agriculture, markets, and food; **HB 1132**, establishing a committee to study the establishment of a multi-state agreement to phase out corporate giveaways; **HB 1200**, relative to the tax expenditure report; **HB 1477-FN**, relative to the rate of the tobacco tax for cigarettes; **HB 1567-FN-A**, relative to worldwide combined reporting for unitary businesses under the business profits tax; **HB 1646-FN**, relative to historic racing.

WEDNESDAY, MARCH 4

ELECTION LAW, Room 308, LOB

11:00 a.m. Continued executive session on **HB 1191**, relative to the use of campaign contributions for personal use expenditures; **HB 1266**, relative to absentee ballot request forms; **HB 1279**, relative to the terms resident, inhabitant, residence, and residency; **HB 1390**, relative to access to ballots and verification counts of machine-counted ballots; **HB 1395**, establishing a committee to study ballot access and ways to improve civic engagement in New Hampshire; **HB 1415**, establishing a committee to study the Montana disclosure act and anonymous out-of-state contributions preceding an election; **HB 1525**, relative to the definition of political advocacy organization; **HB 1534**, establishing a commission to study the creation of online voter registration for the 2022 state elections; **HB 1651-FN**, relative to prisoners' voting rights; **HB 1653-FN**, relative to domicile, residency, voter registration, and investigation of voter verification letters; **HB 1665-FN-A**, establishing an independent redistricting commission; **HB 1668-FN-L**, relative to early voting for persons with disabilities; **HB 1672-FN**, allowing voters to vote by absentee ballot.

JUDICIARY, Room 208, LOB

10:00 a.m. Executive session on **HB 1226**, prohibiting surveillance by the state on public ways or sidewalks; **HB 1236**, relative to the expectation of privacy; **HB 1376**, establishing a civil penalty for unauthorized sharing of electronic location information; **HB 1381**, relative to animals in motor vehicles; **HB 1391-FN**, relative to prohibiting discrimination in housing against persons with pets; **HB 1475-FN**, prohibiting abortions after detection of fetal heartbeat; **HB 1542**, relative to children, vulnerable adults, and animals in hot vehicles; **HB 1607-FN**, relative to liability for wrongful acts in an employer/employee relationship; **HB 1640-FN**, relative to parental notification prior to abortion; **HB 1659-FN**, relative to patient directed care and patient's rights with regard to end-of-life decisions; **HB 1670-FN**, relative to recording grand jury testimony; **HB 1673-FN**, relative to the definition of "public body" under the right-to-know law; **HB 1675-FN**, relative to the right of any infant born alive to medically appropriate and reasonable care and treatment; **HB 1677-FN**, relative to the authority of the attorney general to supervise the county attorney; **HB 1678-FN**, relative to prohibiting abortion in certain cases; **HB 1685-FN**, providing for the appointment of special conservators of the peace; **HB 1689-FN**, relative to the minutes in nonpublic session under the right-to-know law; **HB 1693**, extending the committee to study whether non-attorney legal professionals could be licensed to engage in the limited practice of law.

LEGISLATIVE ADMINISTRATION, Room 303, LOB

10:00 a.m. Executive session on **HB 1227**, requiring the renovation of the smoker's lounge in the legislative office building; **HB 1245**, establishing a legislative committee to review non-regulatory boards, commissions, councils, advisory committees, and task forces; **HB 1303**, establishing a commission to study expanding public testimony opportunities to remote locations statewide; **HB 1333-FN-A**, authorizing travel expense payments to state legislators; **HB 1486**, establishing a committee to study information technology in the legislative process; **HB 1694**, relative to recusal by members of the general court for conflicts of interest.

FRIDAY, MARCH 6

COMMISSION ON THE ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS OF PERFLUORINATED CHEMICALS (RSA 126-A:79-a), Room 204, LOB

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

ELECTRIC VEHICLE CHARGING STATIONS INFRASTRUCTURE COMMISSION (RSA 4-G:1), Room 203, LOB

11:00 a.m. Regular meeting.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, TREATMENT, AND RECOVERY (RSA 12-J:1), Governor and Council Chambers, State House

9:30 a.m. Regular meeting.

MONDAY, MARCH 9**INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E:2), Room 204, LOB**

2:30 p.m. Regular meeting.

JOINT COMMITTEE ON TAX EXPENDITURE REVIEW (RSA 71-C:3), Room 202, LOB

10:00 a.m. Regular meeting.

JOINT LEGISLATIVE HISTORICAL COMMITTEE (RSA 17-I:1), Room 104, LOB

1:30 p.m. Regular meeting.

NH BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Brain Injury Association of New Hampshire, 52 Pleasant Street, Concord

2:00 p.m. Regular meeting.

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

9:00 a.m. Investment Committee meeting.

10:00 a.m. Regular meeting.

FRIDAY, MARCH 13**STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, I), Room 104, LOB**

9:30 a.m. Regular meeting.

MONDAY, MARCH 16**CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB**

10:30 a.m. Regular meeting.

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1), Room 201, LOB

11:00 a.m. Regular meeting.

THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD (RSA 170-G:6-a), Room 205, LOB

2:00 p.m. Regular meeting.

FRIDAY, MARCH 20**NEW HAMPSHIRE RARE DISEASE ADVISORY COUNCIL (RSA 126-A:79), Health and Human Services Building, Room 311, Hazen Drive, Concord**

3:00 p.m. Regular meeting.

MONDAY, MARCH 23**COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND EXOTIC AQUATIC SPECIES OF WILD-LIFE IN THE STATE OF NEW HAMPSHIRE (RSA 487:30), Room 305, LOB**

11:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

THURSDAY, MARCH 26

COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T), New Hampshire Hospital Association, 125 Airport Road, Concord

2:00 p.m. Regular meeting.

FRIDAY, MARCH 27

COMMISSION TO STUDY ENVIRONMENTALLY-TRIGGERED CHRONIC ILLNESS (RSA 126-A:73-a), New Hampshire Department of Environmental Services, 222 International Drive, Suite 175, Room A, Portsmouth

10:00 a.m. Regular meeting.

OFFICIAL NOTICES**COUNTY DELEGATION NOTICE**

The **Belknap** County delegation will meet on **Monday, February 24th at 6:30 p.m.** at the County Complex, 34 County Drive, Laconia, in Conference Room #1. The purpose of the meeting is for 2020 budget preparation. Meetings are open to the public and attendance is encouraged.

Rep. Mike Sylvia, Chairman

COUNTY DELEGATION NOTICE

The **Carroll** County Delegation will meet **Friday, February 21st at 9:30 a.m.** at the Carroll County Administration Building, 95 Water Village Road, 2nd Floor Meeting Room, Ossipee. The purpose of the meeting is to begin review and approval of the 2020 Carroll County Budget and any other business as necessary. In the event of weather-related cancellation, the meeting will be held Monday, February 24th at 2:00 p.m. at the above-noticed location. The public is encouraged to attend. All documents pertinent to the business of the day are available for public review at the Carroll County Business Office during normal business hours, or by calling (603) 539-7751. A quorum of the board of commissioners will likely be in attendance at this meeting.

Rep. Lino Avellani, Clerk

COUNTY DELEGATION NOTICE

The **Coos** County Delegation will hold its quarterly meeting on **Friday, February 21st at 10:00 a.m.** at the Coos County Nursing Home.

Rep. Wayne Moynihan, Chairman

COUNTY DELEGATION NOTICE

The Executive Committee of the **Merrimack** County Delegation will meet **Friday, March 6th at 9:00 a.m.** in the 2nd floor conference room of the Old Courthouse, 163 North Main Street, Concord. The purpose of the meeting is as follows: 1. 2020 Budget Review/Approval 2. 4th Quarter Financial Review 3. CIP Review/Approval 4. Any other business.

Rep. James MacKay, Chairman

COUNTY DELEGATION NOTICE

The **Rockingham** County Executive Committee will meet on **Friday, February 21st at 1:30 p.m.** in the Maureen Barrows Conference Room at the Rockingham County Nursing Home in Brentwood. The purpose of the meeting is to consider a request from the Board of Commissioners for a Supplemental Appropriation in the amount of \$700,000 for Integrated Delivery Network (IDN) Funding for recommendation to the delegation.

Rep. David A. Welch, Clerk

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB253, HB385, HB496, HB546, HB705, HB1273, HB1434, HB1603, HB1611, HB1643, HB1644, HB1651, HB1652, HB1653, HB1665, HB1667, HB1668, HB1669, HB1670, HB1671, HB1672, HB1673, HB1674, HB1677, HB1681, HB1682, HB1684, HB1685, HB1687, HB1688, HB1691, HB1692, HB1695, HB1697, HB1699, HB1700, HB1705, HB1707, SB7, SB283.

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.

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

Reps. Carol McGuire, Jim Spillane, and Mike Sylvia

Please join us for a Legislative Briefing on The University System of New Hampshire, **Wednesday, February 19th from 12:00 to 1:00 p.m.** at St. Paul's Church (basement). Come meet our Chancellor Todd Leach and Presidents Jim Dean (UNH), Don Bix (PSU), Melinda Treadwell (KSC) and Mark Rubinstein (GSC) and hear about some of the exciting things happening on our campuses. A photo of USNH alumni will be taken at 12:45 p.m. A brown bag lunch will be provided. Please RSVP to pat.waldvogel@usnh.edu

Rep. Mary Jane Wallner

The New Hampshire Association of Fire Chiefs (NHAFC) will be hosting a Legislative Breakfast on **Thursday, February 20th from 7:30 a.m. to 9:30 a.m.** at the State House cafeteria. NHAFC has members from all across the state and their mission is to provide leadership, education, and advocacy for the fire service. Please stop by to meet with the Chiefs and learn more about the issues which face our communities and state.

Reps. Douglas Ley and Richard Hinch

The NH Council on Developmental Disabilities, ABLE NH, Granite State Independent Living, CSNI and other key partners will be hosting a Bi-Partisan Disability Caucus event at the State House Cafeteria on **Thursday, February 20th from 11:30 a.m. to 2:00 p.m.** Rep. Gaby Grossman, Chair of the Caucus, will be available to provide information to any legislator interested in joining. Refreshments will be served.

Rep. Gaby Grossman

All Legislators are invited to a breakfast and information session at Great Bay Community College, **Friday February 21st from 8:00 a.m. to 9:30 a.m.** In addition to breakfast, the college will share updates and student stories, and will round out the morning with a Q and A. Please RSVP to Cameron Steele, csteele@ccsnh.edu or 427-7602. GBCC is located on the Pease Tradeport at 320 Corporate Drive, Portsmouth.

Reps. Kate Murray and Norman Major

The New Hampshire Fiscal Policy Institute's 7th Annual Conference, "Strengthening New Hampshire: Creating Equitable Opportunities for All Granite Staters," will be held **Friday, February 21st from 8:00 a.m. to 12:30 p.m.** at the Grappone Conference Center in Concord. Many Granite Staters continue to struggle to make ends meet, and there are large disparities in access to economic security, health care, housing, and education across the state. The conference will discuss ways to measure and understand these disparities at the local and regional levels. Presenters will also address the potential effects on economic and social mobility stemming from inequitable access to opportunities. Registration fees are \$45 through January 31 and \$60 starting February 1. Pre-registration is required by February 14. Breakfast will be provided. Scholarships for complimentary conference registrations are available for current members of the New Hampshire Legislature; please email info@nhfpi.org to request a scholarship. Visit www.nhfpi.org to learn more and register.

Rep. Dick Ames

The NH College & University Council, in partnership with Saint Anselm College and Southern New Hampshire University, cordially invites all legislators and their families to a fun night of mingling and college hockey on **Friday, February 21st at 6:00 p.m.** for a pregame reception followed by Saint Anselm College hosting Southern New Hampshire University in an NCAA Division II ice hockey game at 7:00 pm. We invite legisla-

tors and their families to join us to network, mingle and enjoy an evening with friends, colleagues, business leaders and higher education partners. The reception and game will take place inside Sullivan Arena on the St. Anselm Campus. RSVPs are REQUIRED. To RSVP and to get more information, please contact Scott Power (spower@nhcuc.org; 603-225-4199) at the NH College & University Council.

Reps. Douglas Ley and Richard Hinch

All legislators and staff are invited to the annual Water's Worth It! legislative breakfast on **Wednesday, March 4th beginning at 7:00 a.m.** at the Holiday Inn on Main Street in Concord. Water quality professionals will present information on drinking water and wastewater treatment challenges in New Hampshire. The keynote speaker this year is Sean McDonald, from WMUR Channel 9. NH-DES Water Division Director Tom O'Donovan will also address the audience. The breakfast is sponsored by the NH Water Pollution Control Association in conjunction with a wide-ranging coalition of other local nonprofit water organizations. The event is free. Please RSVP to Dee Rainville at info.nhwpc@gmail.com or 603-228-1231 by February 26th.

Rep. Tom Buco

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 **Thursday, March 5th 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 also has RapidPass, which allows you to do the 40 appointment questions online at redcrossblood.org/RapidPass and then print to bring to your appointment.

Reps. Douglas Ley and Richard Hinch

AARP New Hampshire and New Futures will host a legislative breakfast on **Thursday, March 5th from 7:30 a.m. to 9:00 a.m.** at the Holiday Inn, 172 North Main Street, Concord. All House members are welcome to come enjoy a hearty hot breakfast and discuss the impact of rising drug prices with Leigh Purvis from the AARP Public Policy Institute.

Reps. Polly Campion and Charles McMahon

Breathe New Hampshire invites all legislators and staff to attend a Breakfast Reception on **Thursday, March 19th 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, take part in our raffle and meet some of our volunteers who are helping New Hampshire residents breathe better and live longer! Please RSVP to info@breathenh.org or by calling 603-669-2411.

Rep. Patrick Long

2020 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 2020. 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

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>#/GRADE</i>
Feb. 14	11:30	Birch Heights Independent Retirement & Living	13/Srs
Feb. 18	9:30	Nottingham Elementary School – Nottingham	49/4
Feb. 19	9:00	Allenstown Elementary School	45/4
Feb. 19	10:30	Durham Parks and Recs – Durham	12/adults
Feb. 20	1:00	NH Historical Society Docents	6 /adults
Feb. 24	2:30	Bentley Commons at Bedford	14/Srs
Feb. 24	3:00	NH Brain Injury Association	adults
Feb. 27	10:00	Cornerstone Pastors	12/adults
March 2	8:30	Dept. of Natural and Cultural Resources	10/adults
March 2	10:30	NHMA	10/adults
March 3	2:00	NH Bankers Association	50/4

DATE	TIME	GROUP	#/GRADE
March 3	10:00/11:30	Heron Pond School – Milford	65/4
March 4	10:00/11:30	Heron Pond School – Milford	85/4
March 4	9:00	UNH Policy students	60/col
March 6	10:15	DAR Good Citizens	50/HS
March 9	1:30	Road Scholars	20/adults
March 10	9:15	Broken Ground School – Concord	25/4
March 11	9:00	New Hampton School – (Prep.)	9/HS
March 11	9:15/10:15	Broken Ground School – Concord	98/4
March 11	10:45	Swasey Central School – Brentwood	50/4
March 12	9:15/10:15	Broken Ground School – Concord	95/4
March 12	9:00/10:30	Pembroke Hill School	80/4
March 13	9:45	Dondero School – Portsmouth	54/4
March 13	1:00	AmeriCorps Volunteers	170/adults
March 16	10:00	Youth International Exchange Program	5
March 17	9:00	Deerfield Community School	50/4
March 17	12:30	Hancock Elementary School	29/3&4
March 19	9:30	Mount Lebanon Elementary School	35/4
March 19	11:00	Portsmouth Christian Academy – Dover	40/4
March 20	9:30	North Hampton Elementary School	36/4
March 20	9:45/11:00	Parker Varney School – Manchester	77/4
March 23	9:00/10:30	Maple Ave. Elementary School – Goffstown	86/4
March 24	9:00	Maple Ave. Elementary School – Goffstown	23/4
March 25	9:15/10:30	Barnstead Elementary School	70/4
March 26	9:00	Alton Central School	35/4
March 26	10:00	New Franklin School – Portsmouth	36/4
March 27	10:00/11:15	Chester Academy	70/4
March 30	9:45/11:00	Lincoln St. School – Exeter	80/4
March 31	9:45/11:00	Lincoln St. School – Exeter	80/4

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 677-FN-A (2020-0359h)

Proposed by the Committee on Finance - r

Amend RSA 193:13, V as inserted by section 1 of the bill by replacing it with the following:

[IV] V. School districts and chartered public schools shall make educational assignments available to the suspended pupil during periods of suspension. Except as provided in paragraphs II and IV, a school district or chartered public school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended in excess of 20 cumulative days within any school year. The alternative educational services shall be designed to enable a pupil to advance from grade to grade. Any time a pupil is suspended more than 10 school days in any school year, upon the pupil's return to school the school district shall develop an intervention plan designed to proactively address the pupil's problematic behaviors. No pupil shall be penalized academically solely by virtue of missing class due to suspension. ~~[The local school board shall adopt a policy which allows the superintendent or chief administering officer to modify the expulsion requirements set forth in paragraphs II and III on a case-by-case basis.]~~

Amend RSA 198:64 as inserted by section 2 of the bill by inserting after paragraph III the following new paragraph:

IV. For each biennium, the commissioner of education shall include in the department of education's biennial request for appropriations pursuant to RSA 9:4 an amount sufficient to meet the estimated expenses of providing technical assistance and grant support to school districts and public charter schools seeking to implement MTSS-B. The amount requested shall be not less than the amount required to accomplish the effective implementation of MTSS-B in 25 percent of schools in the state.

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$1 for the biennium ending June 30, 2021 is hereby appropriated to the department of education for the purposes of supporting student behavioral health and wellness under RSA 198:63. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

**Amendment to HB 705-FN
(2020-0048h)**

Proposed by the Committee on Finance - r

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

AN ACT relative to the rights of victims of crime, increasing the cap on assistance for victims of crime, and establishing a committee to study the needs of crime victims and enforcement of statutes governing crime victims' rights.

Amend the bill by inserting after the enacting clause the following new section and renumbering the original sections 1-11 to read as 2-12, respectively:

1 Short Title. This act shall be known as the Crime Victims' Rights Enhancement Act of 2020.

Amend the bill by replacing section 8 with the following:

8 Committee on the Needs of Victims of Crime and the Enforcement of Crime Victims' Rights Established.

I. There is established a committee on the needs of crime victims and the enforcement of crime victims rights. The members of the committee shall be as follows:

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

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

II. The committee shall:

(a) Review the needs and services for victims of crime, and provide recommendations concerning addressing needs and enhancing services for victims of crime.

(b) Review the existing mechanisms and resources for the enforcement of the rights of victims of crimes and provide recommendations on enhancing enforcement of the rights of victims' rights.

(c) Solicit testimony and input from the victims of crime and members of the general public.

(d) Study other matters related to the needs of victims of crime as the committee may determine.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee. The members of the 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.

IV. 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 house clerk, the governor, and the state library on or before November 1, 2020.

Amend the bill by replacing all after section 10 with the following:

11 Effective Date.

I. Sections 2-7 and sections 9-10 of this act shall take effect 60 days after its passage.

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

2020-0048h

AMENDED ANALYSIS

This bill increases the maximum recovery for crime victims from the victims' compensation fund; establishes confidentiality procedures for information used to support restitution to the victims' compensation fund; expands the offenses covered by the crime victims' bill of rights; expands the rights available to crime victims; requires the department of justice to develop a crime victims' rights card and establish professional guidelines for victims' assistance providers; and establishes a committee on the needs of crime victims and the enforcement of crime victims' rights.

**Amendment to HB 1101-FN
(2020-0205h)**

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 3 days 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 the Bureau of Alcohol, Tobacco, Firearms, and Explosives 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 education course offered by the department of fish and game. A person who is exempt from the hunter education 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 any active duty state, county, or municipal law enforcement officer, active duty state or county correctional officer, or active duty member of the armed forces as defined in RSA 21:50, III.

(d) A person who:

(1) Has obtained a valid restraining order from a court under circumstances where the person feared for his or her own personal safety; or

(2) Expresses to a law enforcement officer a reasonable fear for his or her own personal safety.

159-E:2 Penalty. Any person who violates any provision of this chapter shall be guilty of a class B felony.

Amendment to HB 1112-FN

(2020-0270h)

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

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

AN ACT establishing a committee to study programs for female parolees.

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

1 Committee Established. There is established a committee to study programs for female parolees.

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.

I. The committee shall study existing programs for female parolees and shall study whether the need exists for developing new programs for female parolees focusing on financial counseling, education including diploma or certificate programs, substance misuse and mental health counseling, job training including resume writing and interview skills, community housing programs, and programs available through Medicaid.

II. The committee may solicit advice and testimony from any individual or organization with information or expertise relevant to the committee's objective.

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, 2020.

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

2020-0270h

AMENDED ANALYSIS

This bill establishes a committee to study programs for female parolees.

Amendment to HB 1117-FN

(2020-0468h)

Proposed by the Committee on Environment and Agriculture - c

Amend RSA 466:42-a as inserted by section 1 of the bill by replacing it with the following:

466:42-a Stealing Dogs; Tampering With Collars.

I. Whoever steals a dog shall be guilty of a class B felony.

II. Whoever distributes or exposes a poisonous substance with intent that the same shall be eaten by any dog shall be liable to the dog's owner for its value and shall be guilty of a class B felony.

III.(a) An individual other than the owner or the authorized agent of the owner of a dog, shall not willfully or maliciously remove, damage, or destroy a collar, tracking collar, or other electronic device placed on a dog by its owner to maintain control or locate the dog.

(b) An individual other than the owner or the authorized agent of the owner of a dog, shall not remove or cause to be removed a microchip from such dog.

(c) An individual who violates this paragraph shall be guilty of a misdemeanor.

(d) Nothing in this paragraph shall be construed to affect the actions of law enforcement, animal control, or an animal shelter in removing a collar or tracking collar if the dog is in imminent danger or after 7 consecutive days under RSA 466:18-a, and given that all possible effort was made to locate the dog's owner and documentation to that effect is maintained for one year.

2020-0468h

AMENDED ANALYSIS

This bill makes the crime of dog theft a class B felony.

This bill also makes it a crime to remove certain collars from certain dogs.

Amendment to HB 1141-FN

(2020-0443h)

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

Amend the bill by replacing section 1 with the following:

1 New Section; Breaches of the Peace; Unsolicited Disclosure of an Intimate Image. Amend RSA 644 by inserting after section 9-a the following new section:

644:9-b Unsolicited Disclosure of an Intimate Image.

I. In this section:

(a) "Intimate body parts" means the genitals, pubic area, or anus of any person.

(b) "Intimate image" means a photograph, film, videotape, recording, or any other reproduction of an image of an individual with fully or partially exposed intimate body parts or engaged in sexually explicit conduct.

(c) "Send by electronic device" means to send using a cellular telephone or any other electronic communication device, including devices capable of sending text messages or e-mails.

(d) "Sexually explicit conduct" shall have the same meaning as in RSA 649-A:2, III.

II. A person commits the offense of unsolicited disclosure of an intimate image when:

(a) He or she sends by electronic device an unsolicited intimate image depicting sexually explicit conduct to a recipient with the intent to harass, annoy, or alarm the recipient; and

(b) The person knows that the recipient has not consented to receiving the image, and the recipient has not consented to receiving the image; and

(c) The recipient was harassed, annoyed, or alarmed by the receipt of the image.

III. Any person who violates the provisions of this section shall be guilty of a violation for a first offense and a misdemeanor for a second or subsequent offense.

2020-0443h

AMENDED ANALYSIS

This bill establishes the offense of unsolicited disclosure of an intimate image.

Amendment to HB 1181-FN

(2020-0185h)

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

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

AN ACT relative to damages awarded by the New Hampshire public employer labor relations board.

Amend the bill by replacing section 1 with the following:

1 Public Employees Labor Relations; Violations. Amend RSA 273-A:6, VI to read as follows:

VI. The board or its designee shall render its decision within 45 days after the hearing, in accordance with rules adopted by the board pursuant to RSA 541-A. Upon finding that a party has violated RSA 273-A:5, the board may (a) issue a cease and desist order; (b) order reinstatement of an employee with back pay; (c) require periodic reporting of compliance; (d) order payment of the costs incurred by a party negotiating in good faith in negotiations found by the board to have been carried on not in good faith by the other party, if the board finds such penalty appropriate to the circumstances; or (e) ~~order such~~ **award emotional distress or other compensatory damages or** other relief as the board may deem necessary.

2020-0185h

AMENDED ANALYSIS

This bill allows the public employees labor relations board to award emotional distress and other compensatory damages to a complainant.

**Amendment to HB 1182
(2020-0202h)**

Proposed by the Committee on Transportation - c

Amend RSA 260:78, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Five members of the house of representatives, 3 of whom shall serve on the house transportation committee and 2 of whom shall serve on the house resources, recreation, and development committee, appointed by the speaker of the house of representatives.

Amend RSA 260:78, II as inserted by section 1 of the bill by inserting after subparagraph (h) the following new subparagraphs:

(i) A representative of the New Hampshire Automobile Dealers Association, appointed by the association.

(j) A representative of the New Hampshire Off Highway Vehicle Association, appointed by the association.

(k) A representative of the New Hampshire Farm Bureau Federation, appointed by the federation.

(l) A representative of the New Hampshire City and Town Clerks' Association, appointed by the association.

Amend RSA 260:78, V-VI as inserted by section 1 of the bill by replacing them 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. Nine members of the commission shall constitute a quorum.

VI. 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, 2020. The commission shall submit a final 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, 2021.

Amend the bill by replacing paragraph I of section 3 with the following:

I. Section 2 of this act shall take effect November 1, 2021.

**Amendment to HB 1185
(2020-0614h)**

Proposed by the Committee on Labor, Industrial and Rehabilitative Services - c

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

AN ACT establishing a committee to study forms of apprenticeship programs currently in place in New Hampshire.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study forms of apprenticeship programs, including those currently in place in New Hampshire.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall:

I. Gather information on earn and learn apprenticeship programs, including those that build upon the best features of the German "dual system", such as student sponsorship by industries, high standards certification exams, postsecondary credit, and employment with the sponsoring company following successful completion of the program and exam.

II. Investigate ways the program could act in partnership with CCSNH programs.

III. Investigate ways to work with existing CTE programs to provide industry-relevant and industry-attractive workforce training.

**Amendment to HB 1218-FN
(2020-0616h)**

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 relative to net energy metering limits for customer generators and the purchase of output of limited electrical energy producers.

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

1 Findings. The general court finds that:

I. New Hampshire's electricity consumers, including municipalities, manufacturers, commercial businesses, and other large users, strongly support more competitive retail options to lower their energy costs.

II. These same consumers deserve the freedom to invest their own capital to become more self-sufficient and energy independent and less reliant on out-of-state electricity companies that control our high electricity rates.

III. ISO-New England, Inc., the independent, nonprofit regional transmission organization that oversees the operation of New England's bulk electric power system and transmission lines, has stated that infrastructure constraints could pose a challenge to the reliable operation of the regional power grid, create price increases and volatility, and contribute to increased air emissions, all of which would adversely impact New Hampshire's citizens, businesses, and economy.

IV. Under its delegated general authority to set electric rates, and specific direction by the Legislature in HB 1116 (2016 NH Laws Chapter 31) to develop new alternative net metering tariffs for customer-generators up to one megawatt, the public utilities commission opened DE 16-576, conducted over a year of proceedings, and issued its Order No. 26,029 on June 23, 2017. In that order, the Commission approved settlement agreements from two coalitions of parties to the proceeding, a utility and consumer coalition (UCC) and a coalition of distributed generation (DG) advocates and environmental organizations (EFC), and approved 10 provisions common to both the UCC and EFC settlement agreements. Common element (f) provided: "Large customer-generators to receive export credits based only on the utility default service energy charge."

V. Mindful of concerns about potential cost-shifting, the commission said at pp. 68-69 of Order 26,029: "With respect to the avoidance of unjust and unreasonable cost-shifting, based on the evidence presented in this proceeding and the current, relatively low DG penetration levels in the state, we find that there is little to no evidence of any significant cost-shifting. Nevertheless, we agree with the parties and believe it is prudent to adopt new net metering tariff provisions to mitigate the potential for future cost-shifting....We will continue to monitor potential cost-shifting and other customer rate impacts of net metering over the next several years, and review the issue once again in conjunction with development of future net metering tariff and rate designs. The new net metering tariff makes no changes to the rates charged to customers without DG systems."

VI. The current size limit of one megawatt on customer-generators that may participate in net energy metering is an unnecessary barrier that denies larger electricity users the same rights that smaller users already have to produce and use local renewable power that reduces their energy costs, increases supply, and insulates all New Hampshire ratepayers from electric price volatility and higher transmission costs.

VII. The current size limit is also a barrier to significant investment in existing and new small renewable energy projects, which would help keep our energy dollars in-state, drive economic activity, support good-paying jobs, and increase state and local business and property tax revenues.

VIII. 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.

IX. It is therefore also 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.

2 Definition; Customer-generator. Amend RSA 362-A:1-a, II-b to read as follows:

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~~]; ***(a) up to and including 3 megawatts upon the effective date of this paragraph, and (b) less than 5 megawatts on and after January 1, 2022; 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 ***in the first instance, and except as provided for a municipal host***. 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 nonqualifying facility.

3 Definition; Municipal Host. Amend RSA 362-A:1-a, II-c and II-d to read as follows:

II-c. ***"Municipal host" means a customer generator with a total peak generating capacity of greater than one megawatt used to offset the electricity requirements of a group consisting of one or more customers who are political subdivisions, provided that all customers are located within the***

same utility franchise service territory. A municipal host shall be located in the same municipality as all group members if the facility began operation after January 1, 2020. A municipal host may be owned by either a public or private entity. For this definition, "political subdivision" means any city, town, county, school district, chartered public school, village district, school administrative unit, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

II-d. "Eligible fuel" means natural gas, propane, wood pellets, hydrogen, or heating oil when combusted with a burner, including air emission standards for the device using the approved fuel.

[H-d] **II-e.** "Heat led" means that the combined heat and power system is operated in a manner to satisfy the heat usage needs of the customer-generator.

4 Net Energy Metering; Net Effects. Amend RSA 362-A:9, VII to read as follows:

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 reductions to the customer-generator's electricity supplier's wholesale load obligation for energy supply as a load serving entity, net of any applicable line loss adjustments as approved by the commission.*

(c) *A generator that first becomes operational on or after July 1, 2020 shall only be eligible to participate in net metering as a customer-generator if it does not register as a generator with ISO New England, is not considered a "Network Resource" or "Asset" by ISO New England, and does not participate in any other sale of electricity in interstate commerce.*

(d) *A generator that first became operational before July 1, 2020 and that has outstanding capacity commitments in the forward capacity market administered by ISO New England, is registered as a generator with ISO New England, or is considered a "Network Resource" or "Asset" by ISO New England, may elect to become a customer-generator and participate in net metering upon retirement from all wholesale electric markets administered by ISO New England. A generator in the process of retiring from FERC regulated electric markets may prospectively register as a group host pursuant to paragraph XIV provided that net metering tariffs under this section shall not be effective until such retirement is effective.*

(e) *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.*

5 New Paragraph; Net Energy Metering; Hydroelectric Generation; Exception. Amend RSA 362-A:9 by inserting after paragraph XI the following new paragraph:

XI-a. A hydroelectric generator with a nameplate or maximum rated capacity of less than 5 megawatts that first became operational before July 1, 2020 and shares equipment or facilities with another generator or electric utility customer for interconnection to the electric grid shall be eligible to participate in net metering as a customer-generator even if the aggregate capacity of the generators sharing equipment or facilities for interconnection to the electric grid exceeds 5 megawatts. Such customer generator shall be eligible to participate in net metering as a customer-generator in a manner consistent with all other customer-generators of the same nameplate or maximum rated capacity.

6 Net Energy Metering; Transition of Tariffs. Amend RSA 362-A:9, XV to read as follows:

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 generating 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 by the terms of currently applicable tariffs for customer-generators with a total peak generating capacity of one megawatt if the customer-generator's electrical generating facility first becomes operational on or after July 1, 2020.*

(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, 2020.*

7 New Paragraphs; Net Energy Metering; Limitation; Annual Report. Amend RSA 362-A:9 by inserting after paragraph XIX the following new paragraphs:

XX. For the purpose of this section, a customer-generator with a nameplate or maximum rated capacity in excess of 100 kilowatts, and which first becomes operational on or after July 1, 2020 shall be eligible for net energy metering only if at least 50 percent of the actual or estimated annual electricity generation from its facility is consumed behind-the-meter, unless it has registered as a group host under paragraph XIV.

XXI. The commission shall continuously monitor the effect on retail electric rates of an increase in the capacity limit for large eligible customer-generators above one megawatt, based on increases in the penetration level of distributed energy resources, the results of ongoing studies of the impact of distributed energy resources, and any other factors deemed relevant by the commission. The commission shall annually report to the legislature, on or before October 1 of each year, on whether it finds any evidence of cost increases in the energy component of retail rates or any significant cost-shifting resulting from an increase in said capacity limit. If the commission finds evidence of any such cost increases or significant cost-shifting, it shall promptly conduct such further proceedings under DE 16-576, or such new docket as it may deem appropriate, to consider whether any adjustment in the credit given to large eligible customer-generators above one megawatt may be warranted.

8 Utility Property Tax; Exclusion From Definition of Utility Property. Amend RSA 83-F:1, V(d) to read as follows:

(d) The electrical generation, production, **storage**, and supply equipment of an “eligible customer-generator” as defined in RSA 362-A:1-a, II-b, **and of a “limited producer” as defined in RSA 362-A:1-a, III if selling under RSA 362-A:2-a, for facilities with a rated electricity production capacity of up to and including one megawatt;**

9 Definition; Limited Electrical Energy Producers; Limited Producer. Amend RSA 362-A:1-a, III to read as follows:

III. “Limited producer” or “limited electrical energy producer” means a qualifying small power producer, **a qualifying storage system**, or a qualifying cogenerator, with a total **generating or discharge maximum rated** capacity of [not more] **less** than 5 megawatts, **that does not participate in net metering and that is not registered as a generator, asset, or network resource with ISO New England and thus does not participate in any Federal Energy Regulatory Commission (FERC) jurisdictional wholesale electricity markets, including by retirement from such markets.**

10 New Paragraph; Definition; Qualifying Storage System. Amend RSA 362-A:1-a by inserting after paragraph IX the following new paragraph:

IX-a. “Qualifying storage system” means an electric energy storage system as defined in RSA 72:84.

11 Limited Electrical Energy Producers Act; Purchase of Output by Private Sector. RSA 362-A:2-a is repealed and reenacted to read as follows:

362-A:2-a Purchase of Output by Private Sector.

I. A limited producer of electrical energy may sell its produced electrical energy to one or more purchasers other than the franchise electric utility. Such purchaser may be any electricity supplier or retail electricity consumer located in New Hampshire. The commission shall establish procedures to authorize limited producers to sell electricity at retail, either directly or indirectly through an electricity supplier, within a single electric distribution utility franchise area. The limited producer shall receive credit for actual avoided transmission charges based on measurement of exports to the distribution grid at the retail meter point without additional credit for avoided line and transformation losses between the wholesale and retail meter points to provide a sharing of the benefits of reduced transmission charges from such retail sales with other ratepayers who do not participate in such sales. The limited producer shall be equipped with a revenue grade interval meter that can accurately measure exports to the distribution grid at hours of coincident peak.

II. Direct retail sales of electricity across the distribution grid shall be facilitated and accounted for by competitive electricity suppliers registered with the commission under RSA 374-F:7 or by load serving municipal or county aggregators under RSA 53-E. The commission shall establish such procedures, requirements, and conditions concerning retail sales of electricity pursuant to this section as it deems necessary to avoid substantial risk or uncompensated costs to the electric utility in whose franchise area the sales take place.

III. Purchases of power from limited producers shall pay for the delivery of such power through tariffs, charges, and rates that are generally applicable to the customer’s rate class, with the exception of default energy service if not applicable.

IV. Public utilities that distribute electricity under the jurisdiction of the commission shall not report the production of electricity from behind or across retail electricity meters by limited producers to transmission utilities subject to Federal Energy Regulatory Commission (FERC) jurisdiction for load reconstitution purposes. Instead, such electricity production on the distribution grid shall be treated as load reduction behind the wholesale meter point for purposes of ISO New England wholesale energy markets and transmission services.

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

2020-0616h
AMENDED ANALYSIS

This bill increases the electric generating capacity of customer generators who may participate in net energy metering and modifies the transition of tariffs applicable to certain customer-generators. The bill clarifies the definition of eligible customer-generator for purposes of the utility property tax. The bill also expands the authority of limited producers of electrical energy to sell its output in the private sector.

Amendment to HB 1221
(2020-0256h)

Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services - r
Amend RSA 275:78, II as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) Any sales finance company or retail seller licensed by the New Hampshire banking department under RSA 361-A:2.

Amendment to HB 1222
(2020-0146h)

Proposed by the Committee on Executive Departments and Administration - c
Amend RSA 21-L:8, I(g) as inserted by section 1 of the bill by replacing it with the following:

(g) *One member representing the unmanned aircraft systems industry, who shall be certified as a remote pilot pursuant to 14 C.F.R. section 107.53 et seq. at the time of appointment.*

Amendment to HB 1224-FN-A-LOCAL
(2020-0290h)

Proposed by the Committee on Finance - r

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

1 Appropriation; Lakeshore Redevelopment Planning Commission. There is hereby appropriated to the lakeshore redevelopment planning commission established in RSA 10:5, the sum of \$500,000 for the fiscal year ending June 30, 2021, which shall be nonlapsing and shall be expended solely for the purpose of obtaining matching funds for supporting the operations of the commission and not for any other purpose. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Lakeshore Redevelopment Planning Commission; Authorization to Accept Funds. Amend RSA 10:8, II(a) to read as follows:

(a) Request, accept, and expend any *state or* federal funds available to the commission to carry out the purposes of this subdivision or the duties of the commission[, ~~provided that state funds available to be expended by the commission shall not exceed \$365,000 in capital and general fund appropriations~~].

3 Budget Appropriation for the Lakeshore Redevelopment Planning Commission. Amend 2019, 345 by amending the footnote following the appropriation in accounting unit 01-14-14-141510-3892 to read as follows:

* Funds in Accounting Unit 3892 for the Lakeshore Redevelopment Planning Commission established in RSA 10:5, shall not lapse ~~[until June 30, 2021]~~ and shall be expended to support the operations of the Commission *or any successor entity*.

4 Capital Appropriation for Lakeshore Redevelopment Planning Commission; Lapse of 2017 Appropriation Removed. Amend 2017, 240:3, II to read as follows:

II. The sum of \$115,000 is hereby appropriated to the lakeshore redevelopment planning commission established under RSA 10:5 for the purpose of undertaking any required title, subdivision, and other land preparation needed for the sale of the former Laconia state school property and training center property, and for the purpose of employing a consultant with real estate or financial expertise in preparation of the request for proposals for the sale of said property. Said funds shall not lapse ~~[until June 30, 2021]~~.

5 Transfer of Prior Appropriations to Successor Entity. Any appropriation to the lakeshore redevelopment planning commission established pursuant to RSA 10:5, including but not limited to appropriations to the commission in 2017, 240, 2019, 345, and section 1 of this act, shall be transferred to, and available for expenditure by, any successor entity or authority on the date of such transfer.

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

2020-0290h
AMENDED ANALYSIS

This bill makes an appropriation to the lakeshore redevelopment planning commission, removes the lapse of prior appropriations to the commission, and provides for transfer of such appropriations to any successor entity.

**Amendment to HB 1230
(2020-0190h)**

Proposed by the Committee on Commerce and Consumer Affairs - c

Amend RSA 405:50-a, IV(a) as inserted by section 4 of the bill by replacing it with the following:

(a) *Meets the conditions set forth in RSA 405:47, IV-b; or*

**Amendment to HB 1234-FN-A
(2020-0321h)**

Proposed by the Committee on Finance - r

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

AN ACT relative to the heating of certain state-owned buildings in Concord and making an appropriation therefor.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:
2 Department of Administrative Services; Heating System Savings Account. Amend RSA 21-I:19-ff to read as follows:

21-I:19-ff State Heating System Savings Account. There is hereby established the state heating system savings account for the transfer of unexpended state heating system appropriations due to reduced heating system costs resulting from the 26 state buildings served by the Concord Steam project authorized in 2017, 2. Notwithstanding RSA 21-I:19-e, at the end of each state fiscal year, the commissioner of administrative services shall identify the unexpended appropriations in the accounts and class lines for the 26 state buildings served by the replacement of the Concord Steam facility. The commissioner shall deposit such sums into the account established by this section. Funds in the state heating system savings account shall be nonlapsing and appropriated to the department of administrative services for the biennium ending June 30, 2019, ***the biennium ending June 30, 2021***, and the fiscal year ending [2020] ***June 30, 2022*** and may be used to pay principal and interest on bonds and notes issued to fund the capital project for the heating of state facilities located at the Governor Hugh J. Gallen state office park and state-owned buildings in downtown Concord.

2020-0321h

AMENDED ANALYSIS

This bill makes an appropriation to the department of administrative services for the purpose of replacing heating systems in state-owned buildings in Concord that formerly used Concord Steam. The bill also extends a prior appropriation to the state heating system savings account.

**Amendment to HB 1235-A
(2020-0280h)**

Proposed by the Committee on Environment and Agriculture - r

Amend section 1 of the bill by replacing subparagraph I(b) with the following:

(b) The executive director of the New Hampshire retirement system, or designee, shall serve as a non-voting, ex-officio member of the committee.

Amend section 1 of the bill by replacing subparagraph III(g) with the following:

(g) Seek workforce recruitment and retention input as necessary from administration groups represented in the New Hampshire retirement system, the New Hampshire Association of Chiefs of Police, the New Hampshire School Administrators Association, the New Hampshire Association of Fire Chiefs, the department of safety, and the department of corrections; and from employee groups as represented by the New Hampshire Police Association, the New Hampshire Troopers Association, the Professional Fire Fighters of New Hampshire, the New Hampshire State Employees Association, NEA-NH, Teamsters Local 633, and AFSCME Council 93.

**Amendment to HB 1237-FN
(2020-0617h)**

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

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

AN ACT establishing a committee to study the requirements of reporting by utility companies of information required for valuation of certain utility property for purposes of RSA 72.

1 Committee Established. There is established a committee to study the requirements of reporting by utility companies of information required for valuation of utility transmission and generation property for purposes of RSA 72.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, one of whom shall be a member of the science, technology and energy committee, one of whom shall be a member of the ways and means committee, and one of whom shall be from the minority party, 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 and report as to whether legislation is recommended regarding the form and content of reporting by utility companies of the value of utility transmission and generation property for purposes of RSA 72.

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, 2020.

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

2020-0617h

AMENDED ANALYSIS

This bill establishes a committee to study the requirements of reporting by utility companies of information required for valuation of certain utility property for purposes of RSA 72.

Amendment to HB 1246

(2020-0370h)

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

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

2 Residential Care and Health Facility Licensing; Reporting of Health Care Associated Infections. Amend RSA 151:33, III and IV to read as follows:

III. Subsequent to the initial requirements identified in paragraphs II, II-a, or II-b, the department shall, from time to time, require the tracking and reporting of other types of infections *and measures* when reporting protocols are identified by the department, that occur in hospitals, end-stage renal dialysis centers, and ambulatory surgical facilities in consultation with technical advisors, *which shall include the Centers for Disease Control and Prevention (CDC), Centers for Medicare and Medicaid Services (CMS) Hospital Inpatient Quality Reporting Program, and the National Quality Forum*, who are regionally or nationally-recognized experts in the prevention, identification, and control of health care associated infections and the reporting of performance data. *All required tracking and reporting of other types of infections and measures shall be consistent with the requirements supported by the CDC, CMS Hospital Inpatient Quality Reporting Program, or the National Quality Forum.*

IV. The commissioner of the department shall adopt rules, pursuant to RSA 541-A, for hospital, end-stage renal dialysis center, nursing and residential care facility, the New Hampshire veterans' home, assisted living residence, and ambulatory surgical facility identification, tracking, and reporting of infections, *measures*, and/or coverage rates of influenza vaccinations as required in this section which shall be consistent with the recommendations of recognized centers of expertise in the identification and prevention of infections including, but not limited to the National Health Care Safety Network and the Healthcare Infection Control Practices Advisory Committee of the Centers for Disease Control and Prevention or its successor, the Joint Commission on the Accreditation of Healthcare Organizations, the Centers for Medicare and Medicaid Services, the Hospital Quality Alliance, the National Quality Forum, and the New Hampshire health care quality assurance commission under RSA 151-G.

Amendment to HB 1248-LOCAL

(2020-0613h)

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

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

2 New Section; Community Revitalization Tax Relief Incentives; Housing Opportunity Zone. Amend RSA 79-E by inserting after section 4-a the following new section:

79-E:4-b Housing Opportunity Zone. A city or town may adopt the provisions of this section by vote of its legislative body, in accordance with the procedures described in RSA 79-E:3, to establish a housing opportunity zone. To be eligible for tax relief under this section, the qualifying structure and property shall be located within the housing opportunity zone established by the municipality. No less than one third of the housing units constructed shall be designated for households with an income of 80 percent or less of the area median

income as measured by the United States Department of Housing and Urban Development, or the housing units in a qualifying structure shall be designated for households with incomes as provided in RSA 204-C:57, IV. A qualifying structure under this section shall be eligible for tax assessment relief for a period of up to 10 years, beginning upon issuance of the certification of occupancy.

3 Affordable Housing Fund; Definitions of Person of Low Income, Person of Moderate Income, and Person of Very Low Income. Amend RSA 204-C:56, IV and V to read as follows:

IV. "Person of low income" means any single individual or any family whose gross income is ~~[less than 50]~~ **greater than 50 percent and less than or equal to 60** percent of the median income of, respectively, all single persons or all families, adjusted for number of members, residing in the applicable geographical area of the state.

V. "Person of moderate income" means any single individual or any family whose gross income is ~~[between 50 and]~~ **greater than 60 percent and less than or equal to 80** percent of the median income of, respectively, all single persons or all families, adjusted for the number of members, residing in the applicable geographical area of the state.

VI. "Person of very low income" means any single individual or any family whose gross income is less than or equal to 50 percent of the median income of, respectively, all single persons or all families, adjusted for the number of members, residing in the applicable geographical area of the state.

4 Affordable Housing Fund. RSA 204-C:57, IV is repealed and reenacted to read as follows:

IV. The authority shall only provide financial assistance under this subdivision for projects that meet one of the following criteria:

- (a) At least 50 percent of the units shall be affordable to persons of very low, low, or moderate income;
- (b) At least 40 percent of the units shall be affordable to persons of very low or low income; or
- (c) At least 20 percent of the units shall be affordable to persons of very low income.

5 Effective Date. This act shall take effect April 1, 2021.

2020-0613h

AMENDED ANALYSIS

This bill enables municipalities to offer community revitalization tax incentives for the construction of additional housing in designated areas. The bill also revises the criteria for assistance from the affordable housing fund administered by the housing finance authority.

Amendment to HB 1259

(2020-0281h)

Proposed by the Committee on Executive Departments and Administration - c

Amend the bill by replacing section 4 with the following:

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

Amendment to HB 1264

(2020-0191h)

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

Amend RSA 126-A:74, V as inserted by section 1 of the bill by replacing it with the following:

V. The commission shall make 2 interim reports, one on or before November 1, ~~[2017]~~ **2020**, and one on or before ~~[November 1, 2018]~~ **June 30, 2021**, and issue a final report on 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, the oversight committee on health and human services, and the state library on or before June 30, ~~[2020]~~ **2022**.

Amendment to HB 1281-FN

(2020-0455h)

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

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

AN ACT requiring insurance coverage for epinephrine auto-injectors.

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

1 New Section; Accident and Health Insurance; Coverage for Epinephrine Auto-Injectors; Individual. Amend RSA 415 by inserting after section 6-x the following new section:

415:6-y Coverage for Epinephrine Auto-Injectors. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for the cost of epinephrine auto-injectors. Benefits provided under this section shall not be subject to any greater co-payment, deduct-

ible, or coinsurance than any other similar benefits provided by the insurer. In this section, “epinephrine auto-injector” means a single-use device used for the automatic injection of a pre-measured dosage of epinephrine into the human body.

2 New Section; Accident and Health Insurance; Coverage for Epinephrine Auto-Injectors; Group. Amend RSA 415 by inserting after section 18-bb the following new section:

415:18-cc Coverage for Epinephrine Auto-Injectors. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for the cost of epinephrine auto-injectors. Benefits provided under this section shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer. In this section, “epinephrine auto-injector” means a single-use device used for the automatic injection of a pre-measured dosage of epinephrine into the human body.

Amend the bill by replacing paragraph I of section 7 with the following:

I. Sections 4 and 6 shall take effect January 1, 2021 at 12:03 a.m.

2020-0455h

AMENDED ANALYSIS

This bill requires insurance coverage for epinephrine auto-injectors.

Amendment to HB 1290-FN

(2020-0444h)

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

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

AN ACT relative to voting by a public employee organization.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Public Employee Labor Relations; Elections. Amend RSA 273-A:10 by inserting after paragraph IX the following new paragraph:

X. An employee organization may elect to have all votes cast by mail ballot in any election ordered by the board under this chapter. The employee organization shall provide notice of this election in a filing to the board submitted at least 24 hours prior to the board’s pre-election conference.

2020-0444h

AMENDED ANALYSIS

This bill allows an employee organization to conduct an election by mail ballot.

Amendment to HB 1292-FN

(2020-0203h)

Proposed by the Committee on Executive Departments and Administration - c

Amend the section heading of section 1 of the bill by replacing it with the following:

1 Manchester Retirement System; Definition; Final Average earnings. Amend 1973, 218:4, X as amended by 2002, 194:1 to read as follows:

Amend the section heading of section 2 of the bill by replacing it with the following:

2 Definitions; Normal Retirement Date. Amend 1973, 218:4, XIII as amended by 2002, 194:1 and 2002, 147:4 to read as follows:

Amend the section heading of section 3 of the bill by replacing it with the following:

3 Employees to Whom the Act Applies. Amend 1973, 218:7, II as amended by 2002, 194:1 and 2008, 90:3 to read as follows:

Amend the bill by replacing sections 4 and 5 with the following:

4 Contributions by Employees. Amend 1973, 218:9, I as amended by 2002, 194:1 to read as follows:

I. The rate of contributions by each member *who commenced service prior to January 1, 2021* shall be 3.75 percent of that portion of earnings received during each calendar year or portion thereof; *otherwise the rate of contributions shall be 5.75 percent and continuing until such time as the board of trustees certify to the executive director that the actuarial funded ratio of the Manchester’s employees’ contributory retirement system has reached a 100 percent funding level, when such contribution rate shall return to 3.75 percent for all subsequent service on the date determined by the board of trustees.*

5 Service Buybacks. Amend 1973, 218:10, III, as amended by 2002, 194:1 and 2006, 115:4, to read as follows:

III. A member who ceases to be a member, withdraws his or her member contributions pursuant to section 11 of this act, and later becomes a member again, may make a request after the member’s return to city employment for service buyback of prior service credit for the previous time served as a member. If a service buyback is not made, the member’s benefit shall be based solely on the member’s years of service

and final average earnings after the break in service. *For former members who return to service on or after January 1, 2021, the cost of the buyback shall be determined by dividing the value of refunded contributions by the contribution rate in effect during their withdrawn period of service, multiplying the results by the contribution rate in effect under paragraph I of section 9, and then applying interest at the rate in effect as determined by the board. Members who withdrew more than 5 years of service earned prior to January 1, 2021, who return to service on or after January 1, 2021 shall pay member contributions at the contribution rate in effect under paragraph I of section 9 for other new hires, however, the returning member shall retain his or her original normal retirement age of 60, and will have their earnings averaged over 3 years for benefit calculation purposes. Former members who return to service on or after January 1, 2021 who withdrew with less than 5 years of service earned prior to January 1, 2021 shall be subject to the 5-year earnings average and a normal retirement age of 62.*

2020-0203h

AMENDED ANALYSIS

This bill establishes new benefit provisions for the employees' contributory retirement system of the City of Manchester originally established in 1973, 218 for participants who commence service on or after January 1, 2021. This bill increases the member contribution for participants until the plan reaches a 100 percent funded ratio and increases the normal retirement age. This bill will also mitigate the cost to the Manchester employees' contributory retirement system for early retirement and adjust the final average earning calculation.

Amendment to HB 1324

(2020-0154h)

Proposed by the Committee on Education - c

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Real Estate Practice Act; Exemption Added. Amend RSA 331-A:4 by inserting after paragraph IX the following new paragraph:

X. A non-profit organization operating a home-share program under RSA 540-B relative to shared facilities.

2020-0154h

AMENDED ANALYSIS

This bill exempts non-profit organizations operating home-share programs under RSA 540-B from regulation by the New Hampshire real estate commission.

Amendment to HB 1341-FN-A

(2020-0137h)

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 provisions applicable to certain vested group II members in the state retirement system, and relative to payment by the state of a portion of group II retirement system contributions of political subdivision employers.

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

1 Retirement System; Definition; Earnable Compensation; Group II. Amend RSA 100-A:1, XVII(a) and (b) (1) to read as follows:

(a) For **group I** members who have attained vested status prior to January 1, 2012 **and group II members who commenced service prior to July 1, 2011**, 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, additional pay for instructional activities of full-time faculty of the community college system, 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 **group I** members who have not attained vested status prior to January 1, 2012 **and group II members who commenced service on or after July 1, 2011**, 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, additional pay for instructional activities of full-time faculty of the community college system, 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.

2 Definition; Average Final Compensation; Group II. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean:

(a) For **group I** members who have attained vested status prior to January 1, 2012 **and group II members who commenced service on or after July 1, 2011**, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. For purposes of this calculation, the inclusion of the average annual compensation for extra and special duty in the 3 years shall not exceed the average annual amount of compensation for extra and special duty paid to the member over the member's last 7 years of creditable service on or after July 1, [2009] **2011**, as reported by the employer in accordance with RSA 100-A:16, VI, or over all of the years in his or her creditable service on or after July 1, [2009] **2011** if less than 7 years.

(b) For **group I** members who commenced service on or after July 1, 2011 or who have not attained vested status prior to January 1, 2012 **and group II members who commenced service on or after July 1, 2011**, the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years. For purposes of inclusion in this calculation, the average percentage of compensation paid in excess of the full base rate of compensation in the highest 5 years shall not exceed the average percentage of compensation paid in excess of the full base rate of compensation over all the member's years of service on or after January 1, 2012, but excluding the highest 5 years.

3 Service Retirement; Group II. Amend RSA 100-A:5, II(b) -(d) to read as follows:

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of retirement; and

(2) For members who ~~[are in vested status before January 1, 2012]~~ **commenced service before July 1, 2011**, a state annuity which, together with his or her member annuity, shall be equal to 2-1/2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 40 years, or for members who commenced service on or after July 1, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 42.5 years~~[-, and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of 40.5 years].~~

(3) Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 52.5; but may receive a reduced

allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who is in vested status before January 1, 2012 and has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service, and any group II member who commenced service on or after July 1, 2011 and retires after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, and group II members who have not attained vested status prior to January 1, 2012 who qualify as provided in the transition provisions in RSA 100-A:5, II(d), shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

(d) Active group II members who commenced service prior to July 1, 2011 and who have not attained vested status prior to January 1, 2012 shall be subject to the following transition provisions for years of service required for regular service retirement[;] **and** the minimum age for regular service retirement, [and the multiplier used to calculate the retirement annuity,] which shall be applicable on or after January 1, 2012 according to the following table:

<u>Creditable service</u> <u>on January 1, 2012</u>	<u>Minimum</u> <u>year of age</u>	<u>Minimum</u> <u>age attained</u>	<u>[Annuity]</u> <u>[multiplier]</u>
(1) Less than 4 years	24	age 49	[2.1%]
(2) At least 4 years but less than 6 years	23	age 48	[2.2%]
(3) At least 6 years but less than 8 years	22	age 47	[2.3%]
(4) At least 8 years but less than 10 years	21	age 46	[2.4%]

4 Disability Retirement; Group II; Ordinary Disability. Amend RSA 100-A:6, II(b) to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: a member annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of his or her ordinary disability retirement; and a state annuity which, together with his or her member annuity, for members who ~~[are in vested status]~~ **commenced service** before ~~[January 1, 2012]~~ **July 1, 2011**, shall be equal to 2-1/2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 40 at the time of ordinary disability retirement, or for members who commenced service on or after July 1, 2011, shall be equal to 2 percent of his or her average final compensation at the time of ordinary disability retirement multiplied by the number of years of his or her creditable service not in excess of 42.5 at the time of ordinary disability retirement, ~~[and group II members who have not attained vested status prior to January 1, 2012 shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of 40.5 years]~~ provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of his or her disability retirement.

5 Disability Retirement; Group II; Accidental Disability. Amend RSA 100-A:6, II(d) to read as follows:

(d) Upon accidental disability retirement, the group II member shall receive an accidental disability retirement allowance equal to 2/3 of his or her average final compensation at the time of disability retirement.

(1) For members who ~~[are in vested status]~~ **commenced service** before ~~[January 1, 2012]~~ **July 1, 2011**, any group II member who has more than 26-2/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2-1/2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service in excess of 26-2/3 but not in excess of 40 years.

(2) For members who commenced service on or after July 1, 2011, any group II member who has more than 33-1/3 years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service in excess of 33-1/3 but not in excess of 42.5 years.

~~[(3) For group II members who have not attained vested status prior to January 1, 2012, calculation of the supplemental allowance shall use the percentage multipliers for the corresponding years of creditable service on January 1, 2012 in the transition provisions in RSA 100-A:5, II(d) with the range for the number of excess years for the supplement adjusted proportionally.]~~

6 Maximum Retirement Benefit; Vested Status Reference Removed. Amend RSA 100-A:6-a to read as follows:
100-A:6-a Maximum Retirement Benefit.

I. Notwithstanding any other provision of this chapter to the contrary[;]:

(a) For members who commenced service before July 1, 2009, ~~[or have attained vested status prior to January 1, 2012;]~~ a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation.

(b) For members who commenced service on or after July 1, 2009 ~~[and have not attained vested status prior to January 1, 2012]~~ **and before July 1, 2011**, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed ~~[the lesser of 85 percent of the member's average final compensation or]~~ \$120,000.

(c) **For members who commenced service on or after July 1, 2011, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed the lesser of 85 percent of the member's average final compensation or \$120,000.**

II. Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c). This provision shall not limit the application of supplemental allowances.

7 Method of Financing; Deductions from Compensation. Amend RSA 100-A:16, I(aa) to read as follows:

(aa) The board of trustees shall certify to the proper authority or officer responsible for making up the payroll of each employer, and such authority or officer shall cause to be deducted from the compensation of each member, except group II members who ~~[are in vested status]~~ **commenced service** before ~~[January 1, 2012]~~ **July 1, 2011** with creditable service in excess of 40 years, and group II members who commenced service on or after July 1, 2011 ~~[or who have not attained vested status prior to January 1, 2012]~~ with creditable service in excess of 42.5 years as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), on each and every payroll of such employer for each and every payroll period, the percentage of earnable compensation applicable to such member. No deduction from earnable compensation under this paragraph shall apply to any group II member who ~~[is in vested status]~~ **commenced service** before ~~[January 1, 2012]~~ **July 1, 2011** with creditable service in excess of 40 years, and any group II member who commenced service on or after July 1, 2011 ~~[or who have not attained vested status prior to January 1, 2012]~~ with creditable service in excess of 42.5 years as provided in RSA 100-A:5, II(b) and RSA 100-A:6, II(b), and this provision for such members shall not affect the method of determining average final compensation as provided in RSA 100-A:1, XVIII. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period and it may omit deduction from compensation for any period less than a full payroll period if such person was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed 1/10 of one percent of the annual earnable compensation upon the basis of which such deduction is made. The amounts deducted shall be reported to the board of trustees. Each of such amounts, when deducted, shall be paid to the retirement system at such times as may be designated by the board of trustees and credited to the individual account, in the member annuity savings fund, of the member from whose compensation the deduction was made.

8 Retirement System; Group II; Employer Contributions; State Share of Contributions. Amend RSA 100-A:16, II(b) to read as follows:

(b) The contributions of each employer for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution;" provided that beginning with state fiscal year ~~[2013]~~ **2022** and for each state fiscal year thereafter, any employer ~~[shall pay the full amount of such total contributions]~~ **other than the state, shall pay 85 percent of such total contributions, and 15 percent thereof shall be paid by the state; and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions.** The rate percent of such normal contribution, including contributions on behalf of group II members whose group II creditable service is in excess of 40 years, in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraph (i).

9 Repeal. RSA 100-A:16, II(c-1) relative to employer contributions for fiscal year 2012, is repealed.

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

2020-0137h

AMENDED ANALYSIS

This bill changes the application of 2011 amendments to certain group II retirement system provisions to not apply to group II members who commenced service before July 1, 2011. The bill also provides that the state shall pay 15 percent of contributions of retirement system employers other than the state for group II members.

Amendment to HB 1355

(2020-0480h)

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

Amend the bill by replacing sections 2-4 with the following:

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. Identify all energy efficiency programs in New Hampshire, both public and privately funded.

II. Examine such energy efficiency programs to put all programs and program information in one place.

III. Study the administrative cost of such programs.

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.

Amendment to HB 1369

(2020-0098h)

Proposed by the Minority of the Committee on Education - r

Amend the bill by replacing section 1 with the following:

1 New Section; Adequate Public Education; Approval of Coursework. Amend RSA 193-E by inserting after section 3-e the following new section:

193-E:3-f Approval of Coursework.

I. It is the purpose of this section to provide educational success for students who satisfactorily complete course work in another New Hampshire local education agency, state board approved New Hampshire public high school or academy, NEASC approved high school, or the New Hampshire virtual learning academy charter school that meets competencies, as defined in RSA 193-H:1, II, by:

(a) Facilitating student placement within a high school program without disadvantaging such student by variations in scheduling, sequencing, grading, course content, or assessment.

(b) Facilitating the on-time graduation of a student.

(c) Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

II. In this section:

(a) "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control and direction for kindergarten through grade 12 public educational institutions.

(b) "New Hampshire public high school" means a high school as defined in RSA 194:23.

(c) "Sending school" means the alternative school from which a student has earned course credit leading toward high school graduation.

(d) "Graduation competencies" means specific types of competences that are common across the district and define learning expectations for each student for graduation from high school.

III.(a) The principal or other administrator may approve coursework from a sending school, contingent upon review of the course to ensure the course promotes, meets, or exceeds required knowledge and skills that lead a student to meet competencies offered and measured in the receiving high school.

(b) The principal or other administrator may approve course credit leading toward high school graduation if a student satisfactorily completes a course offered in another high school. Such courses include but are not limited to honors, International Baccalaureate, advanced placement, vocational, technical, career pathway course, or an approved course of study leading to high school graduation from the sending public school. If the principal or other administrator denies course credit, the student shall take the local, board approved, in-place competency assessment aligned to a similar course offered through the high school to better determine student competency or to determine that the course meets the academic standards required by the high school. A student who receives a passing grade on such assessment shall receive course credit. A student who does not receive a passing grade shall not receive credit and shall be required to take the course and receive a passing grade in order to get credit.

IV. The local education agency or high school principal shall waive a specific course requirement for graduation if a similar course has been satisfactorily completed in another New Hampshire local education agency, a state board approved New Hampshire public high school, or the New Hampshire virtual learning academy charter school or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would not graduate if the course is not accepted, the local education agency or high school shall offer an alternative means of acquiring required coursework so that graduation may occur on time.

**Amendment to HB 1377
(2020-0084h)**

Proposed by the Committee on Executive Departments and Administration - c

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

AN ACT making a technical correction and a clarification in the law governing death benefits for emergency medical technicians and rescue squad members.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:
2 Death Benefits; Emergency Medical Technicians and Rescue Squad Members. Amend RSA 21-I:29-a, I(h) to read as follows:

(h) "Rescue squad member" means any member of a rescue squad formed for the purposes of responding to a state of emergency as declared by the governor or as part of a search and rescue effort under the supervision of the fish and game department [~~to recover a lost person~~].

2020-0084h

AMENDED ANALYSIS

This bill makes a technical correction in the law governing death benefits for emergency medical technicians and rescue squad members. This bill also clarifies the definition of "rescue squad member."

**Amendment to HB 1378
(2020-0338h)**

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

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the oversight authority and timelines for the processing and retention of sexual assault evidence collection kits of the department of justice and the department of safety, division of state police.

**Amendment to HB 1393
(2020-0246h)**

Proposed by the Committee on Municipal and County Government - c

Amend RSA 653:1, VI(j) as inserted by section 2 of the bill by replacing it with the following:

(j) Grafton county-one county commissioner by the voters in each county commissioner district; provided that, at the 2020 state general election, the commissioner from district 2 shall be elected to a 2-year term, the commissioner from district 3 shall be elected to a 4-year term and the commissioner from district 1 shall be elected to a 2-year term. At each subsequent state general election, 2 commissioners shall be chosen in the county by the voters of the districts in which a commissioner's term is expiring; and, of the commissioners so chosen, one shall serve a 4-year term and one shall serve a 2-year term and both shall hold their offices until their successors are chosen and qualified. Following the 2020 state general election, the 4-year term shall be rotated in sequence starting with district 1.

**Amendment to HB 1399
(2020-0449h)**

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

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

1 Public Employee Labor Relations; Definition. Amend RSA 273-A:1 by inserting after paragraph XII the following new paragraph:

XIII. "Written majority authorization" means board-approved written majority authorization cards signed and dated by a majority of employees in the appropriate bargaining unit which designate an employee organization as their representative for the purpose of collective bargaining. Current employee signatures must be dated within the 6 months preceding the date on which the signed written majority authorization cards are filed with the board to establish majority and exclusive representative status.

2 New Paragraph; Public Employee Labor Relations; Elections. Amend RSA 273-A:10 by inserting after paragraph IX the following new paragraph:

X. Notwithstanding any other provision of this section, the board shall certify and the public employer shall recognize as the exclusive representative an employee organization which has received a written majority authorization for the purpose of collective bargaining of all the employees in the bargaining unit. This rule shall apply only when no other employee organization has been and currently is lawfully recognized as the exclusive representative of the employees in the appropriate bargaining unit. The employee organization shall file the written majority authorization cards and a written majority authorization petition for certification with the board. Absent exceptional cause, within 10 days, the board's staff shall inspect the written majority authorization cards in order to verify the employee organization's majority support within the appropriate

bargaining unit and report the results of such inspection in writing to the parties. The board shall establish rules and procedures for the prompt verification of evidence of written majority authorization, including safeguards to protect the privacy of individual employee choice and the board shall treat the written majority authorization cards as confidential once they are filed with the board.

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

2020-0449h

AMENDED ANALYSIS

This bill amends the procedure for written majority authorization of an employee organization for the purpose of collective bargaining.

Amendment to HB 1402

(2020-0593h)

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

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

1 Eligible Customer Generator; Exception Added for Municipal Hosts. Amend RSA 362-A:1-a, II-b through II-d to read as follows:

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 capacity of up to and including one megawatt, ***except as provided for a municipal host***, 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 nonqualifying facility.

II-c. ***"Municipal host" means a customer-generator with a total peak generating capacity of greater than one megawatt used to offset the electricity requirements of a group consisting of one or more customers who are political subdivisions, provided that all customers are located within the same utility franchise service territory. A municipal host shall be located in the same municipality as all group members if the facility began operation after January 1, 2020. A municipal host may be owned by either a public or private entity. For this definition, "political subdivision" means any city, town, county, school district, chartered public school, village district, school administrative unit, or any district or entity created for a special purpose administered or funded by any of the above named governmental units.***

II-d. "Eligible fuel" means natural gas, propane, wood pellets, hydrogen, or heating oil when combusted with a burner, including air emission standards for the device using the approved fuel.

[H-d] II-e. "Heat led" means that the combined heat and power system is operated in a manner to satisfy the heat usage needs of the customer-generator.

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

2020-0593h

AMENDED ANALYSIS

This bill establishes an exemption under net energy metering for group net metered facilities that generate electricity to offset electrical requirements of a group consisting of political subdivisions

Amendment to HB 1406

(2020-0484h)

Proposed by the Committee on Municipal and County Government - c

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

AN ACT relative to the property tax exemptions for solar and wind-powered energy systems.

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

1 Persons and Property Liable to Taxation; Exemption for Solar Energy Systems; Adoption of Exemption. Amend RSA 72:62 to read as follows:

72:62 Exemption for Solar Energy Systems. Each city and town may adopt under RSA 72:27-a an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a solar energy system as defined in RSA 72:61. ***A city or town adopting an exemption under this section may adopt specific exemption limits for off grid, net metered, group net metered, and direct retail sale arrangements.***

2 Persons and Property Liable to Taxation; Exemption for Wind-Powered Energy Systems. Amend RSA 72:66 to read as follows:

72:66 Exemption for Wind-Powered Energy Systems. Each city and town may adopt under RSA 72:27-a an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a wind-powered energy system. ***A city or town adopting an exemption under this section may adopt specific exemption limits for off grid, net metered, group net metered, and direct retail sale arrangements.***

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

2020-0484h

AMENDED ANALYSIS

This bill provides that a municipality that adopts a property tax exemption for solar energy systems or wind-powered energy systems may adopt exemption limits for off grid, net metered, group net metered, and direct retail arrangements.

Amendment to HB 1408

(2020-0619h)

Proposed by the Committee on Transportation - r

Amend the bill by replacing section 1 with the following:

1 Certificates of Title and Registration of Vehicles; Misuse or Failure to Display Plates. Amend RSA 261:176, II to read as follows:

II. Any person who applies or permits to be applied any covering to a license plate that is colored, smoked, or tinted shall be guilty of a violation.

III. The fine for a violation of this section shall be \$150.

2020-0619h

AMENDED ANALYSIS

This bill prohibits persons from attaching or permitting to be attached to a license plate any coverings that are colored, smoked, or tinted.

Amendment to HB 1411

(2020-0434h)

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

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

1 New Subdivision; Commission to Study Long-Term Supports and Services in New Hampshire. Amend RSA 126-A by inserting after section 80 the following new subdivision:

Commission to Study Long-Term Supports and Services in New Hampshire

126-A:81 Commission to Study Long-Term Supports and Services in New Hampshire Established.

I. There is established a commission to study long-term supports and services in New Hampshire.

(a) The members of the commission shall be as follows:

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

(3) The insurance commissioner, or designee.

(4) The commissioner of the department of health and human services, or designee.

(5) A representative from the state commission on aging, appointed by the commission.

(6) A member representing home health workers, appointed by the Granite State Home Health Association.

(7) The executive director of AARP New Hampshire, or designee.

(8) A representative of the New Hampshire Association of Counties, appointed by the association.

(9) A representative of the New Hampshire Disability Rights Center, appointed by the center.

(10) A public member representing a nonprofit social services organization for the elderly and disabled, appointed by the governor.

(11) The executive director of Granite State Independent Living, or designee.

(12) A representative of the New Hampshire chapter of the National Academy of Elder Law Attorneys, Inc, appointed by that organization.

(13) A representative of the New Hampshire Health Care Association, appointed by the association.

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

II.(a) The commission shall study improving the means of providing and funding long-term supports and services. The study shall include an examination of the following:

(1) The spectrum of long-term supports and services and delivery settings as they relate to health care and daily living.

- (2) The implication of choice in settings for providing long-term supports and services.
- (3) Costs and funding for long-term supports and services.
- (4) The costs of options for persons who are not currently eligible for the Medicaid program.
- (5) Long-term care insurance premiums.
- (6) Other matters relevant to the commission's study.

(b) The commission may solicit input from any person or entity the commission deems relevant to its study.

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

IV. The commission shall submit a report with its findings and any recommendations for proposed legislation on or before November 1, 2021 to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

2 Repeal. RSA 126-A:81, relative to commission to study long-term care supports and services in New Hampshire, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2021.

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

Amendment to HB 1420

(2020-0091h)

Proposed by the Committee on State-Federal Relations and Veterans Affairs - c

Amend RSA 110-B:28-a as inserted by section 2 of the bill by replacing it with the following:

110-B:28-a Rules for the Use of Force. Use of force by personnel, to include state employees and contractor personnel while conducting security functions at National Guard Facilities; and any employee and member of the New Hampshire National Guard, in a duty status, shall be in accordance with adjutant general issued guidance and procedures, which, except for mission specific rules for the use of force, shall be consistent with applicable Department of Defense, Chairman of the Joint Chiefs of Staff, United States Army, or United States Air Force unclassified directives and instructions on the standing rules for use of force.

Amendment to HB 1431

(2020-0537h)

Proposed by the Committee on Transportation - c

Amend the bill by replacing section 1 with the following:

1 Motor Vehicles; Spot Lamps and Auxiliary Lamps. Amend RSA 266:37, II to read as follows:

II. ***Except as provided in paragraph II-a***, any motor vehicle may be equipped with not to exceed 3 auxiliary driving lamps mounted on the front at a height not less than 12 inches nor more than 42 inches above the level surface upon which the vehicle stands, with such measurements to be made from the ground to the center of the lens, except that vehicles while used in the winter maintenance of ways may be driven with auxiliary head lamps higher than 42 inches above the surface upon which the vehicle stands provided such head lamps shall be aimed so that the top of the beam of light produced by these head lamps does not exceed the height of a horizontal line which is 42 inches high at a distance of 75 feet ahead of the head lamps of said vehicle.

II-a. Motorcycles as defined in RSA 259:63 may be equipped with not to exceed 4 auxiliary driving lamps mounted on the front of the motorcycle at a height of not more than 42 inches above the level surface upon which the motorcycle stands, with such measurements to be made from the ground to the center of the lens.

2020-0537h

AMENDED ANALYSIS

This bill permits motorcycles to have a maximum of 4 auxiliary driving lamps mounted to the front of the motorcycle.

Amendment to HB 1453

(2020-0353h)

Proposed by the Committee on Transportation - c

Amend RSA 236:8-a, II as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraphs:

(d) The commissioner of the department of transportation, or designee.

(e) A representative of the adaptive traffic signal control systems industry, appointed by the governor.

**Amendment to HB 1513
(2020-0001h)**

Proposed by the Minority of the Committee on Health, Human Services and Elderly Affairs - r
Amend the bill by replacing section 1 with the following:

1 Commissioner of the Department of Health and Human Services; Medicaid Block Grant Study Required. The commissioner of the department of health and human services shall study whether converting the program established pursuant to RSA 126-A:5, XIX could be funded at lower cost to New Hampshire taxpayers via a section 1115 waiver converting the program to a block grant, which may be indexed for population growth, inflation and other costs, while maintaining all services currently provided to the citizens of New Hampshire. This study shall include an actuarial analysis of the current managed care model for New Hampshire Medicaid and the potential conversion of the model to an accountable care organization, and may include additional models at the discretion of the commissioner. The commissioner shall report the findings and recommendations for legislation to allow implementation to the fiscal committee of the general court, 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.

**Amendment to HB 1555-FN-LOCAL
(2020-0138h)**

Proposed by the Majority of the Committee on Criminal Justice and Public Safety - r
Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study increasing wages, educational opportunities, and the corresponding impact on recidivism among prisoners incarcerated in a state correctional facility who work at or under the supervision of such facility.

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

1 Committee Established. There is established a committee to study increasing wages, educational opportunities, and the corresponding impact on recidivism among inmates incarcerated in a state correctional facility who work at or under the supervision of such facility.

2 Membership and Compensation.

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

- (a) Five members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) Two members of the senate, appointed by the president of the senate.

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

3 Duties.

I. The committee shall study:

(a) How the New Hampshire department of corrections could increase the wages of prisoners under the supervision of a correctional facility who perform skilled jobs inside such a facility, increase access to educational opportunities in the same facilities, and the relationship of both to recidivism.

(b) Existing wage structure for prisoners.

(c) Wages paid to prisoners in other states for similar work to that performed by prisoners in New Hampshire.

(d) Existing expenses for prisoners inside New Hampshire correctional facilities and whether existing wages cover those expenses.

(e) Whether increased wages should be restricted to certain uses, such as educational expenses.

(f) The different jobs performed by prisoners and whether there is reason to pay higher wages for certain jobs over others.

(g) Any possible rehabilitative impact of increased wages.

(h) The cost of increasing wages and whether wage increases could be rolled out incrementally over multiple budget cycles.

(i) Whether there are existing policies or laws that would enable the department of corrections to increase wages without additional legislation, and the possible benefits or challenges of additional legislation on the matter.

(j) The interplay between prison wages, educational opportunities, and recidivism.

II. The committee shall solicit information from any individual or entity the committee deems relevant to its study, including the commissioner of the department of corrections, the American Civil Liberties Union, and individuals currently or formerly incarcerated in New Hampshire.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2020.

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

2020-0138h

AMENDED ANALYSIS

This bill establishes a committee to study increasing wages, educational opportunities, and corresponding impact on recidivism among inmates incarcerated in a state correctional facility who work at or under the supervision of such facility.

Amendment to HB 1569-FN

(2020-0182h)

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

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

1 Class B Firefighting Foam Registry. RSA 154:8-b, XI is repealed and reenacted to read as follows:

XI.(a) There is established in the department of environmental services a registry for compilation and analysis of information relating to the sites where the class B firefighting foam has been discharged, stored, captured, collected, managed, or disposed of. Such registry shall be available to the public on the department of environmental services' Internet website.

(b) Any time a class B firefighting foam to which PFAS chemicals have been intentionally added is discharged, the person or municipality making such discharge shall notify the department of environmental services within 48 hours of such discharge.

(c) Persons or municipalities shall notify the department of environmental services of all locations where class B firefighting foam is or has been stored, captured, collected, managed, or disposed of.

(d) Within 120 days of the effective date of this paragraph, persons or municipalities shall notify the department of environmental services of any known dates and locations where class B firefighting foam has been discharged in the past.

(e) The commissioner of the department of environmental services shall adopt rules pursuant to RSA 541-A relative to the content and design of forms for reporting use of class B firefighting foam. Reports shall include the location, date, time, and volume of the discharge.

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

2020-0182h

AMENDED ANALYSIS

This bill requires the department of environmental services to maintain a public registry of where certain fire suppressants have been used.

Amendment to HB 1580-FN

(2020-0582h)

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 regulating the use of unmanned aircraft systems.

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

1 New Paragraph; New Hampshire Aeronautics Act; Exceptions. Amend RSA 422:22 by inserting after paragraph VI the following new paragraph:

VII. The registration of an unmanned aircraft system as defined in RSA 422-D.

2 New Chapter; Unmanned Aircraft System. Amend RSA by inserting after chapter 422-C the following new chapter:

CHAPTER 422-D

UNMANNED AIRCRAFT SYSTEM

422-D:1 Definitions. In this chapter:

I. "Critical infrastructure" means a county, city, or town jail or detention facility, police station or fire station; any prison, facility, or institution under the control of the department of corrections; and any additional structure designated by the Federal Aviation Administration as critical infrastructure.

II. "Unmanned Aircraft System (UAS)" is one which:

- (a) Does not carry a human operator;
- (b) Uses aerodynamic forces to provide vehicle lift;
- (c) Can fly autonomously or be piloted remotely; and
- (d) May be expandable or recoverable.

422-D:2 Unlawful Operation or Use of an Unmanned Aircraft System.

I. A person shall be guilty of a violation for a first offense, or a misdemeanor for a second or subsequent offense, if such person operates a UAS which:

(a) Is prohibited by a federal law or regulation that governs aeronautics, including Federal Aviation Administration regulations; or

(b) Interferes with a law enforcement, firefighting, or other emergency response operation.

II. A person shall be guilty of a misdemeanor if such person operates a UAS:

(a) Without a warrant, except for emergency response for safety and/or law enforcement investigations, to intentionally conduct surveillance of, gather evidence or collect information about, or photographically or electronically record, specifically targeted persons or specifically targeted private property including, but not limited to, an individual or dwelling owned by an individual and such dwelling's curtilage, without such individual's written consent; or

(b) To photograph or otherwise record an individual, without such individual's consent, for the purpose of publishing or otherwise publicly disseminating such photograph or recording.

III. A person shall be guilty of a class B felony if such person weaponizes a UAS or operates a weaponized UAS.

IV. A person shall be guilty of a class A felony if such person weaponizes a UAS and discharges the weapon on the UAS.

422-D:3 Exceptions. The prohibitions under RSA 422-D:2 shall not apply to:

I. Images derived from lands owned by, or under the control of, the government entity that obtained such images, such as state parks and forests; or

II. Incidental images of private property provided no personal information is obtained or retained by the person operating the UAS.

422-D:4 Critical Infrastructure Designation. The department of transportation, bureau of aeronautics, shall apply to the Federal Aviation Administration to request the structures specified in RSA 422-D:1, I to be designated as critical infrastructure.

3 Breaches of the Peace; Violation of Privacy. Amend RSA 644:9, IV to read as follows:

IV. A person is guilty of a misdemeanor if such person knowingly enters any residential curtilage, as defined in RSA 627:9, I, or any other private place as defined in paragraph II of this section, without lawful authority and looks into the residential structure thereon or other private place with no legitimate purpose. ***Any person who violates this paragraph by using or operating an unmanned aircraft system as defined in RSA 422-D shall be guilty of a class A misdemeanor.***

4 Effective Date. This act shall take effect January 1, 2021.

2020-0582h

AMENDED ANALYSIS

This bill regulates the use of unmanned aircraft systems and establishes criminal penalties and for violations of the law.

**Amendment to HB 1596-FN-A
(2020-0266h)**

Proposed by the Committee on Fish and Game and Marine Resources - c

Amend RSA 206:42, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The executive director may invest in technology necessary to enable the solicitation and collection of donations. The executive director shall credit any donations collected under this paragraph to the fish and game search and rescue fund.

Amend RSA 206:42 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. Beginning July 1, 2023, and biennially thereafter, the executive director shall submit a report to the house fish and game and marine resources committee detailing the status of the search and rescue fund. The report shall include details as to search and rescue operations and expenditures during the reporting period, and the remaining balance in the fund at the end of the reporting period.

2020-0266h

AMENDED ANALYSIS

This bill provides that general funds shall be used for funding search and rescue operations of the fish and game department and authorizes the executive director of fish and game to invest in technology necessary to enable the solicitation and collection of donations. Such funds collected shall be credited to the fish and game search and rescue fund. The bill also requires the executive director to report biennially on the status of the fund.

**Amendment to HB 1600-FN-A
(2020-0418h)**

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - r
Amend the title of the bill by replacing it with the following:

AN ACT relative to smoking cessation therapy and pharmacist reimbursement under Medicaid and making an appropriation therefor and relative to insurance coverage for pharmacist cognitive services.

Amend RSA 126-A:3, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. Pharmacists shall be considered providers under RSA 126-A:3, III for the purpose of billing for providing cognitive services performed within the scope of a person's license including, but not limited to, RSA 318:1, XXVIII, RSA 318:16-a, RSA 318:47-l, II, and RSA 318:47-m. The commissioner shall submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to implement this paragraph, if necessary.

Amend RSA 318:1, XVIII-a as inserted by section 3 of the bill by replacing it with the following:

XVIII-a. "Smoking cessation therapy" means patches, gums, lozenges, inhalers, and nasal sprays which the United States Food and Drug Administration (FDA) classifies as available by prescription for the purpose of smoking cessation.

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

4 New Section; Pharmacists and Pharmacies; Smoking Cessation Therapy. Amend RSA 318 by inserting after section 47-l the following new section:

318:47-m Smoking Cessation Therapy.

I. In this section, "standing order" means a written and signed protocol authored by a physician licensed under RSA 329:12 or an advanced practice registered nurses licensed under RSA 326-B:18. The agreement shall specify a protocol allowing a licensed pharmacist to provide smoking cessation therapy under the delegated prescriptive authority of the physician or APRN, a mechanism to document screening performed and the prescription in the patient's medical record, and include a plan for evaluating and treating adverse events. The prescriptions shall be considered a legitimate medical purpose in the usual course of professional practice.

II. Licensed pharmacists following standing orders may provide smoking cessation therapy to persons in this state without a prior prescription.

III. A pharmacist, pharmacy, physician, or APRN issuing or following standing orders shall be prohibited from seeking personal financial benefit by participating in any incentive-based program or accepting any inducement that influences or encourages therapeutic or product changes or the ordering of tests or services.

IV. Prior to providing smoking cessation therapy under this section, a pharmacist shall complete an Accreditation Council for Pharmacy Education (ACPE) accredited educational training program related to smoking cessation.

V. The pharmacist shall provide each recipient of smoking cessation therapy with a standardized information sheet written in plain language, which shall include, but is not limited to, the indication for the use of the smoking cessation therapy, the importance of follow-up care, and health care referral information.

VI. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Education and training required under paragraph IV.

(b) Content and format of the information sheet required under paragraph V, in consultation with the commissioner of the department of health and human services.

(c) A model statewide protocol, with the consent of the board of medicine, the board of nursing, and the department of health and human services to be used for the purposes of paragraph I.

(d) Communication to the patient's primary care provider with the consent of the patient.

VII. The board of medicine shall not deny, revoke, suspend, or otherwise take disciplinary action against a physician based on a pharmacist's failure to follow standing orders provided the provisions of this section and the rules adopted under this section are satisfied. The board of nursing shall not deny, revoke, suspend, or otherwise take disciplinary action against an APRN based on a pharmacist's failure to follow standing orders provided the provisions of this section and the rules adopted under this section are satisfied. The board of pharmacy shall not deny, revoke, suspend, or otherwise take disciplinary action against a pharmacist who follows standing orders based on a defect in those standing orders provided the provisions of this section and the rules adopted under this section are satisfied.

5 New Section; Accident and Health Insurance; Coverage for Cognitive Services; Individual. Amend RSA 415 by inserting after section 6-x the following new section:

415:6-y Coverage for Pharmacist Cognitive Services. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for providing pharmacist cognitive services, at a reimbursement rate established by contract between the pharmacy and the insurer, provided by a pharmacist in a collaborative practice agreement pursuant to RSA 318:16-a or under a standing order pursuant to RSA 318:47-m and RSA 318:47-l. Coverage shall be subject to terms and conditions of the policy.

6 New Section; Accident and Health Insurance; Coverage for Pharmacist Cognitive Services; Group. Amend RSA 415 by inserting after section 18-bb the following new section:

415:18-cc Coverage for Pharmacist Cognitive Services. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for providing pharmacist cognitive services, at a reimbursement rate established by contract between the pharmacy and the insurer, provided by a pharmacist in a collaborative practice agreement pursuant to RSA 318:16-a or under a standing order pursuant to RSA 318:47-m and RSA 318:47-l. Coverage shall be subject to terms and conditions of the policy.

7 Health Services Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, **RSA 415:6-y**, RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, **RSA 415:18-cc**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

8 Health Services Corporations; Applicable Statutes; Effective January 2021. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, **RSA 415:6-y**, RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, **RSA 415:18-cc**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

9 Health Maintenance Organizations; Statutory Construction. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, **RSA 415:6-y**, RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, **RSA 415:18-cc**, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

10 Health Maintenance Organizations; Statutory Construction; Effective January 1, 2021. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, **RSA 415:6-y**, RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, **RSA 415:18-cc**, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

11 Appropriation; Department of Health and Human Services. The sum of \$100,000 for the biennium ending June 30, 2021 is hereby appropriated to the department of health and human services for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

12 Effective Date.

I. Sections 8 and 10 of this act shall take effect January 1, 2021 at 12:04 a.m.

II. The remainder of this act shall take effect June 30, 2020.

2020-0418h

AMENDED ANALYSIS

This bill authorizes pharmacists to provide smoking cessation therapy pursuant to a standing order from a physician or APRN and to be reimbursed under Medicaid. This bill also provides insurance coverage for pharmacist cognitive services under certain circumstances.

Amendment to HB 1603-FN

(2020-0232h)

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

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

AN ACT establishing the per and polyfluoroalkyl substances contamination remediation and mitigation revolving loan and grant program and fund.

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

1 New Chapter; Per and PolyFluoroalkyl Substances (PFAS) Contamination Remediation and Mitigation Program. Amend RSA by inserting after chapter 485-G the following new chapter:

CHAPTER 485-H

PER AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION REMEDIATION AND MITIGATION PROGRAM

485-H:1 Per and Polyfluoroalkyl Substances Contamination Remediation and Mitigation Program and Fund. There is hereby established the per and polyfluoroalkyl substances (PFAS) contamination remediation and mitigation program and fund. Any moneys the state receives from lawsuits or settlements and other funding sources related to PFAS contamination shall be deposited in the PFAS fund. Moneys in this fund shall be nonlapsing and continually appropriated to the department of environmental services for assisting municipalities, community water systems as defined in RSA 485:1-a, and members of the public whose water exceeds the maximum contaminant levels for PFAS as set by the department of environmental services, through the issuing of loans and grants.

485-H:2 Per and Polyfluoroalkyl Substances Contamination Remediation and Mitigation Revolving Loan and Grant Funds.

I.(a) The PFAS contamination remediation and mitigation revolving loan and grant funds shall be administered by the commissioner of the department of environmental services under rules adopted pursuant to RSA 541-A.

(b) A sum equal to 2 percent of all loan principal balances outstanding each year, which shall be an administrative charge, shall be set aside to be used by the department of environmental services to pay the costs of administering the state PFAS contamination remediation and mitigation loan and grant funds.

II. It is the intent of the general court that many projects be considered for inclusion in the PFAS contamination remediation and mitigation revolving loan fund and grant program. Projects addressing the greatest contamination for drinking water systems or private wells that serve the greatest number of people shall be given priority in the awarding of loans and grants.

III. Any borrowing by a municipality from the loan fund or grant funded moneys shall be governed by the applicable provisions of RSA 33, provided that the first principal payment on any loan and the first of the annual payments required under RSA 33:2 may be deferred up to one year after the estimated or actual completion date of the project being financed by the loan, and provided further that no authenticating certificate shall be required under RSA 33:11(b).

485-H:3 Per and Polyfluoroalkyl Substances Contamination Remediation and Mitigation Program Fund Established. There is hereby established the per and polyfluoroalkyl substances (PFAS) contamination remediation and mitigation program fund which shall be kept distinct and separate from all other funds. The PFAS contamination remediation and mitigation program fund shall be used to fund loans and grants through the PFAS remediation program. The moneys in the fund shall be nonlapsing.

2 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys received under RSA 486:15, which shall be credited to the per and polyfluoroalkyl substances contamination remediation and mitigation program fund established in RSA 485-H:3.

3 Effective Date. This act shall take effect July 1, 2021.

2020-0232h

AMENDED ANALYSIS

This bill establishes the per and polyfluoroalkyl substances contamination remediation and mitigation revolving loan and grant program and fund.

Amendment to HB 1606-FN (2020-0373h)

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

Amend the bill by replacing section 1 with the following:

1 New Section; Fish and Game Commission; Cruelty to Wild Animals, Fish, or Wild Birds. Amend RSA 206 by inserting after section 19-a the following new section:

206:19-b Cruelty to Wild Animals, Fish, or Wild Birds; Enhanced Penalty.

I.(a) Any person who purposely beats, cruelly whips, tortures or mutilates any wild animal, fish or wild bird as defined in RSA 207:1, or purposely causes any wild animal, fish, or wild bird to be beaten, cruelly whipped, tortured or mutilated shall be guilty of a class B felony.

(b) Any person who negligently beats, cruelly whips, tortures or mutilates any wild animal, fish or wild bird as defined in RSA 207:1, or negligently causes any wild animal, fish or wild bird to be beaten, cruelly whipped, tortured or mutilated shall be guilty of a misdemeanor.

II. It shall be an affirmative defense to prosecution and an actor shall be exempt from enhanced penalties under this section for any manner of taking, open season time limits, permitted scientific investigations or wildlife management practices lawful under title XVIII or administrative rules adopted pursuant to RSA 541:A, whether or not the actor holds a current and valid license issued by the department.

Amendment to HB 1620-FN

(2020-0192h)

Proposed by the Committee on Transportation - r

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

1 New Paragraph; Electric Vehicle Charging Stations; Prohibitions and Restrictions. Amend RSA 236:134 by inserting after paragraph III the following new paragraph:

IV. Any person who violates the parking restrictions in paragraph I shall be guilty of a violation and fined a minimum of \$100 of which 20 percent is payable to the town or city where the violation occurred.

2 New Subparagraph; Stopping, Standing, or Parking Prohibited in Specified Places. Amend RSA 265:69 by inserting after subparagraph I(m) the following new subparagraph:

(n) In any space equipped with an electric vehicle charging station on a public way, unless such person is operating a plug-in-hybrid electric vehicle as defined in RSA 236:132, V or battery electric vehicle as defined in RSA 236:132, I. Any person who violates the provisions of this subparagraph shall be fined a minimum of \$100 of which 20 percent is payable to the town or city where the violation occurred.

Amendment to HB 1627-FN

(2020-0435h)

Proposed by the Majority of the Committee on Environment and Agriculture - r

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

AN ACT creating an animal records database.

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

1 New Sections; Animal Records Database. Amend RSA 437 by inserting after section 8 the following new sections:

437:8-a Animal Records Database Established.

I. The department of agriculture, markets, and food shall design, establish, and contract with a third party for the implementation and operation of an electronic system to facilitate the handling of animal records. The department shall maintain a statewide database of all health certificates for any dog, cat, or ferret for which it is required; records of all rabies vaccinations; records of quarantine for any animal brought into New Hampshire for transfer under RSA 437:8, IV; any records required of pet vendors for the transfer of any animal that is not a dog, cat, or ferret; license information for pet vendors required to be licensed under RSA 437:3, and the number of individual and group licenses issued each year by each municipality in New Hampshire under RSA 466.

II. Such database may also be used to record other data relevant to the oversight of pet animal health in the state as the commissioner deems necessary.

III. The department shall maintain a reporting system capable of receiving electronically transmitted reports from veterinarians, pet vendors, animal shelters, and any other person the department requires by rule to submit animal records. Authorized users shall be capable of working in offline mode when an Internet connection is not available. The commissioner shall adopt rules under RSA 541-A to govern methods of obtaining, compiling, and maintaining such information it deems necessary to manage such database including procedures for providing authorized access by licensed veterinarians, municipal clerks, and other persons the commissioner requires to access to the database. The commissioner shall also adopt rules pursuant to RSA 541-A relative to the collection of fees necessary to maintain the database. The commissioner shall also ensure that the database is secure from unauthorized access or use.

IV. There is established a nonlapsing fund to be known as the animal records database fund in the department of agriculture, markets, and food which shall be kept distinct and separate from all other funds. All moneys in the animal records database fund shall be nonlapsing and continually appropriated to the commissioner for the purpose of administering and maintaining the animal records database established in this section. When it is anticipated that there will not be sufficient funds in the animal records database fund to administer and maintain the animal records database, the commissioner is authorized to transfer funds from the agricultural product and scale testing fund established under RSA 435:20, IV and the pesticides control fund under RSA 430:34, V.

437:8-b Confidentiality.

I. Information contained in the database, information obtained from it, and information contained in the records of requests for information from the database, shall be confidential, and shall not be a public record

or otherwise subject to disclosure under RSA 91-A, and shall not be subject to discovery, subpoena, or other means of legal compulsion for release. Such information shall not be shared with an agency or institution, except as provided in this subdivision.

II. The department shall establish and maintain procedures to ensure the privacy and confidentiality of animal and animal owner information.

III. The department may use and release information and reports from the program for program analysis and evaluation, statistical analysis, public research, public policy, and educational purposes, provided that the data are aggregated or otherwise de-identified.

IV. No database records, information, or lists shall be sold, rented, transferred, or otherwise made available in whole or in part, in any form or format, directly or indirectly, to another person.

V. Database records, information, or lists may be made available pursuant to a court order on a case-by-case basis. In a case of potential rabies exposure, rabies vaccination information may be made available in response to a request from the state, a political subdivision of the state, the federal government, or a law enforcement agency solely for use in official business. Any information, record, or list received pursuant to this paragraph shall not be transferred or otherwise made available to any other person or listed entity not authorized under this paragraph.

VI. Any person who knowingly accesses, alters, destroys, or discloses program information except as authorized in this subdivision or attempts to obtain such information by fraud, deceit, misrepresentation, or subterfuge shall be guilty of a class B felony.

2 Transfer Authorized. The commissioner of the department of agriculture, markets, and food is authorized to transfer funds to and from the following funds in order to establish the animal records database:

I. The agricultural product and scale testing fund established under RSA 435:20, IV.

II. The pesticides control fund under RSA 430:34, V.

III. The animal records database fund under RSA 437:8-a, IV.

3 Health Certificates; Fee. Amend RSA 437:8 to read as follows:

437:8 Health Certificates for Dogs, Cats, and Ferrets.

I. For purposes of this chapter, an official health certificate means ~~[a certificate signed]~~ **an electronic record electronically submitted to the animal records database** by a licensed veterinarian, containing the name and address of the entity transferring ownership of the dog, cat, or ferret, the age, gender, breed, microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or ferret, and the certification of the veterinarian that the dog, cat, or ferret is free from evidence of communicable diseases or internal or external parasites. A list of all vaccines and medication administered to the dog, cat, or ferret shall be included ~~[on or attached to]~~ **in** the certificate. **The signing veterinarian shall pay a fee not to exceed \$2 for each official health certificate submitted to the department of agriculture, markets, and food in accordance with rules established by the department for the submission of the health certificates for the administration of the animal records database.**

II. **The electronically submitted health certificate shall be considered the official health certificate. A physical copy of the health certificate of** ~~[The original of the official health certificate accompanying]~~ the dog, cat, or ferret offered for transfer by a licensee shall be kept on the premises where dogs, cats, and ferrets are displayed, and made available for inspection by the department, local officials, or a member of the public upon request up to one year after the animal has left the facility. The public shall be informed of their right to inspect the health certificate for each dog, cat, or ferret by a sign prominently displayed in the area where dogs, cats, or ferrets are displayed. Upon transfer of a dog, cat, or ferret, **a physical copy of** that animal's health certificate shall be given to the transferee in addition to any other documents which are customarily delivered to the transferee. ~~[The transferee may accept a dog, cat, or ferret that has a non-contagious illness, or feline leukemia virus or feline immunodeficiency virus, which has caused it to fail its examination by a licensed veterinarian for an official health certificate. The transferee shall sign a waiver that indicates the transferee has knowledge of such dog, cat, or ferret's noncontagious medical condition and then submit such waiver to the licensee who shall send a copy to the state veterinarian.]~~

II-a. For purposes of this chapter, an official health certificate waiver means an electronic record electronically submitted to the animal records database provided in lieu of an official health certificate for a dog, cat, or ferret that has failed the examination for an official health certificate because of a non-contagious illness, feline leukemia, or feline immunodeficiency virus. The waiver shall contain the name and address of the entity transferring ownership of the dog, cat, or ferret; the age, gender, breed, microchip number, tattoo number, ear tag number, or physical description of the dog, cat, or ferret; the reason for failure of the examination for the official health certificate; and the signature of the transferee indicating that the transferee has knowledge of the dog's, cat's, or ferret's non-contagious medical condition. A list of all vaccines and medication administered to the dog, cat, or ferret shall be included in the health certificate waiver. The waiver shall be submitted electronically to the animal records database by a New Hampshire licensed veterinarian,

a New Hampshire licensed pet vendor, or other person authorized to submit to the animal records database. The person submitting the health certificate waiver shall pay a fee not to exceed \$2 for each official health certificate waiver submitted to the department of agriculture, markets, and foods in accordance with rules established by the commissioner for the administration of the animal records database. Payments shall be made electronically.

III. No person, firm, corporation, or other entity shall ship or bring into the state of New Hampshire, to offer for transfer in the state of New Hampshire, any cat, dog, or ferret less than 8 weeks of age. No person, firm, corporation, or other entity shall offer for transfer any cat, dog, or ferret less than 8 weeks of age.

IV. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at least 48 hours at a facility licensed under RSA 437 or at a facility operated by a licensed veterinarian separated from other animals on the premises before being offered for transfer.

V. Animal shelter facilities, as defined in RSA 437:1, I, are exempt from the requirements of this section relative to transferring dogs, cats, and ferrets except that:

(a) All animal shelter facilities shall have on premises a microchip scanner and shall maintain a file of recognized pet retrieval agencies, including but not limited to national tattoo or microchip registries.

(b) Where an owner is not known, all animal shelter facilities shall inspect for tattoos, ear tags, or other permanent forms of positive identification and shall scan for a microchip upon admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to transferring ownership of an unclaimed or abandoned animal.

VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual without first being protected against infectious diseases using a vaccine approved by the state veterinarian. ~~[No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer shall occur unless the transferred animal is accompanied by a health certificate issued within the prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the signing veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be given to the transferee upon transfer as provided in paragraph III.]~~ ***No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual unless accompanied by a physical copy of the official health certificate or official health certificate waiver issued by a licensed veterinarian within the prior 14 days. No transfer shall occur unless the transferred animal is accompanied by a physical copy of the official health certificate or official health certificate waiver. The official health certificate shall reside in the animal records database in a record which the issuing veterinarian and the licensee shall be authorized to access. A physical copy, printed by the veterinarian or the licensee shall be provided to the transferee. The transferor shall retain a physical copy for his or her records.*** If an official health certificate is produced, it shall be prima facie evidence of transfer. ~~[The signing veterinarian shall provide a copy of the health certificate to the department of agriculture, markets, and food upon request.]~~

4 Duties of Veterinarian; Notification of Administration of Rabies Vaccine. Amend RSA 436:102 to read as follows:

436:102 Duties of Veterinarian. It shall be the duty of each veterinarian, at the time of vaccinating any dog, cat, or ferret, to complete a certificate of rabies vaccination ~~[in triplicate]~~ which includes the following information: owner's name and address, description of dog, cat, or ferret (breed, sex, markings, age, name), date of vaccination, rabies vaccination tag number, type of rabies vaccine administered, manufacturer's serial number of vaccine, and the expiration date of the vaccination. ~~[Distribution of copies of the certificate shall be: the original to the owner, one copy retained by the issuing veterinarian and, within 40 days of the vaccination, one copy to the town or city clerk where the dog, cat, or ferret is kept. The veterinarian and the owner shall retain their copies for the interval between vaccinations specified in RSA 436:100.]~~ ***The veterinarian shall enter the rabies vaccine certificate information electronically into the animal records database, and generate a physical copy for the owner, who shall retain that copy for the interval between vaccinations specified in RSA 436:100. The department shall provide city and town clerks access to database records of vaccination for all dogs, cats, and ferrets within their jurisdiction.*** A metal or durable plastic tag, serially numbered, shall be securely attached to the collar or harness of the dog. Whenever the dog is out-of-doors, off the owner's premises, and not under the control of the owner or handler while working the dog, the collar or harness with the vaccination tag shall be worn. For the purposes of this section, "working the dog" means a dog doing a defined functional canine activity with its owner or handler such as hunting, field work, drafting, and guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), or participating in any lawful competitive event, including, but not limited to, conformation shows or obedience trials, field trials, agility events, hunts, sled races, or training activities pertinent to functional canine activities. Cats and ferrets shall not be required to wear the collar or harness with the tag.

5 Cost; Rabies Vaccination Fee. Amend RSA 436:103 to read as follows:

436:103 Cost. The cost of rabies vaccination shall be paid by the owner of the dog, cat, or ferret. ***A fee not to exceed \$2 shall be included in the cost of such vaccinations and shall be submitted to the***

department of agriculture, markets, and food in accordance with rules established by the department for submission of the vaccination certificate required in RSA 436:102 for the administration of the animal records database.

6 New Subparagraph; Animal Records Database Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys deposited in the animal records database fund established in RSA 437:8-a, IV.

7 Applicability. Sections 3-5 of this act shall take effect 90 days after the commissioner of the department of agriculture, markets, and food certifies to the director of the office of legislative services and the secretary of state that the animal records database established in RSA 437:8-a is completed and operational.

8 Effective Date.

I. Sections 3-5 of this act shall take effect as provided in section 7 of this act.

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

2020-0435h

AMENDED ANALYSIS

This bill:

I. Creates a database for animal health records.

II. Authorizes the commissioner of the department of agriculture, markets, and foods to transfer money from certain funds.

III. Establishes a fee on the submission of animal health certificates.

IV. Establishes a fee on rabies vaccinations.

V. Requires veterinarians to send a copy of the rabies vaccination certificate to the department of agriculture, markets, and food.

Amendment to HB 1629-FN

(2020-0552h)

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

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

1 Local Land Use Boards; Training. Amend RSA 673:3-a to read as follows:

673:3-a Training. ~~[Within the first year of assuming office, a new]~~ **Any** member of a zoning board of adjustment or planning board may complete training offered by the office of strategic initiatives ***or another organization that provides similar training covering the processes, procedures, regulations, and statutes related to the board on which the member serves.*** ~~[The office of strategic initiatives may provide this training, which may be designed in a variety of formats including, but not limited to, web-based, distance learning, traditional classroom style, or self study.]~~ ***The office of strategic initiatives shall develop standard self-training materials and corresponding tests for zoning boards of adjustment and planning boards which shall be provided to members free of charge. The office of strategic initiatives may provide other types of training, which may be designed in a variety of formats including, but not limited to, web-based, distance learning, or traditional classroom style. For purposes of this section, the term "member" includes regular and alternate members of zoning boards of adjustment and planning boards.***

2 New Paragraph; Local Land Use Boards; Staff; Finances. Amend RSA 673:16 by inserting after paragraph II the following new paragraph:

III. Any fee which a city or town imposes on an applicant pursuant to this title shall be published in a location accessible to the public during normal business hours. Any fee not published in accordance with this paragraph at the time an applicant submits an application shall be considered waived for purposes of that application. A city or town may comply with the requirements of this section by publicly posting a list of fees at the city or town hall or by publishing a list of fees on the city or town's Internet website.

3 Local Land Use Planning and Regulatory Powers; Innovative Land Use Controls. Amend RSA 674:21, II to read as follows:

II.(a) An innovative land use control adopted under RSA 674:16 may be required when supported by the master plan and shall contain within it the standards which shall guide the person or board which administers the ordinance. An innovative land use control ordinance may provide for administration, including the granting of conditional or special use permits, by the planning board, board of selectmen, zoning board of adjustment, or such other person or board as the ordinance may designate. If the administration of the innovative provisions of the ordinance is not vested in the planning board, any proposal submitted under this section shall be reviewed by the planning board prior to final consideration by the administrator. In such a case, the planning board shall set forth its comments on the proposal in writing and the administrator shall, to the extent that the planning board's comments are not directly incorporated into its decision, set forth its findings and decisions on the planning board's comments.

(b) If a municipality allows an increased density, reduced lot size, expedited approval, or other dimensional or procedural incentive under this section for the development of housing for older persons, as defined

and regulated pursuant to RSA 354-A:15, it shall allow the same incentive for the development of workforce housing as defined in RSA 674:58, IV. Beginning July 1, 2021, incentives established for housing for older persons shall be deemed applicable to workforce housing development, regardless of whether a local land use ordinance or regulation specifically provides for their application to workforce housing development.

4 Local Land Use Planning and Regulator Powers; Innovative Land Use Controls. Amend RSA 674:21, IV(a) to read as follows:

IV. As used in this section:

(a) "Inclusionary zoning" means land use control regulations which ***require a property owner to produce, as part of a development which meets certain characteristics, housing units which are affordable to persons or families of low and moderate income*** or provide a voluntary incentive or benefit to a property owner in order to induce the property owner to produce housing units which are affordable to persons or families of low and moderate income. Inclusionary zoning includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined application process. ***Inclusionary zoning ordinances shall include standards that do not reduce the economic viability of developments in comparison to developments that do not require housing affordability. Such ordinances shall also enable the planning board to waive or modify in individual cases any standards that are demonstrated by an applicant to reduce the economic feasibility of a development.***

5 Planning and Zoning; Administrative and Enforcement Procedures; Issuance of Decision. Amend RSA 676:3, I to read as follows:

I. The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. ***The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.*** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

6 New Paragraph; Powers of Zoning Board of Adjustment. Amend RSA 674:33 by inserting after paragraph VII the following new paragraph:

VIII. Upon receipt of any application for action pursuant to this section, the zoning board of adjustment shall begin formal consideration and shall approve or disapprove such application within 90 days of the date of receipt, provided that the applicant may waive this requirement and consent to such extension as may be mutually agreeable. If a zoning board of adjustment determines that it lacks sufficient information to make a final decision on an application, the board may, in its discretion, deny the application without prejudice, in which case the applicant may submit a new application for the same or substantially similar request for relief.

7 Workforce Housing; Definitions. Amend RSA 674:58, IV to read as follows:

IV. "Workforce housing" means housing which is intended for sale and which is affordable to a household with an income of no more than ~~[100]~~ **120** percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. "Workforce housing" also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, ***or are subject to age restrictions***, shall not constitute workforce housing for the purposes of this subdivision.

8 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(c) to read as follows:

(c)(1) The board shall, at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given in accordance with the requirements of subparagraph (b), determine if a submitted application is complete according to the board's regulation and shall vote upon its acceptance. Upon determination by the board that a submitted application is incomplete according to the board's regulations, the board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. Upon determination by the board that a submitted application is complete according to the board's regulations, the board shall begin formal consideration and shall act to approve, conditionally approve as provided in subparagraph (i), or disapprove within 65 days, subject to extension or waiver as provided in subparagraph (f). ~~[Upon failure of the board to approve, conditionally approve, or disapprove the application, the selectmen or city council shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days.]~~ ***If the board determines that it lacks sufficient information to make a final decision on an***

application, the board may, in its discretion, deny the application without prejudice, in which case the applicant may resubmit the same or a substantially similar application. If the planning board does not act on the application within that [30-day] **65-day** time period, then [within 40 days of the issuance of the order,] the selectmen or city council shall certify on the applicant's application that the plat is approved pursuant to this paragraph[, unless within those 40 days the selectmen or city council has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply]. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

(2) Failure of the selectmen or city council to [issue an order to the planning board under subparagraph (1), or to] certify approval of the plat upon the planning board's failure to [comply with the order,] **act within the required time period** shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application [if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances]. **The superior court shall act upon such a petition within 30 days.** If the court determines that the failure of the selectmen or the city council to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

9 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(f) to read as follows:

(f) [The planning board may apply to the selectmen or city council for an extension not to exceed an additional 90 days before acting to approve or disapprove an application.] The applicant may waive the requirement for planning board action within the time periods specified in subparagraph (c) and consent to such extension as may be mutually agreeable.

10 Planning and Zoning; Rehearing and Appeal Procedures; Court Review. Amend RSA 677:15, IV to read as follows:

IV. [The court shall give any hearing under this section priority on the court calendar.] **Whenever an appeal to the superior court is initiated under this section, the court shall give the appeal priority on its calendar and shall issue a final decision within 120 days of the date upon which a certiorari order was delivered to the planning board pursuant to paragraph II. If the court stays an appeal pursuant to subparagraph I(b), then it shall issue a decision within 120 days of final resolution of all matters before the board of adjustment.**

11 Planning and Zoning; Rehearing and Appeal Procedures; Priority. Amend RSA 677:5 to read as follows:

677:5 Priority. [Any hearing by the superior court upon an appeal under RSA 677:4 shall be given priority on the court calendar.] **Whenever an appeal to the superior court is initiated under RSA 677:4, the court shall give the appeal priority on its calendar and shall issue a final decision with 120 days of the date upon which the petition was served on the zoning board of adjustment or local legislative body.**

12 New Subdivision; Fee Shifting and Posting of Bond. Amend RSA 677 by inserting after section 19 the following new subdivision:

Fee Shifting and Posting of Bond

677:20 Fee Shifting and Posting of Bond.

I. Whenever an appeal to the superior court is initiated under this chapter, the court may in its discretion require the person or persons appealing to file a bond with sufficient surety for such a sum as shall be fixed by the court to indemnify and save harmless the person or persons in whose favor the decision was rendered from damages and costs which he or she may sustain in case the decision being appealed is affirmed.

II. In any appeal initiated under this chapter the court may, subject to the provisions of this paragraph or any other provision of law, award attorney's fees and costs to the prevailing party. Costs and attorney's fees shall not be allowed against a local land use board unless it shall appear to the court that the board, in making the decision from which the appeal arose, acted with gross negligence, in bad faith, or with malice. Costs and attorney's fees shall not be allowed against the party appealing from the decision of a local land use board unless it shall appear to the court that said party acted in bad faith or with malice in appealing to court.

13 Effective Date. This act shall take effect January 1, 2021.

2020-0552h

AMENDED ANALYSIS

This bill provides for free training materials for members of a zoning board of adjustment or planning board, modifies the appeals process for zoning decisions, and provides for fee shifting and posting of bond in appeals to superior court from decisions of boards of adjustment.

Amendment to HB 1632-FN-A-LOCAL

(2020-0485h)

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

Amend RSA 78-B:1-b as inserted by section 6 of the bill by inserting after paragraph II the following new paragraph:

III. This section shall apply only if the deed by which the property is conveyed states the amount of consideration paid for the real estate.

Amend the bill by replacing section 13 with the following:

13 New Subdivision; Office of Strategic Initiatives; New Hampshire Housing Champion Certification. Amend RSA 4-C by inserting after section 37 the following new subdivision:

New Hampshire Housing Champion Certification

4-C:38 New Hampshire Housing Champion Certification.

I. The office of strategic initiatives shall develop a New Hampshire housing champion certification program for all qualifying municipalities. The office of strategic initiatives shall adopt rules to establish qualifications and procedures for a municipality to earn the New Hampshire housing champion certification. The procedure for a municipality to earn the New Hampshire housing champion certification shall be based on a scoring system.

II. The New Hampshire housing champion certification program shall be voluntary. Each municipality shall have the option, in its sole discretion, to apply to the office of strategic initiatives to receive the New Hampshire housing champion certification. In exchange for housing champion certification, a municipality shall receive preferential access to state resources including, but not limited to, business profits tax revenue sharing, pursuant to RSA 77-A:24; the New Hampshire Advantage bond program, pursuant to RSA 162-I:17; and discretionary state infrastructure funds, as available.

III. Qualifications to receive the New Hampshire housing champion certification shall include, but are not limited to:

(a) Adoption of such land use regulations and ordinances which the office of strategic initiatives determines to be necessary to promote the development of workforce housing, as that term is defined in RSA 674:58, and other types of housing necessary for the economic development of the state. In this paragraph, "land use regulations and ordinances" shall include, but are not limited to, innovative land use controls described in RSA 674:21.

(b) Adoption of financial tools that incentivize the development of workforce housing, including adoption of the community revitalization tax relief incentive program under RSA 79-E and establishment of municipal economic development and revitalization districts under RSA 162-K.

(c) Training of planning board and zoning board of adjustment members.

(d) Adoption of energy efficiency residential building standards, pursuant to RSA 674:51, or adoption of an energy efficiency and clean energy district, pursuant to RSA 53-F.

IV. A New Hampshire housing champion certification shall be valid for 3 years from the date such certification is awarded. A municipality may renew its housing champion certification for subsequent 3-year periods. The office of strategic initiatives may include in the criteria for renewal such performance metrics including, but not limited to, the qualifications listed in paragraph III, total housing production, and production of workforce housing in a municipality during the period since a municipality last received New Hampshire housing champion certification.

V. There is hereby established the New Hampshire housing champion certification program advisory board. The advisory board shall review and comment on proposed rules and qualifications used by the office of strategic initiatives to evaluate applications for housing champion certification and shall advise the office regarding ongoing program administration. The advisory board shall consist of:

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

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

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

(d) One member appointed by each of the following entities:

(1) The New Hampshire housing finance authority.

(2) The New Hampshire community development finance authority.

(3) The New Hampshire Municipal Association.

(4) The New Hampshire Association of Regional Planning Commissions.

(5) Housing Action New Hampshire.

(6) Clean Energy New Hampshire.

(7) The Home Builders and Remodelers Association of New Hampshire.

(8) The New Hampshire Association of Realtors.

(9) The New Hampshire Planners Association.

(10) Plan New Hampshire.

VI. Members of the advisory board shall serve without compensation, except that legislative members of the board shall receive mileage at the legislative rate when attending to the duties of the board.

VII. The office of strategic initiatives shall adopt rules pursuant to RSA 541-A to implement the provisions of this section no later than January 1, 2021. During the rulemaking process, the office of strategic

initiatives shall consult with the relevant state agencies and entities who administer the programs and funds identified in paragraph II to ensure the rules for the New Hampshire housing champion certification program are not in conflict with the rules of these state agencies and entities.

Amendment to HB 1638-FN-A

(2020-0131h)

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

Amend RSA 161:2, XIII-a as inserted by section 1 of the bill by replacing it with the following:

XIII-a. SNAP Incentive Programs. Implement SNAP incentive programs enabling beneficiaries of the federal Supplemental Nutrition Assistance Program to receive a dollar-for-dollar match of up to \$20 per day of fresh fruits and vegetables, with an emphasis on locally grown, at participating farmer's markets, farm stands, mobile markets, community supported agriculture sites, grocery stores, or other participating direct food retailers.

Amend the bill by replacing sections 2 and 3 with the following:

2 New Paragraph; Department of Health and Human Services; Rulemaking. Amend RSA 161:4-a by inserting after paragraph XI the following new paragraph:

XI-a. The implementation of SNAP incentive programs under RSA 161:2, XIII-a.

3 Department of Health and Human Services; Appropriation. The sum of \$150,000 for the biennium ending June 30, 2021 is hereby appropriated to the department of health and human services for the SNAP incentive programs under RSA 161:2, XIII-a. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2020-0131h

AMENDED ANALYSIS

This bill requires the department of health and human services to implement SNAP health incentive programs and makes an appropriation to the department for this purpose.

Amendment to HB 1641-FN

(2020-0402h)

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

Amend the bill by replacing section 1 with the following:

1 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I-VIII to read as follows:

I. Any person who manufactures, sells, prescribes, administers, or transports or possesses with intent to sell, dispense, or compound any controlled drug, controlled drug analog or any preparation containing a controlled drug, except as authorized in this chapter; or manufactures, sells, or transports or possesses with intent to sell, dispense, compound, package or repackage (1) any substance which he *or she* represents to be a controlled drug, or controlled drug analog, or (2) any preparation containing a substance which he *or she* represents to be a controlled drug, or controlled drug analog, shall be sentenced as follows, except as otherwise provided in this section:

(a) In the case of a violation involving any of the following, a person shall be sentenced to a maximum term of imprisonment of not more than ~~[30]~~ **20** years, a fine of not more than ~~[\$500,000]~~ **\$300,000**, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of life imprisonment, a fine of not more than ~~[\$500,000]~~ **\$350,000**, or both:

(1) Five ounces or more of a mixture or substance containing any of the following, including any adulterants or dilutants:

(A) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; or

(B) Cocaine other than crack cocaine, its salts, optical and geometric isomers, and salts of isomers; or

(C) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

(2) Lysergic acid diethylamide, or its analog, in a quantity of 100 milligrams or more including any adulterants or dilutants, or phencyclidine (PCP), or its analog, in a quantity of 10 grams or more including any adulterants or dilutants.

(3) Heroin or its analog[;] *or* crack cocaine, ~~[or a fentanyl class drug]~~ in a quantity of 5 grams or more, including any adulterants or dilutants.

(4) Methamphetamine or its analog, in a quantity of 5 ounces or more, including adulterants or dilutants.

(5) A fentanyl class drug in a quantity of .5 gram, or more, including any adulterants or dilutants.

(b) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than ~~[20]~~ **15** years, a fine of not more than ~~[\$300,000]~~ **\$100,000**, or both.

If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a term of imprisonment of not more than ~~[40]~~ **30** years, a fine of not more than ~~[\$500,000]~~ **\$150,000**, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other than crack cocaine, in a quantity of 1/2 ounce or more, including any adulterants or dilutants;

(2) A substance classified in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of one ounce or more including any adulterants or dilutants;

(3) Lysergic acid diethylamide, or its analog, in a quantity of less than 100 milligrams including any adulterants or dilutants, or where the amount is undetermined, or phencyclidine (PCP) or its analog, in a quantity of less than 10 grams, including any adulterants or dilutants, or where the amount is undetermined;

(4) Heroin or its analog~~;~~ **or** crack cocaine, ~~[or a fentanyl class drug]~~ in a quantity of one gram or more, including any adulterants or dilutants;

(5) Methamphetamine or its analog, in a quantity of one ounce or more including any adulterants or dilutants;

(6) Marijuana in a quantity of 5 pounds or more including any adulterants or dilutants, or hashish in a quantity of one pound or more including any adulterants and dilutants;

(7) Flunitrazepam in a quantity of 500 milligrams or more;

(8) A fentanyl class drug in a quantity of .25 gram or more, including any adulterants or dilutants.

(c) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than ~~[7]~~ **5** years, a fine of not more than ~~[\$100,000]~~ **\$50,000**, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than ~~[15]~~ **10** years, a fine of not more than ~~[\$200,000]~~ **\$100,000**, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other than crack cocaine, in a quantity less than 1/2 ounce including any adulterants or dilutants;

(2) A substance or mixture classified as a narcotic drug in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of less than one ounce including any adulterants or dilutants;

(3) Methamphetamine, or its analog in a quantity of less than one ounce including any adulterants or dilutants;

(4) Heroin or its analog~~;~~ **or** crack cocaine, ~~[or a fentanyl class drug]~~ in a quantity of less than one gram, including any adulterants or dilutants;

(5) Marijuana in a quantity of one ounce or more including any adulterants or dilutants, or hashish in a quantity of 5 grams or more including any adulterants or dilutants;

(6) Flunitrazepam in a quantity of less than 500 milligrams;

(7) Any other controlled drug or its analog, other than those specifically covered in this section, classified in schedules I, II, III or IV;

(8) A fentanyl class drug in a quantity of less than .25 gram, including any adulterants or dilutants.

(d) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than ~~[\$25,000]~~ **\$15,000**, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than ~~[6]~~ **5** years, a fine of not more than ~~[\$50,000]~~ **\$30,000**, or both:

(1) Marijuana in a quantity of less than one ounce including any adulterants or dilutants, or hashish in a quantity of less than 5 grams including any adulterants or dilutants;

(2) Any schedule V substance or its analog.

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his or her control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter, shall be sentenced as follows, except as otherwise provided in this section:

(a) In the case of a controlled drug or its analog, classified in schedules I, II, III, or IV, other than those specifically covered in this section, the person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than ~~[\$25,000]~~ **\$15,000** may be imposed. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class A felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of up to ~~[\$50,000]~~ **\$30,000** may be imposed.

(b) In the case of a controlled drug or its analog classified in schedule V, the person shall be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than ~~[\$15,000]~~ **\$10,000**, or

both. If a person commits any such violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than ~~[\$25,000]~~ **\$15,000** may be imposed.

(c) In the case of more than 3/4 ounce of marijuana or more than 5 grams of hashish, including any adulterants or dilutants, the person shall be guilty of a misdemeanor. In the case of marijuana-infused products possessed by persons under the age of 21 or marijuana-infused products as defined in RSA 318-B:2-e, other than a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older, the person shall be guilty of a misdemeanor.

(d) In the case of 3/4 ounce or less of marijuana or 5 grams or less of hashish, including any adulterants or dilutants, the person shall be guilty of a violation pursuant to RSA 318-B:2-c. In the case of a person 21 years of age or older who possesses a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.

(e) In the case of a residual amount of a controlled substance, as defined in RSA 318-B:1, XXIX-a, a person shall be guilty of a misdemeanor if the person is not part of a service syringe program under RSA 318-B:43.

III. A person shall be guilty of a misdemeanor who:

(a) Except as provided in RSA 318-B:2-c, controls any premises or vehicle where he or she knows a controlled drug or its analog is illegally kept or deposited;

(b) Aids, assists or abets a person in his *or her* presence in the perpetration of a crime punishable under paragraph II of this section, knowing that such person is illegally in possession of a controlled drug or its analog.

(c) Manufactures with the intent to deliver, delivers or possesses with the intent to deliver any drug paraphernalia when such paraphernalia is knowingly manufactured, delivered or possessed for one or more of the uses set forth in RSA 318-B:2, II.

(d) Places an advertisement in violation of RSA 318-B:2, III.

III-a. [Repealed.]

IV. Any person who attempts or conspires to commit any offense defined in this chapter is punishable by imprisonment or a fine or both, which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

V. Any person who violates this chapter by manufacturing, selling, prescribing, administering, dispensing, or possessing with intent to sell, dispense, or compound any controlled drug or its analog, in or on or within 1,000 feet of the real property comprising a public or private elementary, secondary, or secondary vocational-technical school, may be sentenced to a term of imprisonment or fine, or both, up to twice that otherwise authorized by this section. Except to the extent a greater minimum sentence is otherwise provided by this chapter, a sentence imposed under this paragraph shall include a mandatory minimum term of imprisonment of not less than one year. Neither the whole nor any part of the mandatory minimum sentence imposed under this paragraph shall be suspended or reduced.

VI. Except as otherwise provided in this paragraph, a person convicted under RSA 318-B:2, XII as a drug enterprise leader shall be sentenced to a mandatory minimum term of not less than 25 years and may be sentenced to a maximum term of not more than life imprisonment. The court may also impose a fine not to exceed \$500,000 or 5 times the street value of the controlled drug or controlled drug analog involved, whichever is greater. Upon conviction, the court shall impose the mandatory sentence unless the defendant has pleaded guilty pursuant to a negotiated agreement or, in cases resulting in trial, the defendant and the state have entered into a post-conviction agreement which provides for a lesser sentence. The negotiated plea or post-conviction agreement may provide for a specified term of imprisonment within the range of ordinary or extended sentences authorized by law, a specified fine, or other disposition. In that event, the court at sentencing shall not impose a lesser term of imprisonment or fine than that expressly provided for under the terms of the plea or post-conviction agreement.

VII. Any person who violates RSA 318-B:2, XI may be sentenced to a maximum term of imprisonment of not more than ~~[20]~~ **15** years, a fine of not more than ~~[\$300,000]~~ **\$15,000**, or both. If any person commits such a violation after one or more prior offenses, as defined in RSA 318-B:27, such person may be sentenced to a term of imprisonment of not more than ~~[40]~~ **30** years, a fine of not more than \$500,000, or both.

VIII. Any person who knowingly or purposely obtains or purchases (1) any substance which he *or she* represents to be a controlled drug or controlled drug analog, or (2) any preparation containing a substance which he *or she* represents to be a controlled drug or controlled drug analog, except as authorized in this chapter, shall be guilty of a misdemeanor. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class B felony.

**Amendment to HB 1642-FN
(2020-0622h)**

Proposed by the Committee on Executive Departments and Administration - r

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

AN ACT prohibiting the state or a state official from using a face recognition system.

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

1 New Subdivision; Breaches of the Peace; Face Recognition Technology Prohibited. Amend RSA 644 by inserting after section 22 the following new subdivision:

Face Recognition Technology Prohibited

644:23 Definitions. In this subdivision:

I. "Face recognition technology" means an automated or semi-automated process that assists in identifying an individual or capturing information about an individual, based on the physical characteristics of an individual's face.

II. "Face recognition system" means any computer software or application that performs face recognition.

III. "State" means any department, agency, bureau, or administrative unit of the state of New Hampshire, including any city, town, county, school district, or municipal entity therein.

IV. "State official" shall mean any person or entity acting on behalf of the state of New Hampshire as defined in paragraph III, including any officer, employee, agent, contractor, subcontractor, or vendor.

644:24 Face Recognition Technology Prohibited. Neither the state nor any state official shall obtain, retain, access, or use any face recognition system or any information obtained from a face recognition system. This section shall not prohibit a New Hampshire state law enforcement agency from lawfully assisting a federal agency in a joint law enforcement activity wherein the federal agency uses federal face recognition technology. A New Hampshire law enforcement agency or official shall not request, encourage, suggest, or otherwise initiate access to information or data from or use of an out-of-state face recognition system.

644:25 Evidence Inadmissible.

I. Any data or information collected or derived from any use of face recognition technology in violation of this subdivision shall be inadmissible in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority subject to the jurisdiction of the state of New Hampshire.

II. Any evidence derived from data or information collected from any use of face recognition technology in violation of this subdivision shall be inadmissible in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority subject to the jurisdiction of the state of New Hampshire.

III. Data or information collected using face recognition technology or derived from such data or information in violation of this subdivision shall be considered unlawfully obtained, and shall be irretrievably deleted from any document in possession of the state or in any court file or filing upon discovery.

644:26 Private Cause of Action.

I. Any person aggrieved by a violation of this subdivision may file for injunctive relief, declaratory relief, or writ of mandamus in any court of competent jurisdiction to enforce this subdivision. An action instituted under this section shall be brought against the respective department of the state of New Hampshire or any other governmental agency with possession, custody, or control of data or information subject to this subdivision, if necessary to effectuate compliance with this subdivision.

II. Any person who has been subjected to face recognition technology in violation of this subdivision, or about whom information has been obtained, retained, accessed, or used in violation of this subdivision, may file an action in any court of competent jurisdiction against the state and shall be entitled to recover actual damages, but not less than liquidated damages of \$1,000 or \$100 for each violation, whichever is greater.

III. A court shall award costs and reasonable attorneys' fees to a plaintiff who is the prevailing party in an action brought under this section.

644:27 Consequences. A violation of this subdivision by a state official shall result in consequences that may include retraining, suspension, or termination, subject to due process requirements.

2 Drivers' Licenses; Use of Facial Recognition Technology Prohibited. Amend RSA 263:40-b to read as follows:

263:40-b Use of Facial Recognition Technology Prohibited. The department is prohibited from using any facial recognition technology in connection with taking or retaining any photograph or digital image [for purposes of this chapter].

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

2020-0622h

AMENDED ANALYSIS

This bill prohibits the use of face recognition technology.

Amendment to HB 1647-FN

(2020-0223h)

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

Amend the bill by replacing section 1 with the following:

1 Post-Conviction DNA Testing of Biological Material. Amend RSA 651-D:2 to read as follows:

651-D:2 Post-Conviction DNA Testing of Biological Material.

I. A person in custody, ***on probation or parole, or whose liberty is otherwise restrained as a result of a conviction or adjudication as a delinquent*** pursuant to the judgment of the court may, ***notwithstanding RSA 526:4***, at any time after conviction or adjudication as a delinquent, petition the ***superior court in the county of conviction*** for forensic DNA testing of any biological material. The petition shall, under penalty of perjury:

(a) Explain why the identity of the petitioner was or should have been a significant issue during court proceedings notwithstanding the fact that the petitioner may have pled guilty or nolo contendere, or made or is alleged to have made an incriminating statement or admission as to identity.

(b) Explain why, in light of all the circumstances, the requested DNA testing will exonerate the petitioner and demonstrate his or her innocence by proving that the petitioner has been misidentified as the perpetrator of, or accomplice to, the crime for which the petitioner was convicted.

(c) Make every reasonable attempt to identify ~~both~~ the evidence that should be tested ~~[and the specific type of DNA testing which is sought]~~.

(d) Explain why the evidence sought to be tested by the petitioner was not previously subjected to DNA testing, or explain how the evidence can be subjected to retesting with different DNA techniques that provide a reasonable probability of reliable and probative results.

I-a. If the superior court determines that an indigent petitioner has met the requirements of paragraph I, it shall appoint counsel to represent such petitioner in any further proceedings under this section.

II. The court shall notify the office of the attorney general, or the county attorney who prosecuted the case, of a petition made under this section and shall afford an opportunity to respond. Upon receiving notice of a petition made under this section, the attorney general, or county attorney who prosecuted the case, shall take such steps as are necessary to ensure that any remaining biological material obtained in connection with the case or investigation is preserved pending the completion of proceedings under this section ***and shall inform the petitioner regarding the location and condition of evidence in their possession that was obtained in relation to the underlying case, regardless of whether it was introduced at trial. Items discoverable at trial under the New Hampshire rules of criminal procedure shall be made available to the petitioner.***

III. ***After a hearing***, the court ~~[may]~~ ***shall*** order DNA testing pursuant to an application made under this section upon finding that the petitioner has established each of the following factors by ~~[clear and convincing]~~ ***a preponderance of the*** evidence:

(a) The evidence to be tested was secured in relation to the investigation or prosecution that resulted in the petitioner's conviction or sentence, and is available and in a condition that would permit the DNA testing that is requested in the motion.

(b) The evidence to be tested has been subject to a chain of custody sufficient to establish it has not been substituted, tampered with, replaced, or altered in any material aspect.

(c) The evidence sought to be tested is material to the issue of the petitioner's identity as the perpetrator of, or accomplice to, the crime.

(d) DNA results of the evidence sought to be tested would be material to the issue of the petitioner's identity as the perpetrator of, or accomplice to, the crime that resulted in his or her conviction or sentence.

(e) If the requested DNA testing produces exculpatory results, the testing will constitute new, noncumulative material evidence that ~~[will exonerate the petitioner by establishing that he or she was misidentified as the perpetrator or accomplice to the crime]~~ ***there is a reasonable probability the petitioner would not have been convicted.***

(f) The evidence sought to be tested was not previously tested using DNA technology or the ~~[technology requested was not available at the time of trial]~~ ***type of testing sought is capable of producing new or more informative results.***

(g) If DNA or other forensic testing previously was done in connection with the case, the requested DNA test would provide results that are ***new or*** ~~[significantly]~~ more ~~[discriminating]~~ ***informative*** and probative on a material issue of identity, and would have a reasonable probability of contradicting prior test results.

(h) The testing requested employs a method generally accepted within the relevant scientific community.

~~[(i) The motion is timely and not unreasonably delayed.]~~

IV. If the court grants the motion for DNA testing, the court's order shall:

(a) Identify the specific evidence to be tested and the DNA technology to be used.

(b) If the court ordered different testing than requested by the petitioner, the court shall explain why the different test was ordered.

(c) Designate the New Hampshire state police forensic laboratory to conduct the test. However, the court, upon a showing of good cause, may order testing by another laboratory or agency ~~[accredited by the~~

~~American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) or the National Forensic Science Training Center] **that conforms to the current version of ISO/IEC 17025 requirements, the appropriate quality assurance standards required by the Federal Bureau of Investigation, and to forensic-specific requirements, and accredited by an organization that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangements for Testing Laboratories**, if requested by the petitioner. **The laboratory shall give equal access to its personnel, opinions, conclusions, reports, and other documentation to the prosecuting attorney and the petitioner. Consumptive testing shall not occur except upon written permission by both the prosecutor and petitioner or by a specific order of the court.**~~

(d) [Repealed.]

V. The cost of DNA testing ordered under this section shall be paid by the petitioner, or by the state, if the petitioner is indigent as determined by the court. ~~[The court may appoint counsel for an indigent petitioner under this section.]~~

VI.(a) If the results of DNA testing conducted under this section are unfavorable to the petitioner, the court shall dismiss the application and in cases where the petitioner was convicted of a sexual offense, the court shall forward the test results to the New Hampshire state prison, sex offender program.

(b) In addition to any other substantive or procedural remedies provided by applicable law, if the results of DNA testing conducted under this section are favorable to the petitioner, **and notwithstanding RSA 526:4**, the court shall order a hearing and shall enter any order that serves the interests of justice, including an order vacating and setting aside the judgment, discharging the petitioner if the petitioner is in custody, resentencing the petitioner, or granting a new trial.

VII. Nothing in this chapter shall be construed to limit the circumstances under which a person may obtain DNA testing or other post-conviction relief under any other provision of state or federal law.

**Amendment to HB 1648-FN
(2020-0252h)**

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

Amend RSA 318-B:2-c, I-c as inserted by section 3 of the bill by replacing it with the following:

I-c. No person shall consume cannabis in a public place. A person 21 years of age or older who violates this paragraph shall be guilty of a violation and may be fined not more than \$100.

**Amendment to HB 1656-FN
(2020-0333h)**

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

Amend RSA 645:2, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. It shall be a defense to a violation of this section that a person reports being the victim of a sexual assault as defined in RSA 632-A:2, 632-A:3, or 632-A:4. A person who reports being the victim of such an offense shall not be arrested, prosecuted, or convicted for a violation of this section if the evidence for the charge was gained as a proximate result of the person's reporting. Any victim seeking medical treatment following a sexual assault will be afforded all options of care outlined in the New Hampshire attorney general's sexual assault medical forensic exam protocol without making a report to or cooperating with law enforcement.

**Amendment to HB 1660-FN
(2020-0050h)**

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

Amend RSA 173-D:1 as inserted by section 1 of the bill by replacing it with the following:

173-D:1 Purpose. The purpose of this chapter is to enable vulnerable adults to seek permanent and temporary relief from abuse, exploitation, and neglect.

Amend RSA 173-D:4, IV-VI as inserted by section 1 of the bill by replacing them with the following:

IV. Prior to filing a petition under this chapter, the plaintiff shall be required to complete a worksheet developed by the court outlining the plaintiff's rights and options for relief under this chapter, RSA 173-B, and RSA 633:3-a. The worksheet shall also advise plaintiffs that they may contact New Hampshire Legal Assistance and the New Hampshire Domestic Violence Hotline for assistance prior to filing a petition. Plaintiffs shall be required to sign the worksheet stating the following: "I understand my rights and options as explained in this worksheet. I am freely choosing to file this petition even though there are other petitions I may qualify for that are specifically designed for victims of domestic violence and stalking. I understand that using this petition may prevent me from getting additional protections for physical safety that may be available to me, including the right to ask the court to order the defendant to hand over their firearms or deadly weapons."

V.(a) The court shall hold a hearing within 30 days of the filing of a petition under this section or within 10 days of service of process upon the defendant, whichever occurs later.

(b) The time frame established in this paragraph may be extended for an additional 10 days upon motion by either party for good cause shown. A recusal by the judge or any act of God or closing of the court that interferes with the originally scheduled hearing shall not be cause for the dismissal of the petition. The court shall reschedule any hearing under this section in an expeditious manner.

VI. In any proceeding under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material.

VII. The filing of a petition under this chapter, including any facts alleged or findings made regarding the plaintiff's mental or physical capacity, shall not be admitted as evidence for any purpose in any other court proceeding.

VIII. In a proceeding under this chapter, a support person may accompany a party in court and, if the party is not represented by an attorney, may sit with the party at the table that is generally reserved for the party and the party's attorney. The support person is present to provide moral and emotional support for a person who alleges he or she is a victim of abuse. The support person is not present as a legal adviser and shall not provide legal advice. The support person may assist the person who alleges he or she is a victim of abuse in feeling more confident that he or she will not be injured or threatened by the other party during the proceedings if the person who alleges he or she is a victim of abuse and the other party are required to be present in close proximity. This section shall not preclude the court from exercising its discretion to remove the support person from the courtroom if the court believes the support person is prompting, swaying, or influencing the party assisted by the support person.

Amend RSA 173-D:5 as inserted by section 1 of the bill by replacing it with the following:

173-D:5 Temporary Relief.

I. Upon a showing of an immediate and present danger of abuse, exploitation, or neglect, the court may enter temporary orders to protect the plaintiff with or without actual notice to defendant. The court may issue such temporary orders by telephone, facsimile or any other methods approved by court rules. Such telephonically issued orders shall be made by a circuit court judge to a law enforcement officer, shall be valid in any jurisdiction in the state, and shall be effective until the close of the next regular court business day. Such orders shall be returnable to the circuit court where the plaintiff resides or to which the plaintiff has fled, unless otherwise ordered by the issuing judge. If non-telephonic temporary orders are made ex parte, the party against whom such relief is issued may file a written request with the clerk of the court and request a hearing on such orders. Such hearing shall be held no less than 2 business days and no more than 3 business days after the request is received by the clerk. Such hearings may constitute the final hearing described in RSA 173-D:4, V.

II. Such temporary relief may include:

(a) Protective orders:

(1) Restraining the defendant from abusing, exploiting, or neglecting the plaintiff.

(2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and, upon reasonable notice to the plaintiff, is allowed entry by the plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the court.

(3) Restraining the defendant from withholding items of the plaintiff's personal property which are specified in the order. A peace officer shall accompany the plaintiff or his or her representative in retrieving such property to protect the plaintiff.

(4) Restraining the defendant from contacting the plaintiff or entering a specified place frequented regularly by the plaintiff.

(5) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.

(6) Restraining the defendant from taking, converting, or damaging property in which the plaintiff has a legal or equitable interest.

(7) Granting the plaintiff exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by the plaintiff or by the plaintiff jointly with the defendant in either household, and ordering the defendant to stay away from the animal and forbidding the defendant from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect, or disposing of the animal.

(b) Other relief, including but not limited to:

(1) In the case of financial exploitation, prohibiting the defendant from transferring or otherwise encumbering any of his or her assets which equal or exceed the amount of assets claimed to be exploited, provided, however, that such prohibition shall not extend to, encumber, or otherwise limit the rights of creditors, mortgagees, or secured parties in such property.

(2) Restraining the defendant from taking any action which would lead to the disconnection of any and all utilities and services to the parties' household, or the discontinuance of existing business or service contracts, including, but not limited to, mortgage or rental agreements.

(3) An order enjoining a party from specified behavior that the court determines is necessary to protect the vulnerable adult.

Amend RSA 173-D:11 as inserted by section 1 of the bill by replacing it with the following:

173-D:11 Protection by Peace Officers. Whenever any peace officer has probable cause to believe that a person has been abused, exploited, or neglected, as defined in RSA 161-F:43 and RSA 173-D:2, that officer shall use all means within reason to prevent further abuse, exploitation, or neglect including, but not limited to:

I. Transporting or obtaining transportation for the victim to a place of safety, local family member, or friend.

II. Assisting the victim in removing toiletries, medication, clothing, and any other items determined by the court.

III. Giving the victim immediate and written notice of the rights of victims and of the remedies and services available to victims of abuse, exploitation and neglect. The written notice shall include a statement substantially as follows:

"If you are the victim of abuse, exploitation, and neglect and you believe that law enforcement protection is needed for your physical safety, you have the right to request that the officer assist in providing for your safety, including asking for an emergency telephonic order for protection. You may also request that the officer assist you in obtaining from your premises and curtilage, toiletries, medication, clothing, business equipment, and any other items as determined by the court, and in locating and taking you to a local safe place including, but not limited to, a place of safety a family member's or friend's residence, or a similar place of safety. If you are in need of medical treatment, you have the right to request that the officer assist you in obtaining an ambulance. You may request a copy of the report filed by the peace officer, at no cost, from the law enforcement department."

**Amendment to HB 1662-FN
(2020-0322h)**

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 Access to and Use of Tobacco Products; Purpose. Amend RSA 126-k:1 to read as follows:

126-K:1 Purpose. The purpose of this chapter is to protect the citizens of New Hampshire from the possibility of addiction, disability, and death resulting from the use of tobacco products by ensuring that tobacco products will not be supplied to persons under the age of [19] **20**.

2 Access to and Use of Tobacco Products; Proof of Age of Purchaser. Amend the introductory paragraph of RSA 126-K:3, I to read as follows:

I. For the purposes of this chapter, any person responsible for monitoring sales from a tobacco vending machine or any person making the sale of tobacco products, e-cigarettes, or e-liquid which vending machine or other sale is to be made to any person who does not appear to be at least [19] **20** years of age, shall require the purchaser to furnish any of the following documentation that such person is [19] **20** years of age or over:

3 Access to and Use of Tobacco Products; Proof of Age of Purchaser. Amend RSA 126-K:3, III to read as follows:

III. The establishment of all of the following facts by a person responsible for monitoring sales from a vending machine or a person or sampler making a sale or distribution of tobacco products, e-cigarettes, or e-liquid to a person under [19] **20** years of age shall constitute prima facie evidence of innocence and a defense to any prosecution for such sale:

(a) That the person falsely represented in writing and supported by some official documents that the person was [19] **20** years of age or older;

(b) That the appearance of the person was such that an ordinary and prudent person would believe such person to be at least [19] **20** years of age or older; and

(c) That the sale was made in good faith relying on such written representation and appearance in the reasonable belief that the person was actually [19] **20** years of age or over.

4 Access to and Use of Tobacco Products; Sale and Distribution. Amend the section heading and paragraph I of RSA 126-K:4 to read as follows:

126-K:4 Sale and Distribution of Tobacco Products, E-cigarettes, or E-Liquid to Persons Who Have Not Attained [19] **20** Years of Age Prohibited.

I. No person shall sell, give, or furnish or cause or allow or procure to be sold, given, or furnished tobacco products, e-cigarettes, or e-liquid to a person who has not attained [19] **20** years of age. The prohibition established by this paragraph shall not be deemed to prohibit persons who have not attained [19] **20** years of age employed by any manufacturer, wholesaler, sub-jobber, vending machine operator, sampler, or retailer from performing the necessary handling of tobacco products, e-cigarettes, or [liquid nicotine] **e-liquid** during the duration of their employment.

5 Access to and Use of Tobacco Products; Rolling Papers. Amend RSA 126-K:4-a to read as follows:

126-K:4-a Rolling Papers.

I. No person shall sell, give, or furnish rolling papers to a minor. Violations of this paragraph shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this paragraph shall not exceed \$250 for the first offense, \$500 for the second offense, and \$750 for the third and subsequent offenses.

II. No person under [19] **20** years of age shall purchase, possess, or use any rolling paper. Any person who violates this section shall be guilty of a violation and shall be punished by a fine not to exceed \$100 for each offense.

6 Access and Use of Tobacco Products; Distribution of Free Samples. Amend RSA 126-K:5, I and II to read as follows:

I. No person may distribute or offer to distribute samples of tobacco products, e-cigarettes, or [liquid nicotine] **e-liquid** in a public place or to a person who has not attained [19] **20** years of age. This prohibition shall not apply to sampling:

(a) In an area to which minors are denied access.

(b) In a store to which a retailer's license has been issued.

(c) At factory sites, construction sites, conventions, trade shows, fairs, or motorsport facilities in areas to which minors are denied access.

II. The commission shall adopt rules, pursuant to RSA 541-A, concerning the distribution of free samples of tobacco products, e-cigarettes, or [liquid nicotine] **e-liquid** to prevent their distribution to persons who have not attained [19] **20** years of age.

7 Access to and Use of Tobacco Products; Possession and Use of Tobacco Products, E-Cigarettes, or Liquid Nicotine. Amend RSA 126-K:6 to read as follows:

126-K:6 Possession and Use of Tobacco Products, E-cigarettes, or E-Liquid [Nicotine] by Persons Who Have Not Attained [19] **20** Years of Age.

I. No person under [19] **20** years of age shall purchase, attempt to purchase, possess, or use any tobacco product, e-cigarette, device, or e-liquid except that a minor who has been issued a registry identification card under RSA 126-X:4 may possess e-liquids containing cannabis and applicable devices.

II. The prohibition on possession of tobacco products, devices, e-cigarettes, or e-liquid shall not be deemed to prohibit minors employed by any manufacturer, wholesaler, sub-jobber, vending machine operator, sampler, or retailer from performing the necessary handling of tobacco products, devices, e-cigarettes, or e-liquids during the duration of their employment.

III. A person who has not attained [19] **20** years of age shall not misrepresent his or her age for the purpose of purchasing tobacco products.

IV. Notwithstanding RSA 169-B and RSA 169-D, a person 12 years of age and older who violates this section shall not be considered a delinquent or a child in need of services.

V. Any person who has not attained [19] **20** years of age who violates this section may be guilty of a violation and shall be punished by a fine not to exceed \$100 for each offense or shall be required to complete up to 20 hours of community service for each offense, or both. Where available, punishment may also include participation in an education program.

8 Access to and Use of Tobacco Products; Special Provisions. Amend RSA 126-K:8, I(a) to read as follows:

I.(a) No person shall sell, give, or furnish tobacco products, e-cigarettes, or e-liquid to a person who has not attained [19] **20** years of age who has a note from an adult requesting such sale, gift, or delivery. Tobacco products, e-cigarettes, or e-liquid shall only be delivered to a person who provides an identification as enumerated in RSA 126-K:3 establishing that the person has attained [19] **20** years of age.

9 Delinquent Children; Limitations of Authority Conferred. Amend RSA 169-B:32 to read as follows:

169-B:32 Limitations of Authority Conferred. This chapter shall not be construed as applying to persons 16 years of age or over who are charged with the violation of a motor vehicle law, an aeronautics law, a law relating to navigation or boats, a fish and game law, a law relating to title XIII, a law relating to fireworks under RSA 160-B or RSA 160-C, any town or municipal ordinance which provides for a penalty not exceeding \$100 plus the penalty assessment, and shall not be construed as applying to any minor charged with the violation of any law relating to the possession, sale, or distribution of tobacco products to or by a person under [19] **20** years of age. However, if incarceration takes place at any stage in proceedings on such violations, incarceration shall be only in a juvenile facility certified by the commissioner of the department of health and human services.

10 Children in Need of Services; Limitations of Authority Conferred. Amend RSA 169-D:22 to read as follows:

169-D:22 Limitations of Authority Conferred. This chapter shall not be construed as applying to persons 16 years of age or over who are charged with the violation of a motor vehicle law, an aeronautics law, a law relating to navigation of boats, a fish and game law, a law relating to title XIII, or a law relating to fireworks under RSA 160-B or RSA 160-C, and shall not be construed as applying to any minor charged with the violation of any law relating to the possession, sale, or distribution of tobacco products to or by a person under [19] **20** years of age.

11 Retail Tobacco License. Amend RSA 178:19-a, III to read as follows:

III. The commission, when issuing or renewing a retail tobacco license, shall furnish a sign which shall read or be substantially similar to the following: "State Law prohibits the sale of tobacco products or e-cigarettes to persons under age [19] **20**. Warning: violators of these provisions may be subject to a fine."

12 Cigar Bars. Amend RSA 178:20-a, II(c) to read as follows:

(c) Does not allow any person under the age of [19] **20** on the premises unless accompanied by a parent, legal guardian, or adult spouse.

13 Access to and Use of Tobacco Products; Purpose. Amend RSA 126-k:1 to read as follows:

126-K:1 Purpose. The purpose of this chapter is to protect the citizens of New Hampshire from the possibility of addiction, disability, and death resulting from the use of tobacco products by ensuring that tobacco products will not be supplied to persons under the age of [20] **21**.

14 Access to and Use of Tobacco Products; Proof of Age of Purchaser. Amend the introductory paragraph of RSA 126-K:3, I to read as follows:

I. For the purposes of this chapter, any person responsible for monitoring sales from a tobacco vending machine or any person making the sale of tobacco products, e-cigarettes, or e-liquid which vending machine or other sale is to be made to any person who does not appear to be at least [20] **21** years of age, shall require the purchaser to furnish any of the following documentation that such person is [20] **21** years of age or over:

15 Access to and Use of Tobacco Products; Proof of Age of Purchaser. Amend RSA 126-K:3, III to read as follows:

III. The establishment of all of the following facts by a person responsible for monitoring sales from a vending machine or a person or sampler making a sale or distribution of tobacco products, e-cigarettes, or e-liquid to a person under [20]**21** years of age shall constitute prima facie evidence of innocence and a defense to any prosecution for such sale:

(a) That the person falsely represented in writing and supported by some official documents that the person was [20] **21** years of age or older;

(b) That the appearance of the person was such that an ordinary and prudent person would believe such person to be at least [20] **21** years of age or older; and

(c) That the sale was made in good faith relying on such written representation and appearance in the reasonable belief that the person was actually [20] **21** years of age or over.

16 Access to and Use of Tobacco Products; Sale and Distribution. Amend the section heading and paragraph I of RSA 126-K:4 to read as follows:

126-K:4 Sale and Distribution of Tobacco Products, E-cigarettes, or E-Liquid to Persons Who Have Not Attained [20] **21** Years of Age Prohibited.

I. No person shall sell, give, or furnish or cause or allow or procure to be sold, given, or furnished tobacco products, e-cigarettes, or e-liquid to a person who has not attained [20] **21** years of age. The prohibition established by this paragraph shall not be deemed to prohibit persons who have not attained [20] **21** years of age employed by any manufacturer, wholesaler, sub-jobber, vending machine operator, sampler, or retailer from performing the necessary handling of tobacco products, e-cigarettes, or e-liquid during the duration of their employment.

17 Access to and Use of Tobacco Products; Rolling Papers. Amend RSA 126-K:4-a to read as follows:

126-K:4-a Rolling Papers.

I. No person shall sell, give, or furnish rolling papers to a minor. Violations of this paragraph shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this paragraph shall not exceed \$250 for the first offense, \$500 for the second offense, and \$750 for the third and subsequent offenses.

II. No person under [20] **21** years of age shall purchase, possess, or use any rolling paper. Any person who violates this section shall be guilty of a violation and shall be punished by a fine not to exceed \$100 for each offense.

18 Access and Use of Tobacco Products; Distribution of Free Samples. Amend RSA 126-K:5, I and II to read as follows:

I. No person may distribute or offer to distribute samples of tobacco products, e-cigarettes, or e-liquid in a public place or to a person who has not attained [20] **21** years of age. This prohibition shall not apply to sampling:

(a) In an area to which minors are denied access.

(b) In a store to which a retailer's license has been issued.

(c) At factory sites, construction sites, conventions, trade shows, fairs, or motorsport facilities in areas to which minors are denied access.

II. The commission shall adopt rules, pursuant to RSA 541-A, concerning the distribution of free samples of tobacco products, e-cigarettes, or e-liquid to prevent their distribution to persons who have not attained [20] **21** years of age.

19 Access to and Use of Tobacco Products; Possession and Use of Tobacco Products, E-Cigarettes, or Liquid Nicotine. Amend RSA 126-K:6 to read as follows:

126-K:6 Possession and Use of Tobacco Products, E-cigarettes, or E-Liquid by Persons Who Have Not Attained [20] **21** Years of Age.

I. No person under [20] **21** years of age shall purchase, attempt to purchase, possess, or use any tobacco product, e-cigarette, device, or e-liquid except that a minor who has been issued a registry identification card under RSA 126-X:4 may possess e-liquids containing cannabis and applicable devices.

II. The prohibition on possession of tobacco products, devices, e-cigarettes, or e-liquid shall not be deemed to prohibit minors employed by any manufacturer, wholesaler, sub-jobber, vending machine operator, sampler, or retailer from performing the necessary handling of tobacco products, devices, e-cigarettes, or e-liquids during the duration of their employment.

III. A person who has not attained [20] **21** years of age shall not misrepresent his or her age for the purpose of purchasing tobacco products.

IV. Notwithstanding RSA 169-B and RSA 169-D, a person 12 years of age and older who violates this section shall not be considered a delinquent or a child in need of services.

V. Any person who has not attained [20] **21** years of age who violates this section may be guilty of a violation and shall be punished by a fine not to exceed \$100 for each offense or shall be required to complete up to 20 hours of community service for each offense, or both. Where available, punishment may also include participation in an education program.

20 Access to and Use of Tobacco Products; Special Provisions. Amend RSA 126-K:8, I(a) to read as follows:

I.(a) No person shall sell, give, or furnish tobacco products, e-cigarettes, or e-liquid to a person who has not attained [20] **21** years of age who has a note from an adult requesting such sale, gift, or delivery. Tobacco products, e-cigarettes, or e-liquid shall only be delivered to a person who provides an identification as enumerated in RSA 126-K:3 establishing that the person has attained [20] **21** years of age.

21 Delinquent Children; Limitations of Authority Conferred. Amend RSA 169-B:32 to read as follows:

169-B:32 Limitations of Authority Conferred. This chapter shall not be construed as applying to persons 16 years of age or over who are charged with the violation of a motor vehicle law, an aeronautics law, a law relating to navigation or boats, a fish and game law, a law relating to title XIII, a law relating to fireworks under RSA 160-B or RSA 160-C, any town or municipal ordinance which provides for a penalty not exceeding \$100 plus the penalty assessment, and shall not be construed as applying to any minor charged with the violation of any law relating to the possession, sale, or distribution of tobacco products to or by a person under [20] **21** years of age. However, if incarceration takes place at any stage in proceedings on such violations, incarceration shall be only in a juvenile facility certified by the commissioner of the department of health and human services.

22 Children in Need of Services; Limitations of Authority Conferred. Amend RSA 169-D:22 to read as follows:

169-D:22 Limitations of Authority Conferred. This chapter shall not be construed as applying to persons 16 years of age or over who are charged with the violation of a motor vehicle law, an aeronautics law, a law relating to navigation of boats, a fish and game law, a law relating to title XIII, or a law relating to fireworks under RSA 160-B or RSA 160-C, and shall not be construed as applying to any minor charged with the violation of any law relating to the possession, sale, or distribution of tobacco products to or by a person under [20] **21** years of age.

23 Retail Tobacco License. Amend RSA 178:19-a, III to read as follows:

III. The commission, when issuing or renewing a retail tobacco license, shall furnish a sign which shall read or be substantially similar to the following: "State Law prohibits the sale of tobacco products or e-cigarettes to persons under age [20] **21**. Warning: violators of these provisions may be subject to a fine."

24 Cigar Bars. Amend RSA 178:20-a, II(c) to read as follows:

(c) Does not allow any person under the age of [20] **21** on the premises unless accompanied by a parent, legal guardian, or adult spouse.

25 Effective Date.

I. Sections 13-24 of this act shall take effect January 1, 2022.

II. The remainder of this act shall take effect January 1, 2021.

2020-0322h

AMENDED ANALYSIS

This bill increases the age for sales and possession of tobacco products and e-cigarettes to 20 in the year 2021 and to 21 in the year 2022.

Amendment to HB 1664-FN

(2020-0130h)

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 establishing greenhouse gas emission reduction goals for the state and establishing a climate action plan.

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

1 Findings. The general court finds:

I. Climate change has a demonstrated and researched-backed impact in New Hampshire and around the globe on human health and safety, including increased natural disasters and increased, intensifying extreme weather, causing damage to ecosystems, agriculture, forestry, social systems, and infrastructure; increased risks of waterborne and foodborne diseases, increased risks of vector-borne diseases, and increased range and distribution of disease-carrying insects.

II. The United States economy will decrease by 10 percent by the end of the 21st century according to the U.S. Global Change Research Program, if significant steps are not taken to address and reduce global warming.

III. The solutions to climate change, in the form of energy conservation, energy efficiency, strategic electrification, renewable energy, and natural resource protection have already resulted in significant economic, social, and environmental benefits to the New Hampshire.

IV. Greater opportunities to address the causes of climate change remain, and delaying action will result in substantial lost opportunities for the state to benefit from the economic development associated with additional deep investments in energy conservation, energy efficiency, strategic electrification, renewable energy, and natural resource protection.

2 New Subdivision; Climate Action Plan. Amend RSA 125-O by inserting after section 29 the following new subdivision:

Climate Action Plan

125-O:30 Climate Action Plan.

I. The department of environmental services shall establish an annual greenhouse gas inventory. Beginning in calendar year 2021, the commissioner shall submit the annual greenhouse gas inventory report to be made available to the public on or before January 15 to governor, the senate president, the speaker of the house of representatives, the chair of the senate energy and natural resources committee, the chair of the house science, technology and energy committee, the house clerk, the senate clerk, the energy efficiency and sustainable energy board, and the state government energy committee. The inventory shall:

(a) Shall be established with calendar year 1990 as the baseline year, and using scientifically valid methodologies that are consistent with surrounding state and federal practices.

(b) Be inclusive of each sector of the New Hampshire economy, as well as include a similar comprehensive greenhouse gas inventory for the State of New Hampshire.

(c) Include an analysis of the greenhouse gas emissions that occur within the geographic boundaries of New Hampshire, as well as an analysis of the total life-cycle greenhouse gas emissions, which account for the emissions that occur in other states, regions, and nations, but are incurred as a result of New Hampshire actions.

II. The public policy of the state of New Hampshire is to reduce statewide greenhouse gas emissions to:

(a) At least 20 percent below 1990 levels by 2025;

(b) At least 50 percent below 1990 levels by 2035; and

(c) At least 80 percent below 1990 levels by 2050.

III. Each state agency with jurisdiction over activities that impact greenhouse gas emissions shall incorporate these goals into project planning, rulemaking, and funding determinations going forward, inclusive of the department of environmental services, the public utilities commission, the department of transportation, the office of strategic initiative, the department of administrative services, the department of business and economic affairs, and the department of agriculture.

IV.(a) By July 1, 2022, the department of environmental services shall, after a period of public comment, prepare and adopt a plan for achieving the limits and interim limits established pursuant to paragraph II. This plan shall be reviewed and updated by the department every 5 years.

(b) The plan shall include strategies, programs, and compliance mechanisms with measurable goals and targets, including, but not limited to: development of market-based programs; expanding financing and investment tools; modernizing the electrical grid, electric sector regulations and rates; supporting strategic electrification and fuel switching; promoting combined heat and power systems; modifying the renewable energy standard and procurement; expanding least-cost energy procurement (including to unregulated fuels); improving state energy efficiency codes and standards, and compliance therewith; addressing natural gas leaks; promoting alternative fuel and electric vehicles; increasing use and availability of efficient public transport; and changing land-use patterns to support transit-oriented development and mixed-use commercial and residential areas.

(c) In developing this plan, the department shall:

(1) Evaluate the best available scientific, technological, and economic information on greenhouse gas emissions.

(2) Minimize reductions in greenhouse gas emissions in New Hampshire that are offset by increases in emissions of greenhouse gases outside of New Hampshire.

(3) Consider opportunities to encourage public and private investment toward rural, low-income, low to moderate income, and minority communities in New Hampshire and provide an opportunity for small businesses, schools, affordable housing associations, and other community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions.

(4) Ensure that activities undertaken to comply with the regulations do not disproportionately impact rural, low-income, low to moderate income, or minority communities.

(5) Target broad distribution of economic opportunities geographically and demographically, maximizing opportunities for workers and communities that may lose employment opportunities.

(6) Consult with the public utilities commission, the department of transportation, the department of agriculture, markets, and food, and the office of strategic initiatives throughout the plan development process to ensure the greenhouse gas emissions reduction activities to be adopted and implemented by the department are complementary, non-duplicative, and can be implemented in an efficient and cost-effective manner.

(7) Consult with other states, the federal government, and other nations to identify the most effective strategies and methods to reduce greenhouse gases, manage greenhouse gas control programs, and to facilitate the development of integrated and cost-effective regional, national, and international greenhouse gas reduction programs.

(d) The department of environmental services, in conjunction with the public utilities commission, the department of transportation, the department of agriculture, markets, and food, and the office of strategic initiatives will develop a report regarding the plan, including areas of progress, barriers, and emerging opportunities in years 2 and 4 following the release of the plan and its updates. The commissioner of environmental services shall submit the report to be made available to the public on or before January 15 of the required years to the governor, the senate president, the speaker of the house of representatives, the chair of the senate energy and natural resources committee, the chair of the house science, technology and energy committee, the house clerk, the senate clerk, the energy efficiency and sustainable energy board, and the state government energy committee.

3 New Hampshire Energy Policy. Amend RSA 378:37 to read as follows:

378:37 New Hampshire Energy Policy. The general court declares that it shall be the energy policy of this state to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for the reliability and diversity of energy sources; to maximize the use of *all* cost effective energy efficiency and other demand side resources; *achieving the greenhouse gas emission goals identified in RSA 125-O:30, II* and to protect the safety and health of the citizens, the physical environment of the state, and the future supplies of resources *from climate change and its associated environmental impacts*, with *due* consideration of *both* the financial stability of the state's utilities *and the financial costs imposed by climate change on the state, its citizens, and businesses*.

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

2020-0130h

AMENDED ANALYSIS

This bill establishes greenhouse gas emission reduction goals for the state and gives the department of environmental services the authority to develop and update regularly a climate action plan.

Amendment to HB 1667-FN

(2020-0334h)

Proposed by the Committee on Transportation - c

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

AN ACT relative to the suspension of drivers' licenses and creating a committee to study the creation of a restricted driving license for participants in drug court.

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

2 Suspension or Revocation for Default, Noncompliance, or Nonpayment of Fine. Amend the introductory paragraph of RSA 263:56-a, I and subparagraphs I(a)-(c) to read as follows:

I. Whenever any [defendant] *person*:

(a) Defaults on an arraignment or other scheduled court appearance in connection with a [~~charge or conviction of any offense~~] *motor vehicle offense, unless otherwise allowed under law*, or

(b) Fails to pay a fine or other penalty imposed in connection with a conviction of any *motor vehicle* offense which a court has determined he *or she* is able to pay, or issues a bad check in payment of a fine or other penalty; or

(c) Fails to comply with a similar order of the director or a court on any matter within the director's or court's jurisdiction *including orders made pursuant to RSA 161-B:11*, his *or her* driver's license or resident or nonresident driving privilege and in any motor vehicle case or related case the resident plates and motor vehicle registration shall be suspended or revoked only upon written consent of the director, effective 30 days after such default or failure, except as provided in subparagraph I(d) of this section.

3 License Suspension and Revocation; Suspension or Revocation for Default, Noncompliance, or Nonpayment of Fine. Amend RSA 263:56-a, VI to read as follows:

VI. The provisions of this section shall be the primary sanction for defendants who fail to ~~[appear, pay a fine, or other penalty or]~~ comply with an order of the director or a court, but shall not exclude other provisions of law relative to sanctions for defendants who fail to appear, pay a fine, or other penalty or comply with an order of the director or a court.

4 Committee to Study the Creation of a Restricted Driving License for Participants in Drug Court Established.

I. There is established a committee to study the creation of a restricted driving license for participants in drug court.

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

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives, including one member from the criminal justice and public safety committee and one member from the health, human services, and elderly affairs committee.

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

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

IV. The committee shall study the possible creation of a restricted driving license privilege for participants in drug court, including:

(a) The administration of a possible restricted or provisional driving license for participants in drug court, including administration by the courts and the division of motor vehicles.

(b) How the restrictions of such a license would be enforced.

(c) The benefits of having such a license for drug court participants, including in accessing treatment and employment.

(d) Lessons learned from existing restricted licenses in New Hampshire.

(e) Examples of such a restricted license in other states.

(f) Any costs associated with establishing such a license, including any cost savings.

V. The committee shall solicit information from any individual or entity the committee deems relevant to its study, including but not limited to:

(a) The director of the division of motor vehicles.

(b) The commissioner of the department of safety.

(c) A representative of the superior courts.

(d) A representative of the circuit courts.

(e) The statewide drug offender program coordinator.

(f) Individuals who have participated in drug court.

(g) Law enforcement.

(h) The New Hampshire County Attorneys Association.

(i) New Futures.

(j) The American Civil Liberties Union of New Hampshire.

(k) The New Hampshire public defender program.

VI. 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.

VII. 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, 2020.

5 Repeal. RSA 263:56-a, II(d), relative to reporting persons whose driver's licenses and driving privileges are suspended due to nonpayment, is repealed.

6 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

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

2020-0334h

AMENDED ANALYSIS

This bill modifies the circumstances under which a driver's license may be suspended or revoked, and establishes a committee to study the creation of a restricted driving license for participants in drug court.

Amendment to HB 1679-FN-A

(2020-0320h)

Proposed by the Committee on Finance - c

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

AN ACT relative to meals on wheels.

Amend the bill by replacing section 1 with the following:

1 Transfers of Appropriations for Meals on Wheels. For the biennium ending June 30, 2021, appropriations to the department of health and human services in expenditure class numbers 541 and 544 within accounting unit 05-95-48-481010-7872, and expenditure class 544 within accounting unit 05-95-48-481010-9255 shall not lapse until June 30, 2021, and may be transferred between such accounts and classes without the prior approval of the fiscal committee of the general court.

2020-0320h

AMENDED ANALYSIS

This bill authorizes transfers of appropriations within the department of health and human services for the purposes of the meals on wheels program.

Amendment to HB 1684-FN-A-LOCAL

(2020-0499h)

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 relative to energy efficiency and clean energy districts.

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

1 Towns, Cities, Village Districts, and Unincorporated Places; Energy Efficiency and Clean Energy Districts. RSA 53-F is repealed and reenacted to read as follows:

CHAPTER 53-F

ENERGY EFFICIENCY AND CLEAN ENERGY DISTRICTS

53-F:1 Definitions. In this chapter:

I. "Capital provider" means an entity that funds the cost of clean energy improvement or energy conservation and efficiency improvements.

II. "Clean energy improvement" means the installation of any system on property, including a newly constructed building, for producing electricity for, or meeting heating, cooling, or water heating needs of the property, using either renewable energy sources, combined heat and power systems, waste heat, natural gas, or district energy systems using wood biomass except construction and demolition waste. Such improvements include, but are not limited to, solar photovoltaic, solar thermal, wood biomass, wind, and geothermal systems, provided that, to be covered by an agreement with a property owner and financed under this chapter, such improvements shall be qualifying improvements under RSA 53-F:6.

III. "District" means an energy efficiency and clean energy district established under this chapter.

IV. "Eligible property" means real property located within the boundaries of the district, whether zoned or used for residential, commercial, industrial, or other uses, excluding residential property containing less than 5 dwelling units. Eligible property includes properties owned by for-profit or nonprofit entities.

V. "Energy conservation and efficiency improvements" means measures to reduce consumption, through conservation or more efficient use of electricity, fuel oil, natural gas, propane, water, or other forms of energy on or off the property, and including measures in a newly constructed building. Energy conservation and efficiency improvements shall include, but not be limited to, air sealing, installation of insulation, installation of heating, cooling, or ventilation systems meeting or exceeding ENERGY STAR standards, building modifications to increase the use of daylighting, replacement of windows with units meeting or exceeding ENERGY STAR standards, installation of energy controls or energy recovery systems, and installation of efficient lighting equipment, provided that, to be covered by an agreement with a property owner and financed under this chapter, all such improvements shall be permanently affixed to a building or facility that is part of the property and shall be qualifying improvements under RSA 53-F:6.

VI. "Financing" means the arrangement to fund clean energy improvement or energy conservation and efficiency improvements.

VII. "Municipality" means any city, town, or village district, or the designated representative of the city, town, or village district.

VIII. "Special assessment" means a special assessment within the meaning and subject to the provisions of RSA 80:19, except as provided in RSA 53-F:8.

53-F:2 Adoption by Municipality. A city, town, or village district may adopt the provisions of this chapter in the following manner:

I. In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of an annual meeting only by the governing body, and not pursuant to RSA 39:3.

II. In a city or a town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of any such municipality may vote to place the question on the official ballot for any regular municipal election.

III. In a village district, the question may be considered and acted upon by any means authorized by RSA 52.

IV. The language of the question shall designate an energy efficiency and clean energy district, which may cover all or a portion of the area within the municipality, or may designate all or a portion of the area within the municipality as part of an energy efficiency and clean energy district that encompasses all or portions of multiple municipalities.

V. A municipality may vote to rescind its action in the same manner as it may vote to adopt, provided that all agreements entered into with property owners and related legal obligations created prior to its vote to rescind shall remain in effect.

53-F:3 Authority. To achieve the public benefits of protecting the economic and social well-being by reducing energy and water consumption in the community and risks to the community associated with future escalation in energy prices, and addressing the threat of global climate change, any municipality which has adopted the provisions of this chapter and established one or more energy efficiency and clean energy districts may, upon a finding by the governing body of the municipality, after notice and hearing, that energy conservation and efficiency improvements and clean energy improvements will serve the public purposes as set forth in this chapter, do the following:

I. Encourage private financing from capital providers for qualifying improvements to eligible properties within the district and enter into agreements with such capital providers to administer the energy conservation and efficiency improvements or clean energy improvements program on their behalf, including evaluating eligible properties, supervising the improvements, arranging for the closing of the financing, collecting the special assessments, and assisting capital providers with the exercise of their lienholder rights, provided that anticipated expenses for the administration of the program shall be borne by the owners of eligible properties participating in the program.

II. Participate in state or federal programs providing support for municipal energy efficiency and clean energy finance programs such as those authorized by this chapter.

III. Enter into agreements with owners of eligible property in which the owners consent to make energy conservation and efficiency improvements or clean energy improvements to such properties and to have the municipality include a special assessment to pay for such improvements on their property tax bills, their bills for water or sewer service or another municipal service, or separate bills, provided that such agreements shall not affect the tax liability or municipal services charges of other participating or nonparticipating property owners in the district.

IV. Collect charges from participating owners of eligible properties to cover the cost of administration for the district.

V. Otherwise administer a program for promoting and financing energy efficiency and clean energy improvements within a district in accordance with this chapter, enter into an agreement with a public or private entity to administer such a program on its behalf in accordance with this chapter, and enter into an agreement with one or more other municipalities to share services and otherwise cooperate in the administration of a district or districts in accordance with this chapter.

53-F:4 Agreements With Property Owners.

I.(a) A municipality may make an assessment under this chapter only pursuant to an agreement entered into with the free and willing consent of the owner of an eligible property to which the assessment applies. In the case of any eligible property with multiple owners, an agreement under this chapter shall be signed by all owners. The assessment shall also result in a municipal lien on the property for the amount of the financing under the agreement.

(b) An agreement with an owner of eligible property shall provide that the owner shall contract for qualifying improvements with one or more qualified contractors and require that the property owner certify that the qualifying improvements were installed and are in good working order.

(c) The agreement shall stipulate that all funding for the qualifying improvements shall be privately made by third party capital providers. The agreement shall include a payment schedule showing the term over which payments will be due on the assessment, the frequency with which payments will be billed and the amount of each payment. The obligations of the agreement and financing will run with the eligible property. If the property is sold, the new owner shall automatically assume the obligations of the agreement, note, and mortgage and shall be subject to all liability related to such obligation, unless paid off in accordance with the terms of the agreement. Upon full payment of the amount of a special assessments, including all outstanding interest and charges and any penalties that may become due, the capital provider shall provide the then participating property owner with a written statement certifying that the obligations of the agreement and the financing have been satisfied and the special assessment has been paid in full.

II. The special assessment amount may include all hard and soft costs to install or construct the improvements, including all financing charges, capitalized interest, and interest reserve, if any.

III. The financing agreement shall disclose to the owners of eligible property participating in the program the risks associated with their participation, including risks related to their failure to make payments and the risk of enforcement of property tax or special assessment liens under RSA 53-F:8.

IV. At least 30 days prior to entering into an agreement with a municipality under this chapter, the owner of eligible property shall provide to the holders of any existing mortgages on the property notice of his or her intent to enter into the agreement.

V. The municipality shall file a notice of the assessment under this chapter for recording in the county registry of deeds. The notice shall consist of the following statement or its substantial equivalent: "This property is subject to a special assessment related to the installation of qualifying cost-effective energy conservation and efficiency improvements or clean energy improvements under RSA 53-F."

VI. Any personal or business financial information provided to a municipality or an entity administering a program under this chapter on behalf of a municipality by a participating property owner or potential participating property owner shall be confidential and shall not be disclosed to any person except as required to administer the program and only on a need-to-know basis.

53-F:5 Eligibility of Property Owners.

I. A municipality may enter into an agreement under this chapter only with the legal owner of eligible property.

II. In order to be eligible, a property owner shall:

(a) Be current on property taxes and have been current for 3 years or the owner's period of ownership, whichever is less;

(b) Verify that there are no involuntary liens such as mechanic's liens recorded on the property; and

(c) Verify that no notices of default or other evidence of property-based debt delinquency have been recorded during the past 3 years or the property owner's period of ownership, whichever is less. The municipality shall adopt additional criteria, appropriate to commercial property-assessed clean energy finance programs. The municipality shall identify the appropriate municipal office or employee responsible for approving special assessments and the office or employee responsible for collecting payments.

III. The property owner shall be responsible for notifying any mortgage holder in the registry of deeds on the property. If any such mortgage exists, the property owner shall notify each such mortgagee in writing that a capital provider is considering making a financing arrangement secured by a municipal lien pursuant to the provisions of this chapter and request the consent of each such mortgagee to the making of such financing. Each mortgagee shall have the right to determine in its sole discretion whether or not it will consent to such financing. All consents shall be in writing and recorded with the municipal lien in the registry of deeds. If all of the mortgagees of record consent, the municipal lien shall not be extinguished or accelerated in the event of a foreclosure or sheriff's sale by the mortgagee or lienholder as provided in RSA 53-F:8. If all of the mortgagees do not consent, but the capital provider determines that it will proceed with the financing, then in the event of a foreclosure or sheriff's sale by a mortgagee, the municipal lien shall be extinguished.

53-F:6 Qualifying Improvements.

I. Improvements in an existing building financed pursuant to an agreement under this chapter shall be based upon an audit performed by a person certified as a building analyst by the Building Performance Institute or who has obtained other appropriate certification as determined by the public utilities commission or another appropriate New Hampshire-based entity. Improvements in a newly constructed building shall be analyzed to confirm that the building has the capacity for energy efficiency superior to the current building code in effect. The audit shall identify recommended energy conservation and efficiency and clean energy improvements; provide the estimated energy cost savings, useful life, benefit-cost ratio, and simple payback or return on investment for each improvement; and provide the estimated overall difference in annual energy costs with and without recommended improvements. Financed improvements may include some or all of the audit recommendations. The cost of the audit may be included in the total amount financed under this chapter.

II. Improvements shall be permanently affixed to an existing building or facility that is part of the eligible property. The owner of the property may finance projects in buildings or facilities under new construction.

III. Improvements shall be made by a contractor or contractors, which may include a cooperative or not-for-profit organization, determined by the municipality to be qualified to make the energy efficiency or clean energy improvements in the agreement. Contractors may be designated as qualified by an electric or gas utility program or another appropriate New Hampshire-based entity. Any work requiring a license under any applicable law shall be performed by an individual holding such license. A municipality may elect to permit the financing, pursuant to an agreement under this chapter, of improvements made by the owner of the property, but shall not permit the value of the owner's labor to be included in the amount financed.

IV. Submission is required by the property owner in a form acceptable to the municipality of:

(a) A post-installation report, based on an independent inspection acceptable to the municipality, certifying that improvements have been installed properly and verifying that they are performing satisfactorily; and

(b) Documentation of all costs to be financed and copies of any required permits.

53-F:7 Financing Terms. The maximum term of finance provided pursuant to an agreement under this chapter shall be 30 years.

53-F:8 Priority; Collection and Enforcement. Collection of special assessments under this chapter shall be made by the tax collector or other official responsible for property tax or municipal service charge collection. The tax collector may assign its rights to enforce the special assessment and foreclose on the municipal lien to the capital provider. A municipality shall commit bills for amounts due on the special assessments, including interest and any charges, to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to collect them. Bills for amounts due on the special assessments shall coincide with bills for property taxes or municipal service charges. Each special assessment on the property of a participating property owner shall create a municipal lien on the property pursuant to RSA 80:19. Enforcement powers for nonpayment shall be those provided under RSA 80 relative to property tax collection, including RSA 80:19; provided, however, a tax sale of the property shall not extinguish prior liens of record. At the time of enforcement, only the past due balances of the special assessment under this chapter, including all interest, charges, and penalties, shall be due for payment. Notwithstanding any other provision of law, in the event of a transfer of property ownership through foreclosure or a sheriff's sale by a senior mortgagee or lienholder which has consented to the making of a loan by a capital provider under the provisions of this chapter, the lien of the municipality shall not be extinguished nor accelerated, and the net proceeds of the sale, if any, after payment of all prior obligations to mortgagees and lienholders, costs and expenses of foreclosure or sheriff's sale, shall be first applied to the payment of any past due balances of the financing and then any excess shall be applied against the remaining balance. If a senior mortgagee has not given its consent to the financing, a foreclosure or sheriff's sale by the mortgagee or lienholder shall extinguish all junior mortgages and liens.

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

2020-0499h

AMENDED ANALYSIS

This bill modifies provisions pertaining to energy efficiency and clean energy districts.

Amendment to HB 1692-FN

(2020-0415h)

Proposed by the Committee on Environment and Agriculture - c

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

AN ACT establishing a license for mushroom harvesters.

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

1 New Subdivision; Wild Mushroom Harvesters. Amend RSA 143-A by inserting after section 20 the following new subdivision:

Wild Mushroom Harvesters

143-A:21 Definitions. In this chapter:

I. "Community supported agriculture" or "CSA" means a distribution system in which a farmer distributes produce directly to consumers.

II. "Department" means the department of health and human services.

III. "Distributor" means a person who purchases wild mushrooms from a harvester and sells to food establishments or direct to the public. Distributor shall not include food establishments.

IV. "Food establishment" means a food service establishment or retail food store licensed under RSA 143-A, as well as farmers market, farm stand, and CSA.

V. "Harvester" means a person who forages for and harvests wild mushrooms for sale to a distributor, food establishment, or to the public.

VI. "Identifier" means a person who identifies wild mushrooms collected by a harvester on behalf of a distributor or a food establishment.

VII. "Tier 1 mushroom" means a wild mushroom which is easily identified, that has no toxic look alikes, and which is unlikely to cause illness in humans.

VIII. "Tier 2 mushroom" means a wild mushroom which is difficult to identify, may have toxic look alikes, or may cause illness in some humans.

143-A:22 License Required.

I. No person shall identify, harvest, or offer wild mushrooms for sale unless he or she is licensed by the department.

II. A wild mushroom identifier, harvester, and distributor may receive a tier 1 license upon the following:

(a) Payment of a fee of \$75 to the department.

(b) Fulfilling educational requirements approved by the department.

(c) Passing an exam on the tier 1 mushroom list approved by the department.

III. A wild mushroom identifier, harvester, and distributor may receive a tier 2 license upon the following:

- (a) Payment of a fee of \$75 to the department.
- (b) Fulfilling educational requirements set by the department.
- (c) Passing an exam on the tier 2 mushroom list approved by the department.

IV. Licenses shall be valid for 5 years from the date of issue. A person holding a valid mushroom identifier, harvester, and distributor license may renew such license after completion of an on-line renewal course and payment of a \$30 fee.

V. A licensee may only identify, harvest, and sell mushrooms from the tier list corresponding to the tier license they hold, however a tier 2 licensee may also identify, harvest, and sell mushrooms from the tier 1 list.

VI. The department may revoke a license for good cause including, but not limited to, the harvest, distribution or sale of wild mushrooms in a manner not consistent with this chapter and the educational program required under this section, failure to keep records in accordance with this subdivision, or the sale of wild harvested mushrooms not included on the tier 1 or tier 2 lists.

VII. A licensed mushroom identifier, harvester, and distributor shall present his or her license to the purchaser of his or her mushrooms at the time of sale and to the department of health and human services or to the department of agriculture, markets, and food upon request.

VIII. A person harvesting wild mushrooms for personal use shall not require a license.

IX. A licensee may harvest from a property only with documented permission from the land owner or land manager.

143-A:23 Labeling Requirements; Recordkeeping.

I. All mushrooms harvested by a person licensed under this subdivision for sale shall be labeled with the following:

(a) The name, address, and license number of the licensed mushroom identifier, harvester, and distributor.

(b) The species of mushroom.

(c) The weight sold.

(d) The date of harvesting.

(e) The county of harvesting.

II. A copy of such label shall be retained by the licensed mushroom identifier, harvester, and distributor for one year, as well as information on the specific harvest location of all mushrooms harvested.

III. A copy of such label shall be retained by the food service establishment for 90 days.

IV. Such records shall be available for inspection upon request by the department of health and human services and the department of agriculture, markets, and food.

143-A:24 Sale of Wild Mushrooms. A licensed food service establishment or retail food store within the state may only sell wild mushrooms or food products made with wild mushrooms, identified, harvested, and distributed in accordance with this subdivision unless purchased from an out-of-state source approved by that state or country of origin. A licensed food service establishment or retail food store purchasing or receiving wild mushrooms from a licensed wild mushroom identifier, harvester, and distributor shall keep a record of all such transactions with the information described in RSA 143-A:23 for no less than 90 days. Such records shall be available for inspection upon request by the department of health and human services or the department of agriculture, markets, and food. The department of health and human services shall add wild mushrooms to the inspection requirements of licensed food establishments and retail food stores including verifying that such wild mushrooms sold meet the requirements of this subdivision. The department of agriculture, markets, and food may verify that wild mushrooms sold at farmers markets and farmstands meet the requirements of this subdivision.

143-A:25 Revocation of License. A food service establishment or retail food store within this state licensed under this chapter may have its license revoked under RSA 143-A:7 if the department finds any of the following:

I. Records have not been kept in accordance with RSA 143-A:23 and RSA 143-A:24.

II. Purchasing or receiving wild mushrooms for use in food products from a person who is not licensed under RSA 143-A:22 unless purchased from an out-of-state source approved by that state or country of origin.

III. Purchasing or receiving wild mushrooms for use in food products that are not approved as tier 1 or tier 2 mushrooms by the department, unless purchased from an out-of-state source approved by that state or country of origin.

143-A:25 Penalty.

I. Any person who identifies, harvests, or distributes wild mushrooms without having a license to do so as required by this subdivision may be subject to an administrative fine levied by the commissioner of the department not to exceed \$1,000 for each violation.

II. The department may issue a cease and desist order to any person selling mushrooms in violation of this subdivision at a farm stand, farmers market, food service establishment, or retail food store.

III. A food service establishment or retail food store within this state licensed under this chapter that violates this subdivision may be subject to an administrative fine levied by the department of health and human services not to exceed \$1,000 per violation.

IV. A food service establishment or retail food store within this state licensed under this chapter that distributes wild mushrooms in violation of this subdivision may be subject to an administrative fine levied by the department of health and human services not to exceed \$1,000 per violation.

143-A:26 Duties; Department of Health and Human Services. The department shall:

I. Maintain a database of all wild mushroom identifier, harvester, and distributor licensees. Such database shall be available to the public on the department's internet site.

II. Approve training courses and licensing exams for tier 1 and tier 2 mushroom identifier, harvester, and distributor licenses.

III. Develop an education and notification program for food service licensees on the wild mushrooms approved for harvest and sale on the tier 1 and tier 2 lists, including but not limited to photos of such mushrooms.

143-A:27 Rulemaking. The department shall adopt rules under RSA 541-A relative to:

I. The content of the required educational courses for persons applying for a tier 1 or tier 2 mushroom identifier, harvester, and distributor license, including identification of mushrooms, appropriate locations from which to harvest mushrooms, the safe handling and storage of mushrooms, record keeping requirements, and ethics of harvesting; and which shall contain no less than 12 hours of in-person instruction with a mandatory online preparation module.

II. The content of the required educational course for persons applying to renew a tier 1 or tier 2 mushroom harvester and distributor license.

III. The content of an abbreviated course which shall contain no less than 4 hours of in-person training which shall be offered for experienced identifiers, harvesters, and distributors who demonstrate competency to the department. Experienced identifiers, harvesters, and distributors may apply to the department for such course.

IV. A list of tier 1 mushrooms which are easy to identify, with no toxic look-alikes, and which are unlikely to cause illness in humans.

V. A list of tier 2 mushrooms which are more difficult to identify, which may have toxic look-alikes, or may make a small percentage of humans ill.

VI. The content and format of application forms, testing materials and procedures.

VII. The content of testing material and test taking procedures.

VIII. Evidence of licensure.

IX. The content of the database for mushroom identifier, harvester, and distributor licensees.

X. Qualifications for trainers and instructors for educational courses for tier 1 and tier 2 mushroom identifier, harvester, and distributor license.

XI. Amending the definition of "commodity" in department rules to include wild harvested mushrooms.

XII. A fine schedule for violations of this subdivision.

2 Effective Date. This act shall take effect January 1, 2021.

2020-0415h

AMENDED ANALYSIS

This bill:

I. Establishes a license for wild mushroom identifiers, harvesters, and distributors.

II. Allows the department of health and human services to assess fines to people who distribute wild mushrooms without a license.

III. Requires the department of health and human services to develop a list of approved mushrooms for distribution as well as an educational curriculum for license applicants.

This bill was a request of the mushroom foraging study commission established in 2019, 35:2.

Amendment to HB 1696-FN

(2020-0358h)

Proposed by the Committee on Commerce and Consumer Affairs - r

Amend RSA 383-A:6-609(b) as inserted by section 1 of the bill by replacing it with the following:

(b) If the commissioner determines that the cost to complete the investigation or examination of the notice or application exceeds the fee set forth in subparagraphs (a)(1)-(9), the person filing the notice or application shall pay the additional investigation or examination costs. The cost of the investigation or examination shall be determined in accordance with the per diem examination charge established in RSA 383:11, I provided, however, that the requirement that no entity shall be charged or pay less than one full day shall not apply.

2020-0358h

AMENDED ANALYSIS

This bill amends the application fee for new state banks or credit union charters, and requires applicants to pay any additional investigation and examination costs that exceed the fees set forth in statute.

**Amendment to HB 1707-FN
(2020-0447h)**

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

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

1 New Section; Services for the Developmentally Disabled; Family-Centered Early Supports and Services Program. Amend RSA 171-A by inserting after section 18 the following new section:

171-A:18-a Family-Centered Early Supports and Services Program. The department shall administer a family-centered early supports and services (FCESS) program designed for children birth up to age 3 who have a diagnosed, established condition that has a high probability of resulting in delay, are experiencing developmental delays, or are at risk for substantial developmental delays if supports and services are not provided. All children under the age of 3 who are born substance-exposed shall be considered at risk for substantial developmental delays and shall be referred to FCESS. In this section, a "substance-exposed newborn" means a newborn who was exposed to alcohol, or other drugs in utero, which may have adverse effects, whether or not this exposure is detected at birth through a drug screen or withdrawal symptoms. The department shall adopt rules under RSA 541-A relative to the FCESS program, including application procedures, program administration, and eligibility criteria consistent with this section.

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

2020-0447h

AMENDED ANALYSIS

This bill directs the department of health and human services to administer a family-centered early supports and services program for children with developmental delays, including children under 3 with prenatal substance exposure.

**Amendment to HB 1710
(2020-0469h)**

Proposed by the Committee on Children and Family Law - c

Amend RSA 170-E:10, II and III as inserted by section 1 of the bill by replacing them with the following:

II. Information submitted in the application process shall be private, confidential, and not available for review. However, the license itself, the findings of investigatory and monitoring visits, and final decisions relative to licensure of the child day care agency shall be considered public information, posted on the department's website, and available for review by members of the public. The findings of investigatory and monitoring visits and final decisions relative to licensure shall be posted on the department's website not less than 21 days from the date of the finding or decision, and shall be available on the website for a period of 3 years.

III. At least 15 business days before posting the results or findings of an investigatory visit, monitoring visit, or a final decision relative to licensure on the department's website, the department shall notify the child day care agency of its findings or decision and the date on which the information shall be posted on the department's website. The department may provide such notice by email or, if the child day care agency has not provided an email address, by United States mail. If the child day care agency submits a response prior to the date of posting, the child day care agency's response shall also be posted on the department's website.

**Amendment to HB 1712
(2020-0446h)**

Proposed by the Committee on Children and Family Law - c

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

1 Child Day Care Licensees; Hearings. Amend RSA 170-E:13, II and III to read as follows:

II. Any applicant, licensee or permittee aggrieved by a decision of the department to suspend, revoke, deny or refuse to renew a license or permit, **or aggrieved by an unfavorable decision following informal dispute resolution under RSA 170-E:10-a**, may appeal to the commissioner. For purposes of carrying out the provisions of this section, the commissioner may, in accordance with the rules adopted by the department of personnel pursuant to RSA 541-A, appoint a hearings officer or officers, as necessary, to preside over such hearings. A hearings officer may affirm, deny or modify the decision of the department. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to procedures for the appeal process provided under this paragraph.

III. When the department decides to suspend, revoke, deny, or refuse to renew a license or permit, and it expressly finds that the continued operation of a child day care agency ~~[violates any minimum standard prescribed by law or rule, or otherwise jeopardizes]~~ **poses a present and credible threat to the health[,] or safety[, morals or welfare]** of children served by the agency, the department shall include in its order issued under paragraph I an order of closure directing that the operation of the agency terminate immediately **or on the date specified**. ~~[In this event, the agency shall not]~~ **Unless the department has ordered the**

agency to terminate immediately, the agency shall be permitted to operate during the pendency of any proceeding for the review of the decision of the department[, ~~except under court order~~]. ***Notwithstanding the above, the agency shall retain the right to seek injunctive relief in accordance with RSA 170-E:22.***

2 New Section; Child Day Care Licensing; Retaliation Prohibited. Amend RSA 170-E by inserting after section 8 the following new section:

170-E:8-a Retaliation Prohibited. The department shall not retaliate against an applicant, licensee, or permittee for any reason. Any applicant, licensee, or permittee who believes that the department's actions regarding licensure or permit status, or the findings of a monitoring visit, were retaliatory in nature may request a hearing under RSA 170-E:12, II or informal dispute resolution under RSA 170-E:10-a.

3 Effective Date. This act shall take effect January 1, 2021.

2020-0446h

AMENDED ANALYSIS

This bill permits a child day care applicant, licensee, or permittee to appeal the decision resulting from the informal dispute resolution process. The bill also provides that, unless the department of health and human services has ordered a child day care agency to close immediately, the agency may operate pending appeal of the department's decision. The bill also prohibits the department from retaliating against a child day care applicant, licensee, or permittee.

Amendment to SB 7-FN-LOCAL

(2020-0457h)

Proposed by the Majority of the Committee on Finance - r

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

1 New Subdivision; Secure Modern Accurate Registration Technology Act. Amend RSA 654 by inserting after section 15 the following new subdivision:

Secure Modern Accurate Registration Technology Act

654:15-a Voter Registration at the Division of Motor Vehicles.

I. The secretary of state, pursuant to an interagency contract and jointly-adopted criteria, shall establish a secure data transfer program that satisfies the requirements of this section and any other applicable law.

II. Any time a person applies for a driver's license, a nondriver's picture identification card, or a record change to a driver's license or nondriver's picture identification card with the division of motor vehicles, as specified below, during which he or she demonstrates that he or she is a United States citizen, 18 years of age or older, and a resident of New Hampshire, he or she shall, without taking any other action, automatically apply to register to vote unless he or she declines to submit such registration application under the procedures outlined in paragraph IV.

III. The division of motor vehicles shall electronically transmit to the secretary of state certain information as outlined in RSA 654:15-b about every eligible voter applying pursuant to this section. Such transmission shall be in a format that the secretary of state can upload into the statewide centralized database and reviewed by election officials. The division of motor vehicles shall also transmit any updates to addresses or names to ensure that the voter checklists are kept up-to-date.

IV. The division of motor vehicles shall add a voter registration section to those online or paper forms used in connection with applying for a driver's license, a nondriver's picture identification card, or a record change related to a driver's license or nondriver's picture identification card, which shall collect information required for voter registration not already collected in such division of motor vehicles forms. By signing and submitting this application, you are authorizing the division of motor vehicles to transmit this application to the secretary of state for voter registration purposes. **YOU MAY DECLINE TO APPLY TO REGISTER.** Both the location of the office through which you submit this application and your decision of whether or not to apply to register to vote will remain confidential and will be used for voter registration purposes only." A check box shall appear below such preprinted statement and next to the following statement: "Do not register me to vote or update my voter registration. I decline to register to vote or update my voter registration."

V. Upon receiving the electronic record of the applicant's information, the secretary of state shall send a mailing to each eligible applicant, including a pre-paid return to be sent to the voter's town or city hall, which shall include the following:

(a) The process used to adopt a political party affiliation.

(b) The registrant's polling location.

(c) A check box with a statement next to it that reads: "Do not register me to vote or update my voter registration. I decline to register to vote or update my voter registration."

VI. An application that complies with the requirements of this section shall constitute a completed voter registration unless the city or town clerk or supervisor of the checklist finds an error in the voter registration application pursuant to paragraph IX.

VII. If, during the review of the information sent by the secretary of state, the city or town clerk or supervisor of the checklist deems there to be an error in the voter registration application, such local election official shall promptly inform the applicant that his or her registration has not been processed, and shall provide such applicant a reasonable opportunity to cure such error.

VIII. Any person applying to register to vote pursuant to this section within 30 calendar days immediately preceding an election shall be advised to apply to register to vote with a city or town clerk or supervisor of the checklist pursuant to this chapter.

654:15-b Electronic Transmission of Voter Registration Data.

I. The division of motor vehicles shall transmit, via a secure electronic transmission, data collected relevant to voter registration, including data relating to age, residency, citizenship, place of birth, and driver's license or non-driver's picture identification card, as well as a signature image, for every citizen who applies to register to vote in accordance with RSA 654:15-a to the secretary of state. The division of motor vehicles shall transfer data in a format that can be uploaded to the statewide centralized voter registration database. The secretary of state shall format data to allow the city or town clerk or supervisor of the checklist to print the information on an 8.5 x 11 inch sheet of paper. Notwithstanding RSA 294-E and any other law to the contrary, the secretary of state, state agencies, and political subdivisions shall accept, use, and permit the use of the applicant's signature image for purposes of this subdivision.

II. The city or town clerk or supervisor of the checklist shall be alerted when a new eligible voter has been entered into the statewide centralized voter registration database.

III. The secretary of state shall also transmit for review by election officials any address or name updates to their records to ensure that the voter checklists are kept up-to-date and remove voters' registration from the previous address, in accordance with state and federal law.

654:15-c Voter Registration Data Privacy and Security.

I. The secretary of state shall regularly upgrade data security for the voter registration system, such that the system adheres to up-to-date security processes and protocols.

II. The secretary of state shall ensure the privacy of the information received from the division of motor vehicles pursuant to this subdivision by prohibiting:

(a) Public disclosure of an individual's decision not to apply to register to vote, which shall be exempt from the provisions of RSA 91-A.

(b) Agencies from transmitting to election officials information other than that required for voter registration or specified information relevant to the administration of elections.

(c) The disclosure of information relating to persons in categories designated confidential by federal or state law, including victims of domestic violence or stalking, prosecutors and law enforcement personnel, and participants in a witness protection program.

(d) Any other disclosure of information collected pursuant to this subdivision that is prohibited by federal or state law.

654:15-d Unauthorized Registration. The record and signature of an ineligible applicant that is transmitted through an electronic system by a government agency to any elections or voter registration authority shall not constitute a completed voter registration form, and that applicant shall not be considered to have registered to vote.

654:15-e Requests for Removal from the Checklist. Any person who applies to register to vote pursuant to this subdivision may, prior to the certification of the checklist pursuant to RSA 654:28 and RSA 654:29, request that he or she be removed from the checklist by submitting such request in person at his or her town or city hall.

2 New Paragraph; Access to Governmental Records and Meetings; Exemptions. Amend RSA 91-A:5 by inserting after paragraph XI the following new paragraph:

XII. An individual's decision not to apply to register to vote under RSA 654:15-a.

3 New Paragraph; Motor Vehicles; Records and Certification. Amend RSA 260:14 by inserting after paragraph III-d the following new paragraph:

III-e. Motor vehicle records relevant to voter registration shall be provided to the secretary of state pursuant to RSA 654:15-b. These records may be further transferred or otherwise made available to city or town clerks and supervisors of the checklist for purposes of voter registration.

4 Department and Secretary of State; Election Fund. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend [~~monies~~] **moneys** in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of equipment that complies with the Help America Vote Act of 2002, Public Law 107-252, or with RSA 659:13, V, reimbursing the department of safety for the actual cost of voter identification cards, election law enforcement, enhancing election technology, making election security improvements, and improvements to related information technology, including acquisition and operation of an automated election management system. With the exception of federal and

state portions of funds associated with the 2018 Election Reform Program, the secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least ~~[12]~~ **10** times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

5 Funding. Funding for the direct Help America Vote Act related implementation of this act, including division of motor vehicles software and SMART-related training and public informational collateral, shall be provided by grants received pursuant to the 2018 Help America Vote Act Election Security Award and section 101 of the Help America Vote Act of 2002, Public Law 107-252.

6 Effective Date. This act shall take effect July 1, 2021.

**Amendment to SB 684-FN
(2020-0581h)**

Proposed by the Committee on Education - c

Amend the bill by replacing section 2 with the following:

2 Medicaid to Schools Program. RSA 186-C:25, I-III are repealed and reenacted to read as follows:

I. The department of health and human services Medicaid reimbursement program shall be known as the "Medicaid to schools" program, providing medical assistance for covered services furnished to children with disabilities who are enrolled in Medicaid. The purpose of the program is to seek any and all Medicaid reimbursement for medical and health related services provided by local school districts and school administrative units to children with disabilities which are reimbursable under federal law but which were previously fully funded by such districts or administrative units. The program shall be voluntary and is designed to assist children with disabilities by maintaining them in their own homes and communities. The program shall be administered in the same, or similar, manner as the Medicaid to schools for medical services program established in RSA 167:3-k. This subdivision is intended to provide Medicaid funding for services which, in the absence of such funding, nevertheless qualify as special education or related services under this chapter. It is not the intention of this subdivision to increase school district responsibility or liability beyond what is required by other sections of this chapter.

II. A reimbursable service under this section shall be:

(a) A covered New Hampshire Medicaid state plan service determined by a Medicaid qualified provider to meet accepted standards of medical practice for the service, or such other necessary health care, diagnostic services, treatment, and other measures described in section 1905(a) of the Social Security Act through the Early and Periodic Screening Diagnosis and Treatment (EPSDT) benefit if medically necessary, meaning that the item or service is reasonably calculated to prevent, diagnose, correct, cure, alleviate, or prevent the worsening of conditions that endanger life, cause pain, result in illness or infirmity, threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and no other equally effective course of treatment is available or suitable for the student or individual requesting the medically necessary service;

(b) Provided to a Medicaid enrolled child after obtaining parental consent;

(c) Provided by a Medicaid qualified provider; and

(d) Provided in compliance with applicable state and federal law and rules.

III. Services provided under this subdivision shall:

(a) Offer the least restrictive setting for children receiving the services.

(b) Be in addition to any special education program as defined in the New Hampshire rules for the education of children with disabilities.

III-a. Any provider who orders, refers, prescribes, renders, or provides services under this section shall do so in accordance with the relevant health professional practice act and regulations including, but not limited to, RSA 137-F, RSA 317-A, RSA 326-B, RSA 326-C, RSA 326-E, RSA 326-F, RSA 326-H, RSA 327, RSA 328-A, RSA 328-D, RSA 328-F, RSA 329, RSA 329-B, RSA 330-A, and RSA 330-C.

Amend RSA 167:3-k as inserted by section 3 of the bill by replacing it with the following:

I. The department of health and human services Medicaid reimbursement program shall be known as the "Medicaid to schools for medical services" program, providing medical assistance for covered services furnished to children in public schools who are enrolled in Medicaid. The purpose of the program is to seek any and all Medicaid reimbursement for medical or health related services provided by local school districts and school administrative units to children which are reimbursable under federal law. General fund dollars allocated to the department of health and human services shall not be used for matching the federal financial participation for Medicaid reimbursement. All matching dollars for Medicaid to schools medical services shall come from the local school districts or school administrative units. The program shall be voluntary and administered by the department in the same, or similar, manner as the Medicaid to schools program established in RSA 186-C:25. This section shall not be construed to increase school district responsibility or liability beyond what is required by other state or federal law.

II. A reimbursable service under this section shall be:

(a) A covered New Hampshire Medicaid state plan service determined by a Medicaid qualified provider to meet accepted standards of medical practice for the service, or such other necessary health care, diagnostic services, treatment, and other measures described in section 1905(a) of the Social Security Act through the Early and Periodic Screening Diagnosis and Treatment (EPSDT) benefit if medically necessary, meaning that the item or service is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions that endanger life, cause pain, result in illness or infirmity, threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and no other equally effective course of treatment is available or suitable for the student/individual requesting the medically necessary service;

(b) Provided to a Medicaid enrolled child after obtaining parental consent;

(c) Provided by a Medicaid qualified provider; and

(d) Provided in compliance with applicable state and federal law and rules.

III. Any provider who orders, refers, prescribes, renders, or provides services under this section shall do so in accordance with the relevant health professional practice act and regulations, including, but not limited to, RSA 137-F, 317-A, 326-B, 326-C, 326-E, 326-F, 326-H, 327, 328-A, 328-D, 328-F, 329, 329-B, 330-A, and 330-C.

IV. The commissioner of the department of health and human services, after consultation with the commissioner of the department of education, shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Further defining services eligible for Medicaid reimbursement under this section. In defining such services, the commissioner shall, to the extent practicable, seek to maximize the availability of federal financial assistance to local school districts and school administrative units.

(b) State plans and reimbursement procedures necessary for local school districts or school administrative units to receive appropriate Medicaid reimbursement for eligible services under paragraph II that are provided or paid for by school districts or school administrative units.

(c) Monitoring mechanisms to ensure that services provided under this section meet the requirements of paragraph II. Monitoring responsibilities shall be consistent with the jurisdiction of the different departments.

(d) A financial mechanism by which the federal mandatory matching requirement is met through collection, or other means, of 50 percent of the cost of allowable services from local school districts and/or school administrative units.

V. New Hampshire local school districts or school administrative units shall be the enrolled Medicaid providers for the purpose of administration and billing.

Amend the introductory paragraph of RSA 330-A:18-a, I and subparagraph I(a) as inserted by section 28 of the bill by replacing it with the following:

I. The board shall issue a school social worker license to any person who:

(a) Is currently certified as a school social worker by the department of education, bureau of credentialing, and was certified as of the effective date of this section; or

Amend RSA 326-F:3-a, I(a) as inserted by section 36 of the bill by replacing it with the following:

(a) Is currently certified as a speech-language specialist by the department of education, bureau of credentialing, and was certified as of the effective date of this section; and