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Contains: Amendments

HOUSE CALENDAR

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 501-FN

(2020-0675h)

Proposed by the Committee on Ways and Means - c

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

AN ACT using fees from registration of commercial animal food sellers to fund the cost of care program in the department of agriculture, markets, and food and establishing a commission to study the identification of unregistered animal feed products being sold remotely in New Hampshire.

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

1 Registration of Commercial Animal Food Sellers. Amend RSA 435:20, IV to read as follows:

IV. One-half of the fees collected under this section shall be deposited with the state treasurer into a separate, nonlapsing account to be known as the agricultural product and scale testing fund. The remainder of the fees collected under this section shall be deposited in the general fund, ***provided that for each biennium, the commissioner of agriculture, markets, and food shall include in the department's biennial request for appropriations pursuant to RSA 9:4 an amount sufficient to fund an adequate cost of care fund as provided in RSA 437-B:1.***

2 Cost of Care Fund. Amend RSA 437-B:1, II to read as follows:

II. The treasurer shall deposit in the cost of care fund court-ordered restitution for care in animal cruelty cases under RSA 644:8 or RSA 644:8-a as specified in paragraph VI ***and moneys received from RSA 435:20, IV provided the balance in the cost of care fund shall not exceed \$2,000,000.***

3 New Subparagraph; Cost of Care Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys deposited in the cost of care fund established in RSA 437-B:1.

4 New Section; Remote Sellers of Unregistered Animal Feed Products; Study Commission. Amend RSA 435 by inserting after section 31 the following new section:

435:31-a Commission to Study Remote Sellers of Unregistered Animal Feed Products.

I. There is established a commission to study the identification of unregistered animal feed products being sold remotely in New Hampshire.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be members of the ways and means committee and one of whom shall be a member of the environment and agriculture committee.

(b) The commissioner of the department of agriculture, markets, and food, or designee.

(c) The commissioner of the department of revenue administration, or designee.

(d) The attorney general, or designee.

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

IV. The commission shall study the feasibility and criteria for setting up a system of identification of remote sellers into New Hampshire of unregistered products required to be registered under RSA 435:20 and the collection of registration fees due.

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. Four members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2020.

5 Repeal. RSA 435:31-a, relative to the commission on the identification of unregistered animal feed products being sold remotely in New Hampshire, is repealed.

6 Effective Date.

I. Sections 1-3 of this act shall take effect July 1, 2020.

II. Section 5 of this act shall take effect November 1, 2020.

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

2020-0675h

AMENDED ANALYSIS

This bill uses fees from registration of commercial animal food sellers to fund the cost of care program.

This bill also establishes the remote sellers of unregistered animal feed products study commission.

Amendment to HB 546-FN

(2020-0981h)

Proposed by the Committee on Commerce and Consumer Affairs - r

Amend the bill by replacing section 10 with the following:

10 New Subparagraph; Persons Exempted. Amend RSA 330-A:34, I by inserting after subparagraph (e) the following new subparagraph:

(f) The activities of an art teacher, professional artist, professional entertainer, or any no profit/non-profit entity or person who does not represent himself or herself as an art therapist.

Amend the bill by deleting sections 11-13 and renumbering the original sections 14 and 15 to read as 11 and 12, respectively.

2020-0981h

AMENDED ANALYSIS

This bill adds the licensure and regulation of art therapists under the board of mental health practice. The bills repeal the current provisions for regulating art therapists.

Amendment to HB 1102

(2020-0437h)

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 Short Title; Rachel's Law. This act shall be known as "Rachel's Law."

2 New Section; Food Allergy Awareness. Amend RSA 143-A by inserting after section 8 the following new section:

143-A:8-a Food Allergy Awareness.

I. Each food service establishment licensed by the state under RSA 143-A:6 or by the municipality in which it operates shall:

(a) Include on all menus and menu boards a notice to customers of the customer's obligation to inform the server of his or her food allergies.

(b) Have a person in charge during all hours of operation trained and certified as a food protection manager by a program approved by the department which includes training regarding food allergens. Such person shall ensure that employees are properly informed of food safety issues, including awareness of food allergies, as it is related to the employees' assigned duties.

II. A food service establishment that violates this section shall be subject to enforcement in accordance with rules adopted under RSA 143-A:9, XI, or local ordinance relative to food service licensure.

III. This section shall not apply to any food service establishment exempt from licensure or inspection under RSA 143-A:5.

IV. Nothing in this section shall establish or affect any private cause of action. This section shall not affect any other right or remedy available by statute.

3 Exemption for Food Service Establishments Regulated By Municipalities Limited. Amend RSA 143-A:5, I-II to read as follows:

I. Food service establishments and retail food stores licensed by city health officers under RSA 47:17, ***except with regard to the food allergy provisions of RSA 143-A:8-a.***

II. Food service establishments and retail food stores licensed by town health officers under RSA 147:1, ***except with regard to the food allergy provisions of RSA 143-A:8-a.***

4 New Paragraph; Food Service Licensure; Rulemaking. Amend RSA 143-A:9 by inserting after paragraph X the following new paragraph:

XI. Requirements for food allergy awareness under RSA 143-A:8-a.
5 Effective Date. This act shall take effect January 1, 2021.

**Amendment to HB 1104
(2020-0801h)**

Proposed by the Committee on Municipal and County Government - c

Amend RSA 41:14-a, I as inserted by section 2 of the bill by replacing it with the following:

I. If adopted in accordance with RSA 41:14-c, the ~~[selectmen]~~ **select board** shall have the authority to acquire or sell land, buildings, or both[;], **and to demolish or otherwise dispose of buildings**, provided, however, they shall first submit any such proposed acquisition, ~~[or]~~ sale, **demolition, or disposal** to the planning board, ~~[and to]~~ the conservation commission, **the heritage commission, and the historic district commission if the building lies within a defined district** for review and recommendation by those bodies, where [a] **such** board or ~~[commission or both,]~~ **commissions** exist. After the ~~[selectmen receive]~~ **select board receives** the recommendation of the planning board, ~~[and]~~ the conservation commission, **the heritage commission, and the historic district commission if the building lies within a defined district**, where such board or ~~[commission or both]~~ **commissions** exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed acquisition, ~~[or]~~ sale, **demolition, or disposal**; provided, however, upon the written petition of 50 registered voters presented to the ~~[selectmen]~~ **select board**, prior to the ~~[selectmen's]~~ **select board's** vote, according to the provisions of RSA 39:3, the proposed acquisition, ~~[or]~~ sale, **demolition, or disposal** shall be inserted as an article in the warrant for the town meeting. The ~~[selectmen's]~~ **select board's** vote shall take place no sooner than 7 days nor later than 14 days after the second public hearing which is held.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5.

4 Application. This act shall be effective in all towns that have previously adopted the provisions of RSA 41:14-a, without further action by the town.

2020-0801h
AMENDED ANALYSIS

This bill authorizes selectmen to demolish municipal buildings. This bill also provides for review of any proposed demolition by the heritage commission and the historic district commission, if any.

**Amendment to HB 1111
(2020-1011h)**

Proposed by the Committee on Municipal and County Government - c

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

AN ACT establishing a commission to study the removal of unused utility poles following the transition of equipment, lines, and cables to new utility poles.

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

1 New Section; Commission to Study the Removal of Unused Utility Poles Following the Transition of Equipment, Lines, and Cables to New Utility Poles. Amend RSA 231 by inserting after section 182 the following new section:

231:182-a Commission to Study the Removal of Unused Utility Poles Following the Transition of Equipment, Lines, and Cables to New Utility Poles.

I. There is established a commission to study the removal of unused utility poles following the transition of equipment, lines, and cables to new utility poles.

(a) The members of the commission shall be as follows:

(1) Two 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 commissioner of the department of transportation, or designee.

(4) The chairperson of the public utilities commission, or designee

(5) One member appointed by the New Hampshire Municipal Association.

(6) Additional members from the following entities, appointed by the governor, as follows:

(A) Two members representing different companies owning poles in New Hampshire who are members of the New Hampshire Telephone Association (NHTA).

(B) One member from a New Hampshire electric cooperative.

(C) One member from an investor-owned New Hampshire electric utility.

(D) One member each from a competitive telephone utility and a provider of cellular telephone service, which are currently attached to poles in New Hampshire.

(E) One member representing the New England Cable & Telecommunications Association, Inc. (NECTA).

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

II. The commission's study shall include, but not be limited to, examining the rules of the public utilities commission in PUC 1300 – Utility Pole Attachments, with emphasis on relevant sections of PUC 1303.06 on Notification, PUC 1303.07 on Installation and Maintenance, and PUC 1303.12 on Make Ready Work Time-tables, and how to update the relevant laws and rules as necessary and make recommendations for enforcement of timely transition of equipment and removal of unused utility poles.

III. The commission may solicit input from any person or entity the commission deems relevant to its study.

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

V. The commission shall submit a report including its findings and any recommendations for proposed legislation on or before December 1, 2020 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 231:182-a, relative to a commission to study the transition of equipment and removal or replacement of telephone and electric poles, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 1, 2020.

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

2020-1011h

AMENDED ANALYSIS

This bill establishes a commission to study the removal of unused utility poles following the transition of equipment, lines, and cables to new utility poles.

Amendment to HB 1119

(2020-0702h)

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 use of certain out-of-state banks by the state treasurer and municipal and county treasurers or trustees.

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

1 State Treasurer; Bank Deposits. Amend RSA 6:7 to read as follows:

6:7 Bank Deposits. The treasurer may deposit any portion of public moneys, in the treasurer's possession, in federally insured banks ~~[chartered under the laws of New Hampshire or the federal government, with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a.** At the discretion of the treasurer, balances may be collateralized if those balances are deemed to be significant in relation to the equity position of the federally insured bank. Other conditions being equal, those federally insured banks shall receive preference which allow interest on balances. As used in this section the term "public moneys" shall include the general funds of the state and any funds of which the state treasurer acts as custodian or agent.

2 State Treasurer; Investment of Public Funds. Amend RSA 6:8 to read as follows:

6:8 Investment of Funds.

I. All funds over which the state has exclusive control, aside from such sums of money as the treasurer may deem necessary to hold or deposit for meeting current expenses, shall be invested by the treasurer, with the approval of the governor and council, in obligations of the United States government, in obligations of any county government, municipal government, or district or division thereof within the state of New Hampshire, in obligations which are legal investments for depository banks pursuant to RSA 383-B:3-303, in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks chartered under the laws of New Hampshire ~~[or]~~, the federal government with a branch within the state, **or any other state with a branch in this state as provided in paragraph I-a.**

I-a. In order for a bank chartered under the laws of another state to be eligible to accept deposits of public funds, the following conditions shall be satisfied:

(a) The state in which the out-of-state bank is chartered must permit a New Hampshire-chartered bank to accept public funds in deposit in that state in substantially the same manner and subject to substantially the same terms and conditions as is permitted for banks chartered in that state.

(b) The out-of-state bank engages in lending activity in New Hampshire in an aggregate amount that is not less than the average amount of the deposits of all of its state, county, municipal, and other public deposits in the state in each calendar year.

(c) The out of state bank pays the business enterprise tax or business profits tax based on its business activity in the state during its fiscal year.

(d) Before accepting such deposits, the out-of-state bank shall furnish to the state treasurer an opinion of legal counsel that the condition of subparagraph (a) has been met. The treasurer shall confirm receipt of the opinion in writing not later than 60 days of receipt of the opinion, and shall make the opinion publicly available on the department's website. Thereafter, the out-of-state bank shall certify in writing under oath to the treasurer not later than March 31 in each year that it has complied with the requirements of subparagraphs (b) and (c) for the prior calendar or fiscal year and shall disclose the average amount of such deposits accepted and the number and aggregate amount of all loans made in such calendar year. A violation of this paragraph shall be a misdemeanor.

II. The treasurer may also invest public funds in interest-bearing deposits which meet all of the following conditions:

(a) The funds are initially invested through a federally insured bank ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state]~~ **authorized to accept deposits in New Hampshire under paragraphs I and I-a of this section**, selected by the treasurer.

(b) The selected bank arranges for the redeposit of funds which exceed the federal deposit insurance limitation of the selected bank in deposits in one or more federally insured financial institutions located in the United States, for the account of the treasurer.

(c) The full amount of principal and any accrued interest of each such deposit is covered by federal deposit insurance.

(d) The selected bank acts as custodian with respect to each such deposit for the account of the treasurer.

(e) On the same date that the funds are redeposited by the selected bank, the selected bank receives an amount of deposits from customers of other federally insured financial institutions equal to or greater than the amount of the funds initially invested through the selected bank by the treasurer.

3 Counties; Investments; Banks. Amend RSA 23:16, II to read as follows:

II. The funds shall be invested only ~~[by deposit in some savings bank or in the savings department of a national bank or trust company in this state, or in shares of any building and loan association or cooperative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state, or]~~ in bonds, notes or other obligations of the United States government, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state; and such stocks and bonds as are legal for investment by New Hampshire ~~[savings] banks and when so invested, the trustees shall not be liable for the loss thereof; [and]~~ in any common trust fund established by the New Hampshire Charitable Foundation in accordance with RSA 292:23; **and in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks authorized to accept deposits under RSA 6:8, I and I-a.** The trustees may retain investments as received from donors until the maturity thereof.

4 County Treasurer; Out-of-state Banks; Deposits. Amend RSA 29:1, I to read as follows:

I. The county treasurer shall have custody of all moneys belonging to the county, and shall pay out the same only upon orders of the commissioners. The county treasurer shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in federally insured banks **authorized to accept deposits under RSA 6:8, I and I-a. In addition,** ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state, except that]~~ funds may be deposited in federally insured banks outside the state if such banks pledge and deliver to a third party custodial bank or the regional federal reserve bank collateral security for such deposits of the following types:

(a) United States government obligations,

(b) United States government agency obligations; or

(c) Obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case.

5 County Treasurer; Out-of-state Banks; Investments. Amend RSA 29:1, IV to read as follows:

IV. Whenever the county treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the treasurer shall, with the approval of the commissioners, invest the same in obligations of the United States government, in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks ~~[chartered under the laws of the state of New Hampshire or the federal government with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a.** Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment, an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall

be segregated for the exclusive benefit of the county. Only securities defined by the bank commissioner in rules adopted pursuant to RSA 383-B:3-301(e) shall be eligible to be pledged as collateral. At least yearly, the county treasurer, with the approval of the county commissioners, shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.

6 County Treasurer; Investments. Amend RSA 29:1, V(a) to read as follows:

(a) The funds are initially invested through a federally insured bank ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a**, selected by the treasurer.

7 Town Trust Funds; Investments. Amend RSA 31:25 to read as follows:

31:25 Custody; Investment. The trustees shall have the custody of all trust funds held by their town. Any person who directly or indirectly receives any such trust funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town depositing or investing such funds. Only securities defined by the bank commissioner, as provided by rules adopted pursuant to RSA 383-B:3-301(e), shall be eligible to be pledged as collateral. The funds shall be invested only in deposits in ~~[any]~~ federally ~~[or state-chartered bank or association authorized to engage in a banking business in this state]~~ **insured banks authorized to accept deposits under RSA 6:8, I and I-a**, or in deposits in any credit union in this state, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state; and such stocks and bonds as are legal for investment by any bank ~~[or association]~~ chartered by this state to engage in a banking business; and in participation units in the public deposit investment pool established pursuant to RSA 383:22; or in obligations with principal and interest fully guaranteed by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations. Deposits in a federally ~~[or state-chartered]~~ **insured** bank ~~[or association]~~ or credit union shall be made in the name of the town which holds the same as a trust, and it shall appear upon the books thereof as a trust fund. Shares of mutual funds are also permitted if they are registered with the Securities and Exchange Commission, qualified for sale in the state of New Hampshire in accordance with the New Hampshire uniform securities act of the New Hampshire secretary of state's office, and which have in their prospectus a stated investment policy which is consistent with the investment policy adopted by the trustees of trust funds in accordance with this chapter, and when so invested, the trustees shall not be liable for the loss thereof. The trustees may retain investments as received from donors, until the maturity thereof. The trustees shall formally adopt an investment policy for all investments made by them or by their agents for any trust funds in their custody in conformance with the provisions of applicable statutes. Such investment policy shall be reviewed and confirmed at least annually. A copy of the investment policy shall be filed with the attorney general.

8 Town Trust Funds; Reference to Associations. Amend RSA 31:25-a to read as follows:

31:25-a Retention of Nonlegal Securities. Any security which at the time of its purchase under RSA 31:25 constituted a legal investment for any bank ~~[or association]~~ chartered by this state to engage in a banking business or for trustees of trust funds under the laws and conditions then existing may be retained notwithstanding the fact that, because of changes in the law relating to legal investments or because of conditions arising subsequent to the purchase of such security, its purchase might not then be legal; provided, however, that no such security that is not a prudent investment under the circumstances existing at the time of its retention and thereafter may be retained by the trustees; and provided further, that the aggregate total of the market value of all securities retained under this section shall not exceed 20 percent of the total market value of all the investments held by the trustees.

9 Town Trust Funds; Investments by Single Trustee. Amend RSA 31:26 to read as follows:

31:26 Investments by Single Trustee. In towns which have chosen a single trustee of trust funds such funds shall be invested only by deposit in any federally ~~[or state-chartered bank or association authorized to engage in a banking business in this state]~~ **insured bank authorized to accept deposits under RSA 6:8, I and I-a**, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state and when so invested the trustee shall not be liable for the loss thereof; and in any common trust fund established by the New Hampshire Charitable Foundation in accordance with RSA 292:23; or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations. Deposits in a federally ~~[or state-chartered bank or association]~~ **insured bank** shall be made in the name of the town which holds the same as a trust, and it shall appear upon the books thereof as a trust fund. Any person who directly or indirectly receives any such trust

funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town depositing or investing such funds. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 383-B:3-301(e) shall be eligible to be pledged as collateral. The trustee may retain investments as received from donors until the maturity thereof.

10 Trust Funds; Collective Investments. Amend RSA 31:27 to read as follows:

31:27 Collective Investments. Notwithstanding any statute or rule of law to the contrary, town and city trustees of trust funds may establish, maintain and operate one or more common trust funds, in which may be combined money and property belonging to the various trusts in their care, for the purpose of facilitating investments, providing diversification and obtaining reasonable income; provided however, that said common trust funds shall be limited to the investments authorized in RSA 31:25; provided further, that not more than \$10,000, or more than 10 percent of the fund whichever is greater, of any town or city common trust funds shall be invested under RSA 31:25 in the obligations of any one corporation or organization, excepting deposits in any federally ~~or state-chartered bank or association authorized to engage in a banking business in this state~~ **insured bank authorized to accept deposits under RSA 6:8, I and I-a**, in credit unions in this state, or in obligations of the United States and of the state of New Hampshire and its subdivisions; or in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in shares of open ended mutual funds selected by the trustees for investment under RSA 31:25, and provided further, that the participating contributory interests of said trusts are properly evidenced by appropriate bookkeeping entries showing on an annual basis the capital contribution of and the profits and income allocable to each trust.

11 Town Trust Funds; Reference to Associations. Amend RSA 31:36 to read as follows:

31:36 Deposits. Deposits in any federally ~~or state-chartered bank or association~~ **insured bank authorized to accept deposits under RSA 6:8, I and I-a** or any credit union shall be made in the name of the town which holds the same in trust, and it shall appear upon the book thereof that the same is a trust fund.

12 City Treasurer; Capital Reserve Funds. Amend RSA 34:5 to read as follows:

34:5 Investment. The moneys in such fund shall be kept in a separate account and not intermingled with the other funds of the city. Said capital reserve fund shall be invested only by deposit in ~~some savings bank or in the savings department of a national bank or trust company, or in the shares of a cooperative bank, building and loan association, or federal savings and loan association, in this state or in bonds or notes of this state~~ **a federally insured bank authorized to accept deposits under RSA 6:8, I and I-a**, in such stocks and bonds as are legal for investment by New Hampshire savings banks, or in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in obligations with principal and interest fully guaranteed by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations. When so invested in good faith the trustees hereinafter named shall not be liable for the loss of such moneys. Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the fund. Deposits in banks shall be made in the name of the city, and it shall appear upon the book thereof that the same is a capital reserve fund. Any person who directly or indirectly receives any such funds or moneys for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment, an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the city. Only securities defined by the bank commissioner in rules adopted pursuant to RSA 383-B:3-301(e) shall be eligible to be pledged as collateral. The trustees shall formally adopt an investment policy for all investments made by them or by their agents for any trust funds in their custody in conformance with the provisions of applicable statutes. The trustees shall review and confirm the investment policy at least annually. A copy of the investment policy shall be filed with the attorney general.

13 Capital Reserve Funds; Towns, Counties, Districts. Amend RSA 35:9 to read as follows:

35:9 Investment. Each capital reserve fund shall be maintained separately on the books of the town. The assets of such funds may be pooled in order to invest in a broader range of investments to maximize growth and mitigate risk. Said capital reserve funds shall be invested only in deposits in any federally ~~or state-chartered bank or association authorized to engage in a banking business in this state~~ **insured bank authorized to accept deposits under RSA 6:8, I and I-a**, or in bonds or notes of this state, in such stocks and bonds as are legal for investment by banks ~~and associations~~ chartered by this state to engage in a banking business, or in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in obligations with principal and interest fully guaranteed by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully

collateralized by such obligations. When so invested the trustees hereinafter named shall not be liable for the loss thereof. Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the individual funds on a pro rata basis. Deposits in federally or state-chartered banks ~~and associations~~ shall be made in the name of the town, district, or county which holds the same as a reserve, and it shall appear upon the books thereof that the same is a capital reserve fund. Any person who directly or indirectly receives any such capital reserve funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the town, school district, village district, or county depositing or investing such funds. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 383-B:3-301(e) shall be eligible to be pledged as collateral. The trustees shall formally adopt an investment policy for all investments made by them or by their agents for any trust funds in their custody in conformance with the provisions of applicable statutes. The trustees shall review and confirm the investment policy at least annually. A copy of the investment policy shall be filed with the attorney general.

14 Elected or Appointed Town Treasurers; Deposits. Amend RSA 41:29, II to read as follows:

II. The treasurer shall deposit all such moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in federally insured banks ***authorized to accept deposits under RSA 6:8, I and I-a. In addition,*** ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state, except that]~~ funds may be deposited in federally insured banks outside the state if such banks pledge and deliver to a third party custodial bank or the federal reserve bank collateral security for such deposits of the following types:

- (a) United States government obligations;
- (b) United States government agency obligations; or
- (c) Obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case.

15 Elected or Appointed Town Treasurers; Investments. Amend RSA 41:29, IV to read as follows:

IV. Whenever the town treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the town treasurer shall invest the same in accordance with the investment policy adopted by the selectmen under RSA 41:9, VII. The treasurer may invest in the public deposit investment pool established pursuant to RSA 383:22, or in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state]~~ ***authorized to accept deposits under RSA 6:8, I and I-a,*** or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.

16 Elected or Appointed Town Treasurers; Investments. Amend RSA 41:29, V(b)(1) to read as follows:

(1) The funds are initially invested through a federally insured bank ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state]~~ ***authorized to accept deposits under RSA 6:8, I and I-a,*** selected by the treasurer.

17 City Treasurers; Deposits. Amend RSA 48:16, I to read as follows:

I. The city treasurer shall have custody of all moneys belonging to the city. The treasurer shall deposit the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in federally insured banks ***authorized to accept deposits under RSA 6:8, I and I-a. In addition,*** ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state, except that]~~ funds may be deposited in federally insured banks outside the state if such banks pledge and deliver to a third party custodial bank or the regional federal reserve bank collateral security for such deposits of the following types:

- (a) United States government obligations;
- (b) United States government agency obligations; or
- (c) Obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case.

18 City Treasurers; Investments. Amend RSA 48:16, III to read as follows:

III. Whenever the city treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the city treasurer shall invest the same in accordance with the investment policy adopted by the mayor and board of aldermen or city council under RSA 47:6, II. The treasurer may invest in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks~~[chartered under the laws of New Hampshire or the~~

~~federal government with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a**, or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.

19 City Treasurers; Investments. Amend RSA 48:16, VI(a) to read as follows:

(a) The funds are initially invested through a federally insured bank ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a**, selected by the treasurer.

20 School District Treasurers; Deposits. Amend RSA 197:23-a, I to read as follows:

I. The treasurer shall have custody of all moneys belonging to the district and shall pay out the same only upon orders of the school board or upon orders of the 2 or more members of the school board empowered by the school board as a whole to authorize payments. The treasurer shall deposit the moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in federally insured banks **authorized to accept deposits under RSA 6:8, I and I-a. In addition**, ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state, except that]~~ funds may be deposited in banks outside the state if such banks pledge and deliver to a third party custodial bank or the regional federal reserve bank collateral security for such deposits of the following types:

(a) United States government obligations,

(b) United States government agency obligations; or

(c) Obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case.

21 School District Treasurers; Investments. Amend RSA 197:23-a, IV to read as follows:

IV. Whenever the treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the treasurer shall, with the approval of the school board, invest the same in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks ~~[incorporated under the laws of the state of New Hampshire or the federal government with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a** and in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations. Any person who directly or indirectly receives any such funds for deposit or for investment in securities of any kind shall, prior to acceptance of such funds, make available at the time of such deposit or investment an option to have such funds secured by collateral having a value at least equal to the amount of such funds. Such collateral shall be segregated for the exclusive benefit of the district. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 383-B:3-301(e) shall be eligible to be pledged as collateral. At least yearly, the school board shall review and adopt an investment policy for the investment of public funds in conformance with the provisions of applicable statutes.

22 School District Treasurers; Investments. Amend RSA 197:23-a, V(a) to read as follows:

(a) The funds are initially invested through a federally insured bank ~~[chartered under the laws of New Hampshire or the federal government with a branch within the state]~~ **authorized to accept deposits under RSA 6:8, I and I-a** selected by the treasurer.

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

2020-0702h

AMENDED ANALYSIS

This bill allows out-of-state banks with a branch in New Hampshire to accept deposits and investments of public funds from the state treasurer and city, town, and school district treasurers.

Amendment to HB 1120

(2020-0971h)

Proposed by the Majority of the Committee on Judiciary - r

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

AN ACT establishing a committee to study the establishment of water testing requirements for residential rental property.

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

1 Committee Established. There is established a committee to study the establishment of water testing requirements for residential rental property.

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) 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 the establishment of water testing requirements for residential rental property. The study shall include consideration of:

(a) The frequency and type of water testing to be required for residential rental property and the circumstances under which remediation may be required.

(b) An appropriate legal remedy and enforcement mechanism, including enabling tenants to withhold rent in appropriate cases.

(c) The role of the attorney general and the department of environmental services in implementing and enforcing a water testing and remediation requirement.

(d) A program to inform tenants and landlords of their rights and responsibilities regarding water quality in residential rental property.

II. The committee shall solicit information and testimony from any individual or entity the committee deems relevant to its study.

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.

2020-0971h

AMENDED ANALYSIS

This bill establishes a committee to study the establishment of water testing requirements for residential rental property.

Amendment to HB 1122-FN

(2020-0375h)

Proposed by the Majority of the Committee on Executive Departments and Administration - r
Amend RSA 21-I:29-a, I(f) as inserted by section 1 of the bill by replacing it with the following:

(f) "Killed in the line of duty" means a death, ***including suicide***, of a police officer, firefighter, emergency medical technician, or rescue squad member while in the performance of his or her duties as a result of incident, accident, or violence causing death or injuries which are the direct or proximate cause of death. ***Death by suicide shall be considered a work related cause of death.*** "Incident" shall include any death that is determined to be occupationally related by the worker's compensation insurance carrier, a self-insured worker's compensation plan, or by the labor commissioner for workers' compensation purposes pursuant to RSA 281-A.

Amendment to HB 1124

(2020-1015h)

Proposed by the Majority of the Committee on Resources, Recreation and Development - r
Amend the bill by replacing section 1 with the following:

1 Prime Wetlands; Definition. Amend RSA 482-A:15, I-a and I-b to read as follows:

I-a. For the purposes of this chapter, "prime wetlands" shall mean any contiguous areas falling within the jurisdictional definitions of RSA 482-A:2, X and RSA 482-A:4 that, because of their size, unspoiled character, fragile condition, or other relevant factors, make them of substantial significance. A prime wetland shall be at least 2 acres in size, ***excluding those areas described in paragraph I-b***, shall not consist of a water body only, shall have at least 4 primary wetland functions ***within the 2 acre or greater area***, one of which shall be wildlife habitat. ***A prime wetland*** ~~[, and]~~ shall have a width of at least 50 feet at its narrowest point ***across and perpendicular to its longitudinal axis.***

I-b. A prime wetland may include additional connected narrower wetland areas less than 50 feet at their narrowest point across and perpendicular to their longitudinal axis if the municipality

can demonstrate that any such narrower portion provides a significant contribution to the primary wetland functions of the prime wetland. To qualify as a significant contribution, a narrower portion shall contain 4 or more primary wetland functions as defined in RSA 482-A:2, XI and shall not include any man-made structures under RSA 482-A:3, IV(b). The municipality shall consider any potential adverse effects on the landowner from including any narrower portion.

I-c. The boundary of a prime wetland shall coincide, where present, with the upland edge of any wetland, as defined in RSA 482-A:2, X, that is part of the prime wetland. On-site verification of proposed prime wetland boundaries shall be performed where landowner permission is provided.

I-d. *For the purposes of this paragraph existing state highway rights-of-way, including associated permanent easements, shall not include prime wetlands or their adjacent buffers.*

~~[I-b.]~~ **I-e.** The commissioner shall adopt rules under RSA 541-A relative to the form, criteria, and methods that shall be used to designate, map, and document prime wetlands, determine boundaries in the field, and amend maps and designations once filed and accepted by the department under paragraph II.

2020-1015h

AMENDED ANALYSIS

This bill further defines prime wetland for local protection in fill and dredge permits.

Amendment to HB 1127

(2020-0700h)

Proposed by the Committee on Education - c

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

X. Any school that participates in the National School Breakfast Program or the National School Lunch Program shall not provide to any child who qualifies for a free or reduced price breakfast or lunch an alternate meal that is not provided to students generally.

Amendment to HB 1129

(2020-0696h)

Proposed by the Committee on Municipal and County Government - c

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

1 Planning and Zoning; Notice Requirements for Public Hearing. Amend RSA 675:7, I to read as follows:

I.(a) Notice shall be given for the time and place of each public hearing held under RSA 675:2-4 and RSA 675:6 at least 10 calendar days before the hearing. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places. Any person owning property in the municipality may request notice of all public hearings on proposed amendments to the zoning ordinance, and the municipality shall provide notice, at no cost to the person, electronically or by first class mail.

(b) *In lieu of publication in a paper of general circulation pursuant to subparagraph (a), notice may be posted on the municipality's Internet website, if such exists. If notice is posted on the municipality's website in lieu of publication in a paper of general circulation, the notice shall:*

(1) *Appear prominently on the website's home page, or a link directly to the notice shall appear prominently on the home page;*

(2) *Be posted at the time stated in subparagraph (a) and shall remain on the website until the conclusion of the hearing; and*

(3) *Be posted in 2 other public places.*

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

Amendment to HB 1136

(2020-0826h)

Proposed by the Majority of the Committee on Education - r

Amend RSA 189:13-a, III as inserted by section 2 of the bill by replacing it with the following:

III. The superintendent *or designee*, of the school administrative unit or the chief executive officer of the chartered public school or public academy *shall complete department of education training concerning the reading and interpretation of criminal history records and* shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. If the criminal history records information indicates no criminal record, the superintendent *or designee*, of the school administrative unit or the chief executive officer of the chartered public school or public academy shall destroy the information received immediately following review of the information. If the criminal history records information indicates that the applicant has been convicted of any crime or has been charged pending disposition for or convicted of a crime listed in paragraph V, the superintendent *or designee*, of the school administrative unit or the chief

executive officer of the chartered public school or public academy shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such charges pending disposition or convictions. The superintendent *or designee*, of the school administrative unit or the chief executive officer of the chartered public school or public academy shall destroy any criminal history record information that indicates a criminal record within 60 days of receiving such information.

2020-0826h

AMENDED ANALYSIS

This bill permits a specified designee of the superintendent to perform the duties of the superintendent regarding criminal history records checks.

This bill also requires the superintendent or designee to complete training in the reading and interpretation of background check reports.

Amendment to HB 1144

(2020-0149h)

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 requiring certain data to be filed with the department of labor.

Amend the bill by replacing section 1 with the following:

1 New Section; Discrimination in the Workplace. Equal Employment Opportunity Commission; Required Filing. Amend RSA 275 by inserting after section 41-d the following new section:

275:41-e Required Filing. An employer located in this state which is required under federal law to file the EEO-1 form with the Equal Employment Opportunity Commission (EEOC) shall annually submit its Component 2 data to the commissioner of the department of labor upon filing with the EEOC. The commissioner shall, upon request, make the Component 2 data available.

2020-0149h

AMENDED ANALYSIS

This bill requires an employer located in this state which is required under federal law to file the EEO-1 form with the Equal Employment Opportunity Commission (EEOC) to submit its Component 2 data to the commissioner of the department of labor. The commissioner shall, upon request, make the Component 2 data available.

Amendment to HB 1150

(2020-0448h)

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 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, I to read as follows:

I. "Alternative treatment center" means a not-for-profit entity registered under RSA 126-X:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients ~~[and]~~, **designated caregivers, other alternative treatment centers, and visiting qualifying patients.**

2 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XIII(b) to read as follows:

(b) Cultivation or purchase by a visiting qualifying patient **from a qualifying patient or designated caregiver**; or

3 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVI to read as follows:

XVI. "Visiting qualifying patient" means a ~~[patient with a qualifying medical condition who is not a resident of New Hampshire or who has been a resident of New Hampshire for fewer than 30 days and is not eligible to purchase therapeutic cannabis in New Hampshire or receive cannabis from a qualifying New Hampshire patient]~~ **person who is not a resident of New Hampshire, or who has been a resident of New Hampshire for fewer than 90 days, who has been issued a valid registry identification card, or its equivalent, under the laws of another state, district, territory, commonwealth, or insular possession of the United States, or under the laws of another country, that allows, in the jurisdiction of issuance, that person to possess cannabis for therapeutic purposes.**

4 Use of Cannabis for Therapeutic Purposes; Therapeutic Use of Cannabis Protections. Amend RSA 126-X:2, V to read as follows:

V. A valid registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States, **or under the laws of another country** that allows, in the jurisdiction of issuance, a visiting qualifying patient to possess cannabis for therapeutic purposes, shall have the same force and effect **and be subject to the same restrictions** as a valid registry identification card issued by the department in this state, provided that[:

(a) ~~The visiting qualifying patient shall also produce a statement from his or her provider stating that the visiting qualifying patient has a qualifying medical condition as defined in RSA 126-X:1; and~~

(b) ~~a visiting qualifying patient shall not cultivate or purchase cannabis in New Hampshire or obtain cannabis from [alternative treatment centers or from] a qualifying New Hampshire patient~~ **or designated caregiver.**

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

2020-0448h

AMENDED ANALYSIS

This bill permits out-of-state residents qualified in other jurisdictions to purchase therapeutic cannabis at New Hampshire therapeutic dispensaries.

Amendment to HB 1162

(2020-0438h)

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

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

1 Adoption; Who May Adopt. Amend RSA 170-B:4 to read as follows:

170-B:4 Who May Adopt. Any of the following adults may adopt:

I. ~~[Husband and wife together.]~~ **Two adults together.**

II. An unmarried adult.

III. The unmarried parent of the adoptee.

IV. A married ~~[person]~~ **adult** without that person's spouse joining as a petitioner, if the adoptee is not the petitioner's spouse; and if any one of the following circumstances apply:

(a) The petitioner's spouse is a parent of the adoptee and assents to the adoption;

(b) The petitioner and ~~[his or her]~~ **the petitioner's** spouse are legally separated;

(c) The failure of the petitioner's spouse to join in the petition is excused by the court by reason of prolonged unexplained absence, unavailability, or circumstances constituting an unreasonable withholding of assent; or

(d) The petitioner's spouse assents to the adoption and the adoptee is over the age of 18.

V. An unmarried adult with the assent of at least one of the adoptee's parents and with the intention to share parenting responsibilities with one of the adoptee's parents.

VI. A person or persons who are parents of a child conceived via assisted reproduction as defined in RSA 168-B:1, II for the purpose of confirming the legal relationship between child and parent.

2 New Paragraph; Adoption; Persons Not Required to Surrender Amended. Amend RSA 170-B:7 by inserting after paragraph IV the following new paragraph:

IV-a. Any parent of the adoptee with whom the petitioner and that parent intend to share parenting responsibilities.

Amend RSA 168-B:2, VII(a) as inserted by section 7 of the bill by replacing it with the following:

VII.(a) Any person who is a parent pursuant to RSA 168-B:2, II, without the assistance of a gestational carrier (as gestational carrier arrangements are governed by RSA 168-B:12), may petition the court for a parentage order declaring that the intended parent or parents are the sole parents of a child resulting from assisted reproduction. Such a petition may be brought in the court in the county where the intended parent or parents reside, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The court shall, within 30 days, grant the petition upon a finding that the child was conceived through assisted reproduction as defined in RSA 168-B:1, II, with the use of donor gametes or donor embryos, if applicable, and with the intent to parent. Sworn affidavits demonstrating the same shall be sufficient to permit such a finding and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained without a hearing. Parentage orders issued under this paragraph shall conclusively establish or affirm, where applicable, the parent-child relationship.

(b) Upon the request of any party, such parentage order shall direct that any record of birth and the certificate of birth name the intended parent or parents as the sole parent or parents of the resulting child.

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

8 Adoption; Definition of Birth Mother. Amend RSA 170-B:2, IV to read as follows:

IV. "Birth mother" means a woman who gestates an embryo conceived by natural or artificial insemination, in vitro fertilization, or preembryo transfer, or becomes a parent pursuant to ~~[RSA 168-B:23, IV]~~ **RSA 168-B:12.**

Amendment to HB 1165

(2020-0966h)

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

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

AN ACT prohibiting OHRV operation on a section of rail trail in Gorham.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Off Highway Recreational Vehicles; Regulation of Political Subdivisions. Amend RSA 215-A:15 by inserting after paragraph VI the following new paragraph:

VII. Notwithstanding paragraphs I and I-a, no OHRV shall be operated on the section of the rail trail in the town of Gorham from the Lancaster Road/Route 2 parking lot to 540 feet west of the trestle bridge over Route 16.

2020-0966h

AMENDED ANALYSIS

This bill prohibits OHRV operation on a section of the rail trail in the town of Gorham.

Amendment to HB 1167

(2020-0992h)

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

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

1 New Section; Child Welfare and Social Service Programs; Counseling. Amend RSA 161 by inserting after section 2-b the following new section:

161:2-c Child Welfare and Social Service Programs; Counseling. Nothing in this chapter or any other provision of law shall permit a state agency, or a public or private provider acting on behalf of a state agency, to require individuals to participate in counseling that has no Current Procedural Terminology (CPT) medical code, and thus is ineligible for insurance reimbursement.

2 Parental Rights and Responsibilities; Parenting Plan; Court Ordered Counseling. Amend RSA 461-A:4, III to read as follows:

III. If the parties are insured and the parenting plan directs the parties to participate in counseling, the court shall give due consideration to selecting a counselor who accepts direct payment from the parties' health insurance carrier. ***In no case shall the court require the parties to participate in any type of counseling that has no Current Procedural Terminology (CPT) medical code, and thus is ineligible for insurance reimbursement.***

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

2020-0992h

AMENDED ANALYSIS

This bill provides that neither state agencies nor the courts shall require individuals to participate in counseling that has no Current Procedural Terminology (CPT) medical code and thus is ineligible for insurance reimbursement.

Amendment to HB 1169

(2020-0476h)

Proposed by the Majority of the Committee on Judiciary - r

Amend RSA 91-A:2, III(e) as inserted by section 1 of the bill by replacing it with the following:

(e) A member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting [~~shall~~] ***may*** be by roll call vote.

2020-0476h

AMENDED ANALYSIS

This bill clarifies the manner in which votes are recorded when a member of a public body is participating in a meeting by electronic or other means of communication.

Amendment to HB 1171-FN-LOCAL

(2020-0827h)

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 New Subdivision; Safety and Health of Employees; Occupational Safety and Health Standards Advisory Board Established. Amend RSA 277 by inserting after section 38 the following new subdivision:

Occupational Safety and Health Standards

277:39 Occupational Safety and Health Standards Advisory Board Established.

I. There is established an occupational safety and health standards advisory board to consult with and advise the labor commissioner on the adoption and enforcement of occupational safety and health standards for public employees.

II.(a) The advisory board shall consist of the following members:

(1) Three representatives of public employers, appointed by the governor, one of whom shall represent state agencies, one of whom shall represent counties, and one of whom shall represent municipalities.

(2) Three representatives of public employees, appointed by the governor, one of whom shall represent state employees, one of whom shall represent school employees, and one of whom shall represent municipal employees.

(3) One representative of an insurance company licensed to insure workers' compensation within the state, appointed by the governor.

(4) One representative of Keene State WorkWISE NH, appointed by that organization.

(5) Two members of the public, appointed by the governor.

(6) One member of the house of representatives, appointed by the speaker of the house of representatives.

(b) The legislative member shall receive mileage at the legislative rate when attending to the duties of the advisory board. The legislative member shall serve a term coterminous with his or her term in office. The remaining members shall serve 4-year terms, except that the initial appointments shall be staggered in the following manner. Three members shall be appointed for an initial term of 2 years, 3 members shall be appointed for an initial term of 3 years, and 3 members shall be appointed for an initial term of 4 years. Each member shall hold office until a successor is duly appointed and qualified. Any vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(c) The members of the advisory board shall biennially elect a chairperson from among the members. The first meeting of the advisory board shall be called by the member appointed to represent state agencies. The first meeting of the advisory board shall be held within 45 days of the effective date of this section. Six members of the advisory board shall constitute a quorum.

III. The advisory board shall:

(a) Consult with the labor commissioner and the Region 1 Office for the Occupational Safety and Health Administration on the development and submission of a state plan for occupational safety and health standards to the United States Secretary of Labor pursuant to 29 U.S.C. section 667 and 29 C.F.R. section 1902.3.

(b) Review state and local government employee plans from other states, including Maine, Illinois, New Jersey, Connecticut, and New York, and consult with the Occupational Safety and Health State Plan Association regarding the process for establishing and administering a state plan for New Hampshire's public employees.

(c) Evaluate injury and illness data, recommend training and implementation of safety and health measures, monitor the effectiveness of safety and health programs, and determine where additional resources are needed to protect the safety and health of public employees.

IV. Beginning November 1, 2020, and each November 1 thereafter, the advisory board 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.

277:40 Adoption of Occupational Safety and Health Standards.

I. Each employer, as defined in RSA 277:1-b, II, shall provide employees, as defined in RSA 277:1-b, I, at least the level of protection provided under the federal Occupational Safety and Health Act of 1970, 29 U.S.C. section 651, et seq., including standards and the provision of the general duty clause in 29 U.S.C. section 654.

II. The labor commissioner, in consultation with the advisory board established in RSA 277:39, shall adopt rules under RSA 541-A relative to the protections required under this section.

2 Contingency. RSA 277:40, as inserted by section 1 of this act, shall take effect on the date the labor commissioner certifies to the director of legislative services that the Occupational Safety and Health Administration has approved a state plan for the protection of public employees pursuant to the Occupational Safety and Health Act of 1970.

3 Effective Date.

I. RSA 277:40, as inserted by section 1 of this act, shall take effect as provided in section 2 of this act.

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

2020-0827h

AMENDED ANALYSIS

This bill establishes an occupational safety and health advisory board to advise the labor commissioner on the adoption and enforcement of occupational safety and health standards for public employees. The bill also requires public employers to provide employees with at least the level of protection provided under the federal Occupational Safety and Health Act, contingent upon federal approval of a state plan.

Amendment to HB 1173-LOCAL

(2020-0984h)

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

Amend RSA 40:13, IX(b) as inserted by section 1 of the bill by replacing it with the following:

(b) "Default budget" as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may

be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the operating budget ***authorized for the previous year*** [and by salaries and benefits of positions that have been eliminated in the proposed budget]. For the purposes of this paragraph, one-time expenditures shall be ***one-time*** appropriations not likely to recur in the succeeding budget, [and eliminated positions shall not include vacant positions under recruitment or positions redefined in the proposed operating budget,] as determined by the governing body, unless the provisions of RSA 40:14-b are adopted, of the local political subdivision. In calculating the default budget amount, the governing body shall follow the statutory formula which may result in a higher or lower amount than the proposed operating budget. ***The default budget shall be calculated independently of the proposed operating budget.***

**Amendment to HB 1174
(2020-0940h)**

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

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

AN ACT requiring screening for all law enforcement officers for psychological stability prior to assuming their duties as certified officers.

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

1 Police Standards and Training Council; Reimbursement of Expenses. Amend RSA 106-L:9 to read as follows:

106-L:9 Reimbursement of Expenses. The council may reimburse political subdivisions or the state for, or may pay for a portion of, the expenses incurred by the officers in attendance at police training programs conducted or approved by the council, ***and the expenses incurred for psychological stability screening for candidates for certification as law enforcement officers.***

2 Controlled Drug Act; Drug Forfeiture Fund; Psychological Stability Screening. Amend RSA 318-B:17-b, V(a) to read as follows:

(a) Of the first [\$500,000] ***\$600,000, \$100,000 shall be credited to the police psychological stability screening fund established in RSA 106-L:16 and from the remainder:***

(1) Forty-five percent shall be returned to the fiscal officer or officers of the municipal, county, state, or federal government which provided the law enforcement agency or agencies responsible for the seizure. Moneys returned to each fiscal officer shall be deposited in a special account and shall be used primarily for meeting expenses incurred by law enforcement agencies in connection with drug-related investigations. Except as provided in RSA 31:95-b, such funds shall be available for expenditure without further appropriation by the legislative body of the municipal, county, state or federal government, and shall not be transferred or expended for any other purpose. Moneys returned to a state law enforcement agency shall be deposited in a special nonlapsing account established within the office of the state treasurer and shall be in addition to all other state appropriations to such agency;

(2) Ten percent shall be deposited into a special nonlapsing account established within the office of the state treasurer for the department of health and human services; and

(3) Forty-five percent shall be deposited in a revolving drug forfeiture fund, administered by the department of justice pursuant to RSA 318-B:17-c; and

3 New Section; Police Psychological Stability Screening Fund. Amend RSA 106-L by inserting after section 15 the following new section:

106-L:16 Police Psychological Stability Screening Fund. There is established a police psychological stability screening fund for the purpose of reimbursing costs related to psychological stability screening for candidates for certification as law enforcement officers, which shall be administered by the council. The fund shall be nonlapsing and shall be continually appropriated to the council.

4 New Subparagraph; Police Psychological Stability Screening Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys deposited in the police psychological stability screening fund established in RSA 106-L:16.

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

2020-0940h
AMENDED ANALYSIS

This bill:

I. Establishes a fund for psychological stability screening for candidates for certification as law enforcement officers.

II. Transfers money from the drug forfeiture fund to the psychological stability screening fund.

III. Allows the police standards and training council to reimburse the state or a political subdivision for psychological stability screening for candidates for certification as law enforcement.

**Amendment to HB 1175-FN
(2020-0293h)**

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

Amend the introductory paragraph in RSA 644:9, I as inserted by section 1 of the bill by replacing it with the following:

I. A person is guilty of a class A misdemeanor *for a first offense, and a class B felony for a second or subsequent offense*, if such person unlawfully and without the consent of the persons entitled to privacy therein, installs or uses:

Amend RSA 644:9, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Outside a private place, any device for the purpose of hearing, recording, amplifying, broadcasting, observing, or in any way transmitting images, location, movement, or sounds originating in such place which would not ordinarily be audible, visible, or comprehensible outside such place. *This subparagraph shall not include a device placed in a non-populated area for the purpose of capturing video or images of wildlife.*

Amend RSA 644:9, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. A person is guilty of a *class A* misdemeanor *for a first offense, and a class B felony for a second or subsequent offense* if, for the purpose of arousing or gratifying the person's sexual desire, he or she knowingly views another person, without that person's knowledge or consent, in a place where one would have a reasonable expectation of privacy. For purposes of this paragraph, "views" means looking at another person with the unaided eye or any device intended to improve visual acuity.

**Amendment to HB 1178
(2020-0167h)**

Proposed by the Majority of the Committee on Judiciary - r

Amend RSA 479:21-a as inserted by section 1 of the bill by replacing it with the following:

479:21-a Residential Property; Pool Cover or Net Required. A mortgagee in possession of a foreclosed residential property unoccupied for 60 or more days shall secure the surface of any pool, spa, or other water feature structure greater than 20 square feet located on the premises of the residential property with a cover or net approved by the American Society for Testing Materials (ASTM). This requirement shall not apply to any surface waters on the property, including but not limited to watercourses, lakes, ponds, marshes, or tidal waters.

2020-0167h

AMENDED ANALYSIS

This bill requires that any pool, spa, or other water feature structure on the premises of a foreclosed residential property have an approved cover or net.

**Amendment to HB 1179
(2020-0652h)**

Proposed by the Committee on Commerce and Consumer Affairs - c

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

1 New Paragraph; Condominiums; Powers of Unit Owners' Association. Amend RSA 356-B:42 by inserting after paragraph III the following new paragraph:

IV. If any unit owner or business where a unit owner is the owner or director of a business or has a pecuniary interest in a business, bids or contracts for property management, maintenance, or improvements with their unit owners' association, the unit owner shall recuse himself or herself from any participation in or vote on the awarding of the contract. The unit owners' association shall disclose to its unit owners the relationship of any unit owner or business where a unit owner is the owner or director of a business or has a pecuniary interest in a business with the contract for property management, maintenance, or improvements. This paragraph shall not apply to a unit owners' association in which owners own time sharing interests.

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

2020-0652h

AMENDED ANALYSIS

This bill requires a condominium unit owner who contracts for property management, maintenance, or improvements business with the condominium recuse himself or herself from any participation in or vote on the awarding of the contract. Any such relationship shall be disclosed by the unit owners' association.

**Amendment to HB 1186
(2020-0577h)**

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

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall make recommendations to improve disclosure, transparency, and accountability in the filing of organizational income reports with the secretary of state.

**Amendment to HB 1187
(2020-1004h)**

Proposed by the Committee on Environment and Agriculture - c

Amend RSA 437:1, I as inserted by section 1 of the bill by replacing it with the following:

I. "Animal shelter facility" means a facility, including the building and the immediate surrounding area, which is used to house or contain animals and which is owned *or leased*, operated and maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals, and also a public pound for the housing of strays or a pound operated by any person, excluding veterinarians, who contracts with a municipality to serve that function.

Amend RSA 437:8, V as inserted by section 2 of the bill by replacing it with the following:

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 dogs, cats, or ferrets transferred out of an animal shelter facility shall have a form of positive identification, including, but not limited to a tattoo, collar, microchip, ear tag, or any other permanent form of identification approved by the commissioner.

(b) All dogs, cats, or ferrets shall be vaccinated against rabies in accordance with RSA 436 before transfer, if proof of rabies vaccination is not available.

~~[(a)]~~ *(c) 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)]~~ *(d) 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. Registered owners or agents shall be contacted as soon as possible, not to exceed 72 hours, and alerted that the animal has been taken in and is available to be reclaimed.*

(e) If listed owners or agents cannot be located or refuse to reclaim possession of the animal, secondary contacts listed by microchip registries shall be contacted as soon as possible, not to exceed 72 hours.

2020-1004h
AMENDED ANALYSIS

This bill:

I. Allows animal shelters to own or lease their facilities.

II. Clarifies which exemptions apply to animal shelters.

**Amendment to HB 1192-FN
(2020-0411h)**

Proposed by the Committee on Judiciary - c

Amend the bill by replacing section 2 with the following:

2 Forfeiture of Items Used in Connection With Drug Offense. Amend RSA 318-B:17-b, IV(d) to read as follows:

(d) At least 30 days prior to the hearing scheduled pursuant to subparagraph (c), the state shall identify the criminal proceedings which were brought against the party under this chapter and which arose from the transaction underlying the forfeiture proceedings. At the request of any party to the forfeiture proceeding, the court ~~[may]~~ *shall* grant a continuance until the final resolution of any *such* criminal proceedings which were brought against a party under this chapter and which arose from the transaction which gave rise to the forfeiture proceeding. No asset forfeiture ~~[may be maintained]~~ *petition shall be filed* against a person's interest in property if that person ~~[has been found not guilty of the underlying felonious charge]~~ *was not charged with or convicted of an underlying criminal offense under this chapter. Nothing in this section shall prohibit a court's issuance of an order of forfeiture under RSA 617:1-a, including the requirement of a criminal conviction before the issuance of such order.*

**Amendment to HB 1200
(2020-0834h)**

Proposed by the Committee on Ways and Means - r

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

AN ACT relative to the tax expenditure report and relative to delaying the enactment of the single sales factor under the business profits and business enterprise taxes.

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

1 Tax Expenditure Report; Weighted Apportionment Factors Removed. Amend RSA 71-C:2 to read as follows:

71-C:2 Tax Expenditures Specified. Tax expenditures include, but may not be limited to, the community development finance authority investment tax credit as computed in RSA 162-L:10; the economic revitalization zone tax credit as computed in RSA 162-N:6; the research and development tax credit under RSA 77-A:5, XIII; the Coos county job creation tax credit under RSA 77-E:3-c; the education tax credit as computed in RSA 77-G:4; ~~[the weighted apportionment factors under RSA 77-A:3, II(a);]~~ **the regional career and technical education center tax credit pursuant to RSA 188-E:9-a;** and the exemption for qualified regenerative manufacturing companies allowed under RSA 77-A:1, I and RSA 77-E:1, III.

2 Business Profits Tax; Single Sales Factor; Amendment to Prospective Amendment. 2019, 346:426, prospectively amending RSA 77-A:3, I-III, are repealed and reenacted to read as follow:

346:426 Business Profits Tax; Apportionment; 2026. RSA 77-A:3, I-III are repealed and reenacted to read as follows:

I. A business organization which derives gross business profits from business activity both within and without this state, and which is subject to a net income tax, a franchise tax measured by net income, or a capital stock tax in another state or is subject to the jurisdiction of another state to impose a net income tax or capital stock tax upon it, whether or not such tax is actually imposed, shall apportion its gross business profits so as to allocate to this state a fair and equitable proportion of such business profits. Except as provided in this section, such apportionment shall be made in the following manner:

(a) For taxable periods ending before December 31, 2026:

(1) The business organization's gross business profits shall be apportioned on the basis of the following 3 factors:

(A) The percentage of value of the total real and tangible personal property owned, rented and employed by the business organization everywhere as is owned, rented and employed by it in the operation of its business in this state. Property owned by the business organization shall be valued at its original cost. Property rented by the business organization shall be valued at 8 times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the business organization less any annual rental rate received by the business organization from subrentals.

(B) The percentage of total compensation paid by the business organization to employees everywhere as is paid by the business organization to employees for services rendered within this state. Such compensation is deemed to be disbursed for services in this state if the service is performed entirely within this state, or if the service is performed both within and without this state and the service performed without this state is incidental to the service within this state, or some of the service is performed in this state and (i) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in this state, or (ii) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual performing such service resides within this state.

(C) The percentage of the total sales, including charges for services, made by the business organization everywhere as is made by it within this state:

(i) Sales of tangible personal property are made in this state if the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store, warehouse, factory or other place of storage in this state and the purchaser is the United States government, or the business organization is not taxable in the state of the purchaser.

(ii) Sales other than sales of tangible personal property are in this state if the business organization's market for the sales is in this state, as follows:

1. In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this state;

2. In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this state;

3. In the case of sale of a service, if and to the extent the service is delivered to a location in this state;

4. In the case of sale, rental, lease, or license of intangible property, if and to the extent the property is used in this state;

5. In the case of interest income, if and to the extent the debtor or encumbered property is located in this state;

6. In the case of dividend income, if and to the extent the business organization's commercial domicile is in this state; and

7. In the case of other income, if and to the extent the income is derived from sources in this state.

(iii) In the case of sales other than sales of tangible personal property, if the state or states of assignment cannot be determined, the state or states of assignment shall be reasonably approximated.

(iv) In the case of sales other than sales of tangible personal property, if the taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment cannot be determined or reasonably approximated, such sale shall be excluded from the denominator of the sales factor.

(2) A fraction, the numerator of which shall be the property factor in subparagraph I(a)(1)(A) plus the compensation factor in subparagraph I(a)(1)(B) plus 2 multiplied by the sales factor in subparagraph I(a)(1)(C) and the denominator of which is 4, shall be applied to the total gross business profits (less foreign dividends) of the business organization to ascertain its gross business profits in this state.

(b) For taxable periods ending on or after December 31, 2026, the business organization's gross business profits shall be apportioned by multiplying the total gross business profits (less foreign dividends) of the business organization by the sales factor in subparagraph I(a)(1)(C).

II.(a) If the applicable method of apportionment in paragraph I does not fairly represent the business organization's business activity in this state, the business organization may petition for, or the commissioner may require, in respect to all or any part of the business organization's business activity, if reasonable, the employment of any other method to effect an equitable apportionment of the business organization's gross business profits.

(b) For foreign dividends from unitary sources, the following formula shall be used to modify factors relating to included dividends:

(1) Determine a percentage for each dividend payor consisting of dividends paid divided by taxable income which has been computed using United States standards.

(2) Apply this percentage to the dividend payor's foreign property, payroll, and sales for taxable periods ending before December 31, 2026, or to the dividend payor's foreign sales for taxable periods ending on or after December 31, 2026.

(3) Sum the results in subparagraph (2) for all dividend payors.

(4) Add the result in subparagraph (3) to the denominators of the combined water's edge group. The numerator will remain the New Hampshire numerator.

(5) Apply the resulting percentage to the foreign dividends.

(6) Add this amount to the amount of New Hampshire taxable business profits computed pursuant to RSA 77-A:3, I.

III. When 2 or more related business organizations are engaged in a unitary business, as defined in RSA 77-A:1, XIV, a part of which is conducted in this state by one or more members of the group, the income attributable to this state shall be determined by means of the applicable combined apportionment factors of the unitary business group in accordance with paragraphs I and II.

3 Legislative Committee on Apportionment; Extended; Duties Revised. Amend RSA 77-A:23-a to read as follows:

77-A:23-a Legislative Committee on Apportionment. There is established a committee to study the apportionment of gross business profits under the business profits tax, and to authorize the enactment of the single sales factor for the business profits tax and business enterprise tax.

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

(a) Three members of the senate, appointed by the president of the senate.

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives.

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

III.(a) The committee shall study apportionment among states pursuant to RSA 77-A:3 of gross business profits under the business profits tax. The committee shall also monitor the laws and legislation of other states concerning market-based sourcing and may study any other related issues. The committee may solicit input or testimony from any person or organization the committee deems relevant to the study.

(b) The committee shall conduct meetings and on or before November 1, [2020] **2024, shall examine the data provided by the department of revenue administration on the effects of single sales factor under current apportionment rules, and** shall hold at least 2 public hearings on the enactment of the single sales tax provisions contained in sections 426-429 of HB 4-FN-A-LOCAL of the 2019 regular legislative session. In November [2020] **2024**, the committee shall, by majority vote of the committee, vote on whether to rescind the enactment of the amendments contained in sections 426-429 of HB 4-FN-A-LOCAL regular legislative session. If the majority of the committee rescinds the enactment of sections 426-429 of HB 4-FN-A-LOCAL regular legislative session, such sections shall not take effect. The committee shall report on its actions to the chairpersons of the senate and house finance committees, the chairpersons of the senate and house ways and means committees, the secretary of state, and the director of the office of legislative services.

IV. The members of the committee shall elect a chairperson from among the members. The first meeting shall be called by the first-named [senate] **house** member. The first meeting of the committee shall be held within 45 days [of the effective date of this section] **after May 1, 2024**. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, [2020] **2024**.

4 Enactment of Single Sales Factor; Date Changed. Amend 2019, 346:432 to read as follows:

346:432 Enactment of Single Sales Factor. Sections 426-429 of this act shall take effect January 1, [2022] **2026** unless upon the report of the committee established in RSA 77-A:23-a as inserted in this act, that by majority vote of the committee, sections 426-429 are rescinded.

5 Repeal of Legislative Committee; Change to Effective Date. Amend 2019, 346:440, XIII to read as follows:

XIII. Section 433 of this act shall take effect December 1, [2020] **2024**.

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

2020-0834h

AMENDED ANALYSIS

This bill removes the consideration of weighted apportionment factors under the business profits tax from inclusion in the tax expenditure report and includes the regional career and technical education center tax credit. The bill also delays the enactment of the single sales factor for determining apportionment under the business profits tax and the business enterprise tax and extends and amends the legislative committee on apportionment.

Amendment to HB 1206

(2020-0831h)

Proposed by the Majority of the Committee on Education - r

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

1 State Board of Education; Members. Amend RSA 21-N:10, I to read as follows:

I. There is hereby established the state board of education consisting of [7] **9** members, **2 of whom shall be students enrolled in a public school**, who shall serve without pay and shall not be technical educators or professionally engaged in school work. The members shall be paid for actual expenses incurred in the performance of their duties out of moneys appropriated for the department of education.

2 New Section; State Board of Education; Student Members. Amend RSA 21-N by inserting after section 10 the following new section:

21-N:10-a Student Members.

I. The governor shall appoint the 2 student members to the state board of education, one of whom shall be in grade 11 and one of whom shall be in grade 12. One of the student members shall attend a public high school in the state's first congressional district at the time of appointment and the other student member shall attend a public high school in the state's second congressional district at the time of appointment. The student members shall be non-voting members. The student members shall not be present during nonpublic meetings.

II. For the school year 2020-2021, a student in grade 11 and a student in grade 12 shall be appointed to the state board. Thereafter, a student in grade 11 shall be appointed each year to the state board. Vacancies shall be filled during the next application period.

III. The state board shall notify every public high school principal in the appropriate congressional district by March 15 of each year that applications are being accepted for student membership.

IV. Applications for the student membership shall be submitted to the state board no later than April 15 of each year. A screening committee of the state board shall select 6 semifinalists for student membership. The state board shall, by May 1 of each year, select 3 finalists for the governor's consideration.

V. Terms of the student members shall begin in September. The term of office of a student member shall end after 2 years or following their 12th grade year, whichever comes first.

VI. At the time a student member's term commences, the student shall:

(a) Be enrolled in good standing in a public high school pursuant to paragraph I.

(b) Have completed 10th grade prior to the commencement of their term.

(c) Provide at least 3 references from teachers in the school that the student attends.

(d) Meet any other criteria established by the state board in consultation with students in the state.

3 Effective Date.

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

II. The remainder of this act shall take effect January 1, 2021.

Amendment to HB 1209

(2020-0714h)

Proposed by the Committee on Commerce and Consumer Affairs - r

Amend the bill by replacing section 1 with the following:

1 Condominium Act; Insurance Required. Amend RSA 356-B:43, I(c) to read as follows:

(c) **For an organization of unit owners in condominiums of more than 10 units, blanket fidelity insurance coverage, which shall be secured and maintained at its own cost and expense, insuring**

against the dishonest acts of any person, trustee, manager, managing agent, or employee, or the organization of unit owners responsible for handling organizational funds, in an amount equal to at least 1/4 of the annual assessments, excluding special assessments. Such fidelity insurance policy, according to its definition of employee, shall specifically include the manager or managing agent or provide for same by an endorsement to the fidelity policy. Such fidelity insurance shall name the organization of unit owners as the insured and include a provision requiring 10 days' written notice to the organization or manager, in the event of cancellation or substantial modification. The manager or managing agent shall be the designated agent on the fidelity insurance policy, and the fidelity insurance policy shall be the property and for the sole benefit of the organization of unit owners. The manager or managing agent shall maintain, at its sole cost and expense, its own fidelity insurance with substantially the same form of coverage; and

(d) Such other policies as may be required by the condominium instruments, including, without limitation, workers' compensation insurance, liability insurance on motor vehicles owned by the association, and specialized policies covering lands or improvements in which the unit owners' association has or shares ownership or other rights.

**Amendment to HB 1211
(2020-0991h)**

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

Amend RSA 35:1-d as inserted by section 1 of the bill by replacing it with the following:

35:1-d Capital Reserve Fund in Towns with a Municipal Budget Committee. The legislative body of a town or school district with an elected municipal budget committee may establish a capital reserve fund with amounts raised by grants or allocated by a warrant article to be expended only by a 2/3 vote of the municipal budget committee.

**Amendment to HB 1217
(2020-1064h)**

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

Amend RSA 105:19 as inserted by section 1 of the bill by replacing it with the following:

105:19 Reports of Misconduct by Law Enforcement Officers.

I. For the purposes of this section, "misconduct" means assault, sexual assault, bribery, fraud, theft, tampering with evidence, or tampering with a witness.

II. It shall be the duty of any law enforcement officer who observes misconduct by another law enforcement officer to notify the chief law enforcement officer in his or her department in writing within 7 days of observing such misconduct. Within 7 days of receiving such notification, the chief law enforcement officer shall notify the police standards and training council of such misconduct in writing. If the chief law enforcement officer is the subject of the misconduct report, the reporting officer shall report directly to the police standards and training council.

III. No discriminatory, disciplinary, or retaliatory action shall be taken against any officer by any employee of a law enforcement agency for any information given or disclosed by him or her in good faith in the course of making a report of misconduct under paragraph II.

IV. After 6 months from the filing of the report of misconduct with the police standards and training council, any records pertaining to the council's investigation may be made available to the public pursuant to RSA 91-A.

**Amendment to HB 1227
(2020-1081h)**

Proposed by the Committee on Legislative Administration - c

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

AN ACT establishing a committee to study options for childcare and related barriers to working parents serving in the legislature.

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

1 Committee Established. There is established a committee to study options for childcare and related barriers to working parents serving in the legislature.

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

(a) Four members of the house of representatives, one of whom shall be from the minority party, appointed by the speaker of the house of representatives.

(b) One 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.

III. The committee shall study options for childcare and related barriers to working parents serving in the legislature.

IV. 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.

V. 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.

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

2020-1081h

AMENDED ANALYSIS

This bill establishes a committee to study options for childcare and related barriers to working parents serving in the legislature.

Amendment to HB 1228

(2020-1034h)

Proposed by the Committee on Executive Departments and Administration - r

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

AN ACT proclaiming Climate Change Awareness Day.

Amend the bill by replacing section 2 with the following:

2 New Section; Climate Change Awareness Day. Amend RSA 4 by inserting after section 13-aa the following new section:

4:13-bb Climate Change Awareness Day. The governor shall annually proclaim April 22 as a statewide day of climate change awareness and shall urge state and local agencies, academic institutions, communities, and individuals to mark the day with events and activities designed to promote greater awareness of the effects of climate change. The governor shall call upon the department of environmental services, the fish and game department, and the department of education to promote the statewide event as an educational opportunity to share regional and statewide concerns about the environmental, economic, health, and safety effects of climate change.

2020-1034h

AMENDED ANALYSIS

This bill directs the governor to proclaim April 22 as Climate Change Awareness Day.

Amendment to HB 1231

(2020-0567h)

Proposed by the Minority of the Committee on Education - r

Amend RSA 194:19-b, II as inserted by section 2 of the bill by inserting after subparagraph (e) the following new subparagraph:

(f) Four members of the public with school-age children, appointed by the governor.

Amend RSA 194:19-b, V as inserted by section 2 of the bill by replacing it with the following:

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

Amendment to HB 1233-FN

(2020-0341h)

Proposed by the Committee on Commerce and Consumer Affairs - r

Amend the bill by replacing sections 1-4 with the following:

1 Coverage for Children's Early Intervention Services; Individual. Amend RSA 415:6-n to read as follows:

415:6-n Coverage for Children's Early Intervention Therapy Services. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical, rehabilitation, or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care [physician] **provider** if applicable. The benefits ~~[included in this section may be subject to deductibles, copayments, coinsurance, or other terms and conditions of the policy, and]~~ **in this section shall not be subject to deductibles, copayments, or coinsurance; provided that the benefits included in**

this section may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

2 Coverage for Children's Early Intervention Services; Group. Amend RSA 415:18-s to read as follows:

415:18-s Coverage for Children's Early Intervention Services. Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical, rehabilitation, or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care ~~[physician]~~ **provider** if applicable. The benefits ~~[included in this section may be subject to deductibles, copayments, co-insurance, or other terms and conditions of the policy, and]~~ **in this section shall not be subject to deductibles, copayments, or coinsurance; provided that the benefits included in this section** may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

3 Coverage for Children's Early Intervention Services; Health Service Corporations. Amend RSA 420-A:17-g to read as follows:

420-A:17-g Coverage for Children's Early Intervention Services. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of group accident or health insurance providing benefits for medical, rehabilitation, or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care ~~[physician]~~ **provider** if applicable. The benefits ~~[included in this section may be subject to deductibles, copayments, co-insurance, or other terms and conditions of the policy, and]~~ **in this section shall not be subject to deductibles, copayments, or coinsurance; provided that the benefits included in this section** may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

4 Coverage for Children's Early Intervention Services; Health Maintenance Organizations. Amend RSA 420-B:8-r to read as follows:

420-B:8-r Coverage for Children's Early Intervention Services. Every health maintenance organization and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group health insurance providing benefits for medical, rehabilitation, or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from the services of licensed and credentialed occupational therapists, physical therapists, speech-language pathologists, and clinical social workers working with children from birth to 36 months of age with an identified developmental disability and/or delay as specified in rules adopted pursuant to RSA 171-A:18, IV as long as the providing therapist receives a referral from the child's primary care ~~[physician]~~ **provider** if applicable. The benefits ~~[included in this section may be subject to deductibles, copayments, co-insurance, or other terms and conditions of the policy, and]~~ **in this section shall not be subject to deductibles, copayments, or coinsurance; provided that the benefits included in this section** may have a cap of \$3,200 per child per year not to exceed \$9,600 by the child's third birthday. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

Amendment to HB 1236

(2020-0976h)

Proposed by the Committee on Judiciary - r

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

1 New Chapter; Expectation of Privacy. Amend RSA by inserting after chapter 507-G the following new chapter:

CHAPTER 507-H

EXPECTATION OF PRIVACY

507-H:1 Definitions. In this chapter, "personal information" means an individual's name, date or place of birth; social security number; address; employment history; credit history; financial and other account

numbers; cellular telephone numbers; voice over Internet protocol or landline telephone numbers; location information; biometric identifiers including fingerprints, facial photographs or images, retinal scans, genetic profiles, and DNA/RNA data; or other identifying data unique to that individual.

507-H:2 Expectation of Privacy in Personal Information.

I. An individual shall have an expectation of privacy in personal information, including content and usage, given or available to third-party providers of information and services, including cellular and land-line telephone, electric, water, and other utility services; Internet service providers; cable television providers; streaming services; social media providers; email service providers; banks and financial institutions; insurance companies; and credit card companies.

II.(a) No municipal, county, state, or federal department, agency, employee, elected official, or contractor shall acquire, collect, retain, or use the personal information described in paragraph I, directly or indirectly, related to customers of third-party providers of information and services located in New Hampshire except:

(1) Pursuant to a warrant signed by a judge and based on probable cause or pursuant to a judicially-recognized exception to the warrant requirement.

(2) In the case of the division of emergency services and communications, when handling emergency 911 telecommunications.

(3) Pursuant to a validly issued subpoena by an entity authorized by state law to issue such subpoena.

(4) In an emergency.

(5) If the individual to whom the personal information pertains provides access to it or authorizes access to it, but only for the purpose for which such access is granted.

(b) Subparagraph (a) shall not apply to personal information described in paragraph I if authorized or required by a municipal, county, state, or federal department, agency, employee, elected official, or contractor pursuant to state or federal law, provided that such information is requested of and supplied by a third-party provider of information and services for named individuals only or, in the case of employees and/or contractors of a third-party provider of information and services, for all of its employees and/or contractors.

(c) Subparagraph (a) shall not apply to personal information described in paragraph I if the individual to whom it pertains:

(1) Provides it to a municipal, county, state, or federal department, agency, employee, elected official, or contractor, but only for the purpose for which it is provided, including but not limited to credit card transactions and affinity programs; or

(2) Authorizes access to it by a municipal, county, state, or federal department, agency, employee, elected official, or contractor, but only for the purpose for which such authorization is granted.

III. No municipal, state, county, or federal department, agency, employee, elected official, or contractor shall acquire, collect, or retain or use personal information to create dossiers, files, or databases with respect to any individual unless the dossier, file, or database is authorized or required by state or federal law.

IV. This chapter shall not apply to personal information acquired, collected, retained, or used by any state regulatory agency with respect to a particular individual when such acquisition, collection, retention, or use is within the agency's regulatory, investigative, adjudicatory, or administrative function.

V. Any person violating the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

VI. A person who suffers injury as a result of a violation of this chapter shall be entitled to damages from the person who committed the violation of not less than \$1,000 for each such violation and an award of costs and reasonable attorney fees.

507-H:3 Action Against a Corporation. This chapter shall not be construed to create a cause of action against a corporation or its officers, employees, or agents for providing information to a municipal, state, or federal department, agency, employee, or contractor in accordance with the provisions of this chapter.

507-H:4 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply.

2 Regulation of Biometric Information; Collection of Data Prohibited. Amend RSA 359-N:2, I(c) to read as follows:

(c) Obtain, retain, or provide any individual's biometric data except as set forth in this chapter **or in RSA 507-H.**

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

Amendment to HB 1240

(2020-0556h)

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 relative to the grounds for sexual assault and related offenses.

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

1 Sexual Assault and Related Offenses; Definition of Sexual Contact. Amend RSA 632-A:1, IV to read as follows:

IV. "Sexual contact" means the intentional touching whether directly, through clothing, or otherwise, of the victim's or actor's sexual or intimate parts, including emissions, tongue, anus, breasts, and buttocks. Sexual contact includes only that aforementioned conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification ***or the humiliation of the person being touched.***

2 New Paragraph; Sexual Assault and Related Offenses; Definition of Student Added. Amend RSA 632-A:1 by inserting after paragraph V the following new paragraph:

V-a. "Student" means an individual who is enrolled or participating in any class or program from pre-school through grade 12, or any "adult student" as defined in department of education rules at any school or education institution, except as otherwise provided in the New Hampshire Rules for the Education of Children with Disabilities.

3 Aggravated Felonious Sexual Assault. Amend RSA 632-A:2, I(k) to read as follows:

(k)(1) When, except as between legally married spouses, the victim is 13 years of age or older and under 18 years of age and the actor is in a position of authority over the victim ~~[and uses this authority to coerce the victim to submit]~~ ***and is more than 4 years older than the victim.***

(2) ***When the actor is an employee, contractor, or volunteer at a primary or secondary educational institution and the victim is a student and up to 10 months after the student's graduation or departure.***

(3) ***Consent of the victim under any of the circumstances set forth in subparagraph (k) shall not be considered a defense.***

4 Felonious Sexual Assault. Amend RSA 632-A:3, III to read as follows:

III.(a) Engages in sexual contact with a person:

(1) Other than his ***or her*** legal spouse who is under 13 years of age.

(2) ***Thirteen years of age or older and under 18 years of age when the actor is in a position of authority over the victim and is more than 4 years older than the victim.***

(3) ***When the actor is an employee, contractor, or volunteer at a primary or secondary educational institution and the victim is a student and up to 10 months after the student's graduation or departure.***

(b) ***Consent of the victim under any of the circumstances set forth in subparagraph (a) shall not be considered a defense.***

5 Repeal. The following are repealed:

I. RSA 632-A:3, IV(c), relative to a definition of sexual contact for purposes of the crime of felonious sexual assault.

II. RSA 632-A:4, III(c), relative to a definition of sexual contact for purposes of the crime of sexual assault.

6 Effective Date. This act shall take effect January 1, 2021.

2020-0556h

AMENDED ANALYSIS

This bill amends the definition of sexual contact in the criminal sexual assault statutes. The bill also expands the elements of the crime of felonious sexual assault and aggravated sexual assault to include sexual contact between school employees and students, and to include circumstances when the actor is in a position of authority over a victim who is between 13 and 18 years of age.

Amendment to HB 1243

(2020-0838h)

Proposed by the Minority of the Committee on Education - r

Amend the bill by replacing section 1 with the following:

1 Higher Education Corporations; Granting of Degrees. Amend RSA 292:8-h, II to read as follows:

II. No educational institution shall grant degrees unless ***approved by the higher education commission and*** authorized by name to do so by an act of the legislature.

2020-0838h

AMENDED ANALYSIS

This bill requires approval of the higher education commission as a prerequisite to the granting of a degree by an educational institution.

Amendment to HB 1245

(2020-0919h)

Proposed by the Committee on Legislative Administration - c

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

AN ACT establishing a legislative committee to review all non-regulatory boards, commissions, councils, advisory committees, and task forces established by statute, repealing various statutory boards, commissions, councils, committees, task forces, and reducing the membership on certain statutory committees.

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

2 Repeal of Boards, Commissions, Councils, Committees, Task Forces. The following are repealed:

I. RSA 9-F:2, relative to the state transparency website oversight committee.

II. RSA 12-A:5 and 12-A:6, relative to the commission advisory to the commissioner of natural and cultural resources.

III. RSA 12-I:1 and 12-I:2, relative to the Northern New England interstate commission on economic development.

IV. RSA 21-I:92 - 21-I:94, relative to the task force to study state revenues and expenditures.

V. RSA 77-A:4-c, relative to the committee to study safe harbors and taxation of investment organizations.

VI. RSA 106-B:18-a, relative to the state police barracks honor roll committee.

VII. RSA 126-A:4-f, relative to the transitional Healthy Kids Silver program waiver.

VIII. RSA 126-H, relative to the Healthy Kids corporation.

IX. RSA 126-Y, relative to the palliative care center for health care consumers and providers.

X. RSA 137-L:5, relative to the provider order for life-sustaining treatment (POLST) registry advisory committee.

XI. RSA 147-A:4-a, relative to the hazardous waste facility siting board.

XII. RSA 153:16-c, relative to the advisory committee on heating system certification.

XIII. RSA 187-A:32, relative to the oversight committee to oversee the operations of the innovation research center.

XIV. RSA 189:60 and 189:63, relative to the dropout prevention and dropout recovery oversight council and report.

XV. RSA 193-C:7 and 193-C:8, relative to the New Hampshire statewide education improvement and assessment oversight committee.

XVI. RSA 193-E:2-a, IV(c), relative to the review of academic standards by the education improvement and assessment oversight committee.

XVII. RSA 193-E:5, II, relative to education improvement and assessment oversight committee revisions to unique pupil identification.

XVIII. RSA 193-I:3-193-I:6, relative to the task force on the math learning communities program.

XIX. RSA 195-J, relative to the New Hampshire children's savings account program.

XX. RSA 261:88, XI, relative to the walking disability plates and placards advisory committee.

XXI. RSA 284-A, relative to the gaming regulatory oversight authority.

XXII. RSA 332-I:7-332-I:10, relative to the health information organization board.

XXIII. RSA 332-I:1, II(c), relative to the definition of the health information organization.

XXIV. RSA 332-I:1, II(g) and (h), relative to the definition of the health information organization board and corporation.

3 References Removed; Online Access to Budget Information. Amend RSA 9-F:1, II(e) and III to read as follows:

(e) Any other information as determined by the department of information technology and the department of administrative services[~~in consultation with the legislative oversight committee established in RSA 9-F:2~~].

III. Annually on or before October 31, a report from each agency shall be made available which shows the total amount expended during the prior fiscal year for each program providing aid or assistance to individuals. This annual report shall also document any changes in eligibility criteria or payment amount or formulas. Each agency shall prepare its annual report by analyzing and summarizing the content of its statement of appropriation. Each agency shall submit its annual report to the commissioner of administrative services on or before September 1. For the fiscal year ending June 30, 2011, each agency shall submit existing reports to fulfill the requirements of this paragraph. Beginning in the fiscal year ending June 30, 2012 and in each year thereafter, each agency's report shall be in a format developed by the commissioner of administrative services [~~in consultation with the legislative oversight committee established by RSA 9-F:2~~].

4 State Parks; Advisory Commission Report. Amend RSA 216-A:3-c, VI to read as follows:

VI. The director of parks and recreation shall report **biennially** to the house [~~resources, recreation and development committee and the senate energy, environment, and economic development committee within the biennial report pursuant to RSA 12-A:6~~] **and senate committees with jurisdiction over the state park system** on the state of the parks and historic sites.

5 Reference to Hazardous Waste Siting Board. Amend RSA 147-A:3, XXV to read as follows:

XXV. Conditional exemptions from the permitting, registration, and siting requirements of RSA 147-A:4[~~147-A:4-a~~]; and RSA 147-A:6.

6 Health Insurance; Reference to Healthy Kids Association Removed. Amend RSA 404-G:2, VII to read as follows:

VII. "Health insurance" means health insurance coverage issued in accordance with RSA 415, 420-A, or 420-B. For the purposes of this chapter, health insurance shall not include accident only, credit, dental, vision, Medicare supplement, Medicare Risk, Medicare+Choice, Managed Medicaid, long-term care, disability income, coverage issued as a supplement to a liability insurance, workers' compensation or similar insurance, automobile medical payment insurance, policies or certificates of specified disease, hospital confinement indemnity, limited benefit health insurance, ~~[coverage provided through the New Hampshire healthy kids association,]~~ and coverage provided through the Federal Employees' Program. Health insurance does include group excess loss insurance.

7 Health and Human Services; Healthy Kids Corporation Removed. Amend RSA 126-A:5, XIV-a (b) to read as follows:

(b) The department shall~~[-, through the New Hampshire healthy kids corporation,]~~ allocate funds for the development of a volunteer program to promote the program to eligible families and to identify those families who may require assistance with the application or redetermination process, and provide training and supervision of volunteers. ~~[The healthy kids corporation shall coordinate with and utilize the services of Volunteer NH, AmeriCorps, and other volunteer organizations.]~~

8 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187:31 to read as follows:

187-A:31 Grant Program. To carry out the purposes of this subdivision the department of business and economic affairs shall enter into a grant program with the university of New Hampshire to establish a center for innovation research at the Durham campus. Through the grant program, the center shall provide applied and basic scientific, engineering, and associated marketing research capability and technology transfer in support of New Hampshire's industrial and business community. The center may pool its funds with those of other entities, either public or private, for the purpose of delivering services to New Hampshire businesses and industries. To be eligible to receive grant-funded services, businesses and industries must have an ongoing business within the state or an announced intention to locate a business in the state. The center may provide services other than grants including but not limited to: training regarding the capture and protection of intellectual property, strategic thinking and strategy development, and writing proposals. Assistance may be provided by the NHIRC director, by small subsidies to assist in the identification and funding of consultants to help the company, or by other creative means ~~[approved by the NHIRC oversight committee]~~.

9 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187:33 to read as follows:

187-A:33 Funding. Any center project utilizing state appropriations except for certain short-term, fee-based activities ~~[authorized by the oversight committee]~~, shall match state funds at least dollar for dollar with funds generated by the center from the net income of any of the following operations of the center: the center's research clients, profit and nonprofit organizations, the federal government, or local political subdivisions. In kind and equipment contributions may be accepted as matching funds ~~[under criteria established by the committee]~~.

10 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187:33-c to read as follows:

187-A:33-c Equipment Purchases. Any center project which includes the purchase of equipment shall contain a provision that allows either the company, the university of New Hampshire, or Dartmouth College to retain possession of such equipment when the project is completed and the company has paid its matching share in full. Final disposition of equipment shall be agreed to by the company and the center ~~[and approved by the oversight committee]~~ in advance of a project starting date. A company which purchases equipment deemed necessary to the conduct of the project may count the purchase price as part of its matching fund requirement.

11 Reference to Oversight Committee on Innovation Research Center. Amend RSA 187-A:35, I to read as follows:

I. A program to provide assistance to inventors shall be established at the innovation research center at the University of New Hampshire at Durham. The center shall develop, implement, publicize, and operate the program within the limits of available resources and in a manner which will give greatest effect to the purposes of the program. In so doing the center may charge a reasonable fee for proposals submitted. The administrative head of the program shall be the executive director of the innovation research center. ~~[The administrative head shall be responsible to the oversight committee established in RSA 187-A:32.]~~

12 Reference to Oversight Committee on Innovation Research Center. Amend the introductory paragraph of RSA 187-A:36 to read as follows:

187-A:36 Annual Report. The center shall submit an annual report on or before December 31 of each year to the governor~~[-]~~ **and** the governor's executive council~~[-, and the oversight committee established in RSA 187-A:32]~~. The report shall include statistics for the following:

13 Reference to Education Improvement Oversight Committee. Amend the introductory paragraph of RSA 189:66, II to read as follows:

II. The department shall develop a detailed data security plan to present to the state board~~[-, the legislative oversight committee established in RSA 193-C:7,]~~ and the commissioner of the department of information technology. The plan shall include:

14 References to Education Improvement Oversight Committee. Amend RSA 189:66, III(a)(2) and the introductory paragraph of RSA 189:66, III(b) to read as follows:

(2) The governor, state board, senate president, speaker of the house of representatives, chairperson of the senate committee with primary jurisdiction over education, chairperson of the house committee with primary jurisdiction over education, ~~[legislative oversight committee established in RSA 193-C:7,]~~ and commissioner of the department of information technology.

(b) Require the department to issue an annual data security breach report to the governor, state board, senate president, speaker of the house of representatives, chairperson of the senate committee with primary jurisdiction over education, chairperson of the house committee with primary jurisdiction over education, ~~[legislative oversight committee established in RSA 193-C:7,]~~ and commissioner of the department of information technology. The breach report shall also be posted to the department's public Internet website and shall not include any information that itself would pose a security threat to a database or data system. The report shall include:

15 Reference to Education Improvement Oversight Committee. Amend the introductory paragraph of RSA 193-E:3, II(a) to read as follows:

II.(a) The department of education~~[, with the approval of the legislative oversight committee established in RSA 193-C:7,]~~ may implement and report data on any additional indicators deemed relevant to the purposes of this section.

16 Task Force Removed; Oversight Committee References; Performance-Based Accountability System. Amend RSA 193-E:3-c to read as follows

193-E:3-c Performance-Based Accountability System.

I. At least every 4 years the commissioner shall review the performance-based accountability system and make recommendations ~~[to the legislative oversight committee established under RSA 193-C:7. The commissioner may establish a task force to assist with this review. The commissioner, or designee, shall be the chairman of the task force and shall appoint no fewer than 9 and no more than 13 members to the task force which shall consist of department personnel, one or more representatives of a school district including at least one school board member, educational experts, parents or guardians of current public school pupils, members of a public interest group concerned with education, members of the business community, and other individuals with information or expertise of benefit to the task force's duties. The task force shall include one member of the house of representatives, appointed by the speaker of the house of representatives, and one member of the senate, appointed by the president of the senate]~~ **for future legislation.**

II. The ~~[task force]~~ **department** shall have the following duties:

(a) Implement the performance-based accountability system to be used by schools that will ensure that the opportunity for an adequate education is maintained.

(b) Identify performance criteria and measurements.

(c) Establish performance goals and the relative weights assigned to those goals.

(d) Establish the basis, taking into account the totality of the performance measurements, for determining whether the opportunity for an adequate education exists, which may include the assignment of a value for performance on each measurement.

(e) Ensure the integrity, accuracy, and validity of the performance methodology as a means of establishing that a school provided the opportunity for an adequate education as defined in RSA 193-E:2-a.

III. The performance-based accountability system~~[, as recommended by the task force,]~~ shall be based on data and indicators aligned to the New Hampshire consolidated state plan, as required by the Elementary and Secondary Education Act, 20 U.S.C. section 6301 et seq. as amended by the Every Student Succeeds Act. ~~[This plan shall be approved by the legislative oversight committee established in RSA 193-C:7.]~~

IV. The ~~[task force]~~ **commissioner** shall submit a report of its findings with recommendations for future legislation for the performance-based accountability system to ~~[the legislative oversight committee established under RSA 193-C:7. After the report is approved by the legislative oversight committee the department shall submit the report to]~~ the chairpersons of the house and senate education committees, the speaker of the house of representatives, the senate president, the governor, the house clerk, and the senate clerk.

V. The department shall annually prepare a detailed report documenting the results of each school on the performance-based school accountability system to be developed pursuant to this section, and identifying all schools that can demonstrate the opportunity for an adequate education through the performance-based methodology. The report shall be submitted no later than January 15 annually to the same individuals receiving the final report under paragraph IV.

17 References to Education Improvement Oversight Committee. Amend RSA 193-E:3-e, IV to read as follows:

IV. The commissioner shall provide progress reports annually to the state board ~~[and the legislative oversight committee established in RSA 193-C:7]~~ on the status and effectiveness of the corrective and technical assistance provided by the department in achieving the demonstration of adequacy by all schools.

18 Health Information Organization; Commissioner of health and human services. Amend RSA 126-A:5, XX to read as follows:

XX. The commissioner shall ~~[enter into a contract with the health information organization established pursuant to RSA 332-I to]~~ administer the grant for the New Hampshire Information Exchange Planning and Implementation Project.

19 Membership; Oversight Committee on Health and Human Services. Amend RSA 126-A:13, I, to read as follows:

I. There shall be an oversight committee on health and human services consisting of [8] **5** members as follows:

(a) [3] **Two** members of the senate, at least one of whom shall be a member of the senate health and human services committee and one of whom shall be a member of the senate finance committee, appointed by the president of the senate; and

(b) [5] **Three** members of the house of representatives, [4] **2** of whom shall be from the health, human services and elderly affairs committee, and one of whom shall be from the house finance committee, appointed by the speaker of the house of representatives.

20 Membership; State Park System Advisory Council. Amend RSA 216-A:3-kk, I(a) to read as follows:

(a) [~~Four~~] **Three** members of the house of representatives, at least 2 of whom shall be from the resources, recreation and development committee, appointed by the speaker of the house of representatives.

21 Membership; Joint Committee on Tax Expenditure Review. Amend RSA 71-C:3, I to read as follows:

I. A joint committee on tax expenditure review is hereby established to review all qualifying tax expenditures on a rotating basis every 5 years and recommend continuance, amendment, or repeal of relevant provisions. The joint committee shall be composed of [3] **2** members of the house of representatives appointed by the speaker of the house of representatives and [~~2 members~~] **one member** of the senate appointed by the senate president, provided that such appointments shall include the chair or vice-chair of the ways and means committee of the respective bodies. The first meeting shall be within 60 days after the effective date of this paragraph and called by the first-named house member.

22 Membership; Air Pollution Advisory Committee. Amend RSA 125-J:11, I-II to read as follows:

I. There is established the air pollution advisory committee composed of the following members:

(a) [~~Four~~] **Two** representatives, appointed by the speaker of the house **of representatives**, of whom at least [3 ~~are from~~] **one shall be a member of** the house science, technology, and energy committee. [~~At least~~] One [~~of the 4 representatives~~] **representative** shall be a member of a minority party.

(b) [~~Four~~] **Two** senators, appointed by the senate president.

(c) The governor, or designee.

I-a. The following additional members, whose terms shall be coterminous with their terms of office, shall be non-voting members of the committee and shall supply the committee with any information that it requests concerning matters subject to its purview:

(a) The commissioner of safety, or designee.

(b) The commissioner of environmental services, or designee.

II. The committee shall elect a chairperson and vice-chairperson, and meetings shall be at the call of the chair or [4 ~~or more~~] **a majority of** committee members. The terms of the members shall be coterminous with their terms of office.

23 Membership; Committee to Study Exotic Aquatic Weeds and Species; Amend RSA 487:30, II(a)(1) to read as follows:

(1) [~~Five~~] **Three** members of the house of representatives, appointed by the speaker of the house **of representatives**.

24 Membership; New Hampshire Conservation Number Plate Advisory Committee. Amend RSA 261:97-d, I(f) and (g) to read as follows:

(f) [~~Three~~] **Two** house members appointed by the speaker of the house **of representatives**.

(g) [~~Three~~] **Two** senators appointed by the president of the senate.

25 Membership; OBD II Testing Advisory Committee. Amend RSA 266:59-b, VII(a)(1) and (2) to read as follows:

(1) [~~Three~~] **Two** representatives, appointed by the speaker of the house of representatives.

(2) [~~Two senators~~] **One senator**, appointed by the president of the senate.

26 Prospective Repeal Date Changed; Commission to Study Cryptocurrency. Amend 2016, 205:3, I to read as follows:

I. Section 2 of this act shall take effect November 1, [2021] **2020**.

27 Repeal; Public Health; Licensing and Registering Boards. RSA 125:22-125:24, relative to professional and trade licensing and registering boards within the department of health and human services, are repealed.

28 State Workforce Innovation Fund. Amend RSA 6:12, I(b)(283 to read as follows:

(283) Moneys deposited into the [New Hampshire] **state** workforce [~~opportunity~~] **innovation** fund established in RSA 12-O:45.

29 Director of Economic Development; State Workforce Innovation Board. Amend RSA 12-O:20, VII to read as follows:

VII. Plan, develop, and administer programs to assist in the implementation of the Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time, implement the state plan established by the governor and the ~~State Workforce [Opportunity Council]~~ **Innovation Board**, and perform the following additional functions:

- (a) Through the youth council, select youth providers of training services in the local areas.
- (b) Identify eligible providers of training services in the local area.
- (c) Identify eligible providers of intensive services, if not otherwise provided by the One-Stop operator.
- (d) Develop a budget for carrying out the duties of the ~~State Workforce [Opportunity Council]~~ **Innovation Board**, subject to the approval of the commissioner.
- (e) Oversee local programs of youth activities, local employment, and training service.
- (f) Establish, in conjunction with the commissioner, local performance measures.
- (g) Assist the commissioner in developing statewide employment statistics systems described in the Wagner-Peyser Act.
- (h) Coordinate workforce investment activities authorized and implemented within the state with economic development strategies, and develop the employer linkages with such activities.
- (i) Make available to the public, on a regular basis through open meetings, information regarding ~~State Workforce [Opportunity Council]~~ **Innovation Board** activities including information regarding the state plan prior to its submission, and information regarding membership, the designation and certification of One-Stop operators and the award of grants or contracts to eligible providers of youth activities and, as requested, minutes of formal meetings of the ~~State Workforce [Opportunity Council]~~ **Innovation Board**.
- (j) Review the operation of programs and the availability, responsiveness, and adequacy of state services, and make recommendations to the governor, appropriate chief elected officials, service providers, the legislature, and general public with respect to steps to improve the effectiveness of these services and programs.
- (k) Review plans of all state agencies providing employment training, and related services, and provide comments and recommendations to the governor, the legislature, the state agencies, and appropriate federal agencies on the relevancy and effectiveness of employment and training and related services delivery system in the state.

30 Workforce Development; State Workforce Innovation Board. Amend RSA 12-O:42 to read as follows:

12-O:42 Workforce Development. The commissioner of business and economic affairs shall work with the workforce development director to plan, develop, and administer workforce investment activities, programs, and grants under the federal Workforce Investment Act of 1998, 29 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time, and shall discharge the day-to-day operational responsibilities and obligations of the ~~[New Hampshire] State Workforce [Opportunity Council]~~ **Innovation Board** established under RSA 12-O:44. The commissioner shall coordinate with the ~~[New Hampshire] State Workforce [Opportunity Council]~~ **Innovation Board** to promote state and local investment systems that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation.

31 State Workforce Innovation Board. Amend the section heading of RSA 12-O:44 and RSA 12-O:44, I through the introductory paragraph of paragraph III to read as follows:

12-O:44 ~~[New Hampshire] State Workforce [Opportunity Council]~~ **Innovation Board**.

I. There is established a ~~[New Hampshire] State Workforce [Opportunity Council]~~ **Innovation Board** within the bureau of workforce development.

II. Membership of the council shall be as set forth in section 111(b) of the Workforce Investment Act of 1998, Public Law 105-220, codified at 29 U.S.C. section 2801 et seq., as such may be amended, reauthorized, and in effect from time to time. Members of the ~~[council]~~ **board** shall be appointed by the governor and shall serve at the pleasure of the governor. The governor shall select a chairperson for the ~~[council]~~ **board** from among the members of the ~~[council]~~ **board**, in accordance with 29 U.S.C. section 2821(c).

III. The ~~[council]~~ **board** shall meet no less frequently than semi-annually, shall have the powers and responsibilities of the state workforce investment board under the Workforce Investment Act of 1998, and shall assist the governor in:

32 State Workforce Innovation Fund. Amend RSA 12-O:45 to read as follows:

12-O:45 ~~[New Hampshire] State Workforce [Opportunity]~~ **Innovation Fund**.

I. There is hereby established the ~~[New Hampshire] state workforce [opportunity]~~ **innovation** fund which shall be nonlapsing and administered by the commissioner of the department of business and economic affairs. Said fund shall be for the purpose of receiving financial assistance under the Workforce Investment Act of 1998 and providing funds for grants and other workforce development initiatives.

II. The fund shall be distributed or expended by the commissioner after consultation with the ~~[New Hampshire] State Workforce [Opportunity Council]~~ **Innovation Board** established in RSA 12-O:44 and the approval of the governor and council for any of the following purposes:

- (a) Workforce Investment Act Adult and Dislocated Worker programs.
- (b) Workforce Investment Act Youth programs.
- (c) Workforce Investment Act Senior Community Service Employment programs.
- (d) Workforce Investment Act Disability programs.
- (e) Workforce Investment Act Regional Innovation and National Emergency grant programs.

(f) Other projects, programs, or grants recognized as being beneficial to workforce development initiatives and consistent with the goals of the Workforce Investment Act.

III.(a) The department may accept gifts, grants, donations, or other moneys for the purposes of this section. Said moneys shall be deposited into the ~~[New Hampshire]~~ **state** workforce ~~[opportunity]~~ **innovation** fund.

33 Youth Council; Reference Changed. Amend RSA 188-E:13 to read as follows:

188-E:13 Legislative Membership on Youth Council. The following legislative members shall be appointed to the youth council which has been established as a subgroup within the ~~[workforce opportunity council]~~ **State Workforce Innovation Board** formed by the governor pursuant to the Workforce Investment Act of 1998:

I. Two members of the house of representatives, one of whom shall serve as an alternate, appointed by the governor.

II. Two members of the senate, one of whom shall serve as an alternate, appointed by the governor.

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

2020-0919h

AMENDED ANALYSIS

This bill establishes a legislative committee to review all non-regulatory boards, commissions, councils, advisory committees, and task forces established by statute. The bill repeals various statutory boards, commissions, councils, committees, task forces and makes necessary corrections to statutory provisions. The bill also reduces the number of house and/or senate members on certain statutory committees.

Amendment to HB 1247

(2020-0687h)

Proposed by the Majority of the Committee on Judiciary - r

Amend the bill by replacing section 1 with the following:

1 New Section; Actions Against Tenants; Notice of Rent Increase. Amend RSA 540 by inserting after section 2 the following new section:

540:2-a Notice of Rent Increase.

I. This section shall apply to all residential rental property except:

(a) "Nonrestricted property" as defined in RSA 540:1-a, I.

(b) Rental units in properties in buildings or apartment complexes containing a total of 4 or fewer dwelling units, provided:

(1) The property is owned by a natural person; and

(2) The owner does not rent more than 4 dwelling units.

(c) Occupancies described in RSA 540:1-a, IV.

(d) Shared facilities as defined in RSA 540-B:1.

(e) Vacation or recreational rental units as defined in RSA 540-C:1.

(f) A dwelling unit in which, due to a federal or state rent subsidy based on the tenant's household income, the increase in the contract rent does not affect the amount paid by the tenant as his or her share of the rent.

(g) Manufactured housing in a manufactured housing park governed by RSA 205-A.

II. Notwithstanding the provisions of RSA 540:2, IV, or any other provision of law:

(a) No increase in a tenant's rent which exceeds 5 percent of the tenant's current rent shall be effective and enforceable unless the tenant has been served with no less than 60 days prior written notice of the amount and effective date of the rent increase. Such notice shall be served in accordance with the provisions of RSA 540:5. If a landlord issues more than one notice of rent increase within a 60-day period, the combined total of which exceeds 5 percent of the rent that was in effect when the first notice was served, the amount of the rent increase which exceeds 5 percent of the rent that was in effect at the time of the first notice of rent increase shall not become effective until 60 days from the date of the most recent notice of rent increase.

(b) No increase in a tenant's rent which exceeds 8 percent of the tenant's current rent shall be effective and enforceable unless the tenant has been served with no less than 90 days prior written notice of the amount and effective date of the rent increase. Such notice shall be served in accordance with the provisions of RSA 540:5. If a landlord issues more than one notice of rent increase within a 90-day period, the combined total of which exceeds 8 percent of the rent that was in effect when the first notice was served, the amount of the rent increase which exceeds 8 percent of the rent that was in effect at the time of the first notice of rent increase, shall not become effective until 90 days from the date of the most recent notice of rent increase.

(c) Nothing in this paragraph shall be construed to permit a landlord to increase a tenant's rent during the term of a lease for a fixed term, unless the lease expressly authorizes such an increase.

(d) This paragraph shall apply to any rent increase that becomes effective upon or after the expiration of the lease, provided however that the landlord may provide the notice of rent increase required by this paragraph during the term of the lease.

(e) This paragraph shall not be construed to limit, in any way, the amount of a rent increase that is implemented in accordance with the notice requirements set forth in this paragraph.

2020-0687h

AMENDED ANALYSIS

This bill requires notice by a landlord of at least 60 days of a proposed rent increase which exceeds 5 percent or notice of at least 90 days of an increase which exceeds 8 percent.

Amendment to HB 1249

(2020-0655h)

Proposed by the Committee on Children and Family Law - c

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

1 Statement of Findings. The general court hereby finds that:

I. The state's removal of a child from the home is one of the most significant actions it ever undertakes. Such interventions are associated with the risk of a number of negative consequences for the child and the public, including:

- (a) The weakening of protective connections with parents, other family, school, and community.
- (b) Exiting school before high school graduation.
- (c) Homelessness.
- (d) Future delinquency and adult criminal involvement.

II. Due process and other constitutional principles, as well as the statutory requirements of the Americans with Disabilities Act and RSA 169-B and 169-D, require that the removal of a child from the home last for no longer than is necessary to accomplish the rehabilitative and public protection purposes of the juvenile justice system.

III. Therefore, courts should carefully and frequently monitor whether there is a continued justification for the separation of children from their families and communities. The courts' ability to effectively conduct this monitoring is enhanced by the continuing participation of counsel for children, who can bring relevant information to the court's attention and advocate for children's release to their homes and communities.

IV. It is also necessary for the protection of the welfare of children who have been placed outside their homes that any problems with the conditions of their placement or the appropriateness of their treatment be promptly brought to the attention of the courts and other authorities. Continuing legal representation during periods of placement facilitate this important monitoring function.

2 New Paragraph; Delinquent Children; Appointment of Counsel. Amend RSA 169-B:12 by inserting after paragraph V the following new paragraph:

VI. Whenever a juvenile is detained, committed, or otherwise placed outside his or her home, the court shall appoint counsel if such appointment has not previously been made in the proceedings. Such appointment shall be made at a time sufficiently in advance of the decision to place the juvenile outside the home to allow counsel to provide effective representation on the issue of placement, and such appointment shall continue until the court no longer has jurisdiction over the juvenile pursuant to this chapter. The court shall not accept a waiver of counsel when appointment is required by this paragraph.

3 New Section; Delinquent Children; Continuous Legal Representation of Vulnerable Children. Amend RSA 169-B by inserting after section 12 the following new section:

169-B:12-a Continuous Legal Representation of Vulnerable Children.

I. While a case under this chapter is pending, the department of health and human services shall notify the court whenever it becomes aware that the respondent child:

- (a) Is subjected to restraint or seclusion, as defined in RSA 126-U:1, IV and V-a;
- (b) Is known or suspected to be the victim of abuse, neglect, or any crime involving actual or threatened physical or psychological injury, or the risk thereof; or
- (c) Is no longer in the legal custody of his or her parents.

II. Whenever the court receives a notice pursuant to paragraph I regarding a child who has been placed outside the home, the court shall ensure that the child is continually represented until the court no longer has jurisdiction over the child pursuant to this chapter. When placing a child outside the home, the court shall determine whether it has received a notice pursuant to paragraph I and, in those cases in which it has received such notice, the court shall ensure that the child is continually represented until the court no longer has jurisdiction over the child pursuant to this chapter. The court shall take the same action if it receives information from any credible source that any of the circumstances in paragraph I is present.

4 Children In Need of Services; Appointment and Waiver of Counsel. Amend RSA 169-D:12, II to read as follows:

II. The court may accept a waiver of counsel from a child alleged to be in need of services only when:

- (a) The parent, guardian, or custodian did not file the petition;
- (b) Both the child and parent, guardian, or custodian agree to waive counsel; [and]

(c) In the court's opinion, the waiver is made competently, voluntarily, and with full understanding of the consequences; **and**

(d) The petition does not allege that the child is in need of services pursuant to RSA 169-D:2, II(d).

III. Whenever the petition alleges that a child is in need of services pursuant to RSA 169-D:2, II(d) and the court places the child outside his or her home, the court shall ensure that the child is continuously represented by counsel until the case is closed pursuant to RSA 169-D:3, III. Appointment of counsel pursuant to this paragraph shall be made at a time sufficiently in advance of the decision to place the child outside the home to allow counsel to provide effective representation on the issue of placement.

5 Children In Need of Services; Appointment Waiver of Counsel. Amend RSA 169-D:12, III to read as follows:

III. Whenever ~~[the petition alleges that a child is in need of services pursuant to RSA 169-D:2, II(d) and]~~ the court places the child outside his or her home, the court shall ensure that the child is continuously represented by counsel until the case is closed pursuant to RSA 169-D:3, III. Appointment of counsel pursuant to this paragraph shall be made at a time sufficiently in advance of the decision to place the child outside the home to allow counsel to provide effective representation on the issue of placement.

6 New Section; Children in Need of Services; Continuous Legal Representation of Vulnerable Children. Amend RSA 169-D by inserting after section 12 the following new section:

169-D:12-a Continuous Legal Representation of Vulnerable Children.

I. While a case under this chapter is pending, the department of health and human services shall notify the court whenever it becomes aware that the respondent child:

- (a) Is subjected to restraint or seclusion, as defined in RSA 126-U:1, IV and V-a;
- (b) Is known or suspected to be the victim of abuse, neglect, or any crime involving actual or threatened physical or psychological injury, or the risk thereof; or
- (c) Is no longer in the legal custody of his or her parents.

II. Whenever the court receives a notice pursuant to paragraph I regarding a child who has been placed outside the home, the court shall ensure that the child is continually represented until the court no longer has jurisdiction over the child pursuant to this chapter. When placing a child outside the home, the court shall determine whether it has received a notice pursuant to paragraph I and, in those cases in which it has received such notice, the court shall ensure that the child is continually represented until the court no longer has jurisdiction over the child pursuant to this chapter. The court shall take the same action if it receives information from any credible source that any of the circumstances in paragraph I is present.

7 Repeal. The following are repealed:

- I. RSA 169-B:12-a, relative to representation of vulnerable children in delinquency proceedings.
- II. RSA 169-D:12-a, relative to representation of vulnerable children in CHINS proceedings.

8 Effective Date.

- I. Sections 2, 5, and 7 of this act shall take effect July 1, 2021.
- II. The remainder of this act shall take effect July 1, 2020.

2020-0655h

AMENDED ANALYSIS

This bill provides for the appointment of counsel for children in out-of-home placements under RSA 169-B and RSA 169-D.

Amendment to HB 1250

(2020-1025h)

Proposed by the Committee on Children and Family Law - c

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

1 New Section; Human Service; Use of Corporal Punishment Prohibited. Amend RSA 161 by inserting after section 13 the following new section:

161:14 Use of Corporal Punishment Prohibited.

I. Each state agency shall provide in its policies and procedures related to children that all forms of corporal punishment are prohibited.

II. In this section:

(a) "Agency" means any executive branch department, institution, bureau, or office of the state, engaged in providing services to or for children. Agency shall include any public or private entity under contract with the department of health and human services or the department of education to provide services to or for a child or children.

(b) "Child" or "children" means a person under 18 years of age who has not been transferred to the adult criminal justice system, and includes a person under 22 years of age who is attending school and who has not received a high school diploma.

(c) "Corporal punishment" means any punishment in which physical force is issued and intended to cause some degree of pain or discomfort, and is exclusive of restraint as defined in RSA 126-U:1, IV or physical force used to protect self or others.

2 Physical Force by Persons with Special Responsibilities. Amend RSA 627:6, II(a) to read as follows:

II.(a) A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes is justified on the premises in using necessary force against any such minor, when the minor creates a disturbance[,] or refuses to leave the premises, or when it is necessary [~~for the maintenance of discipline~~] **to prevent injury to self or others.**

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

Amendment to HB 1253

(2020-0291h)

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

Amend the bill by replacing section 1 with the following:

1 New Section; Ophthalmic Dispensers; Advisory Council. Amend RSA 327-A by inserting after section 4 the following new section:

327-A:4-a Advisory Council; Establishment, Duties. There is hereby established an advisory council to the executive director on the dispensing of spectacles, eyeglasses and contact lenses, whose members shall be appointed by executive director with the approval of the governor and council. The members of the advisory council shall consist of 4 registered opticians and one member of the public having no relationship to ophthalmic dispensing. The executive director shall designate one member of the advisory council as chairperson. Each member of the advisory council shall serve a 3 year term, except that for the initial council 2 of the optician members shall serve a 2 year term. The advisory council shall meet at least once each calendar quarter to conduct its business and more often on call of the chairperson. Three members of the council shall constitute a quorum to conduct business. Members of the advisory council shall receive no per diem but shall be entitled to mileage when in the performance of duties required by this chapter. The advisory council shall advise the executive director on general and specific policies involved in the dispensing of ophthalmic devices and contact lenses, including but not limited to consumer complaints.

Amendment to HB 1254-FN

(2020-1089h)

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 relative to the parole of prisoners and the procedures of the adult parole board.

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

1 Involuntary Civil Commitment of Sexually Violent Predators; Notice to County Attorney or Attorney General. Amend RSA 135-E:3, II to read as follows:

II. When a person who has committed a sexually violent offense is to be released from total confinement in New Hampshire, the agency with jurisdiction over the person shall give written notice to the person and the county attorney of the county where that person was last convicted of a sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If the person is in custody on an out-of-state or federal sexually violent offense, the agency with jurisdiction shall give written notice to the person and the county attorney of the county where the person plans to reside upon release or, if no residence in this state is planned, the county attorney in the county where the facility from which the person to be released is located or to the attorney general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written notice shall be given at least 9 months prior to the potential release [~~on parole pursuant to RSA 651-A:6, I(c),~~] except that in the case of persons who are totally confined for a period of less than 9 months, written notice shall be given as soon as practicable.

2 Involuntary Civil Commitment of Sexually Violent Predators; Release From Total Confinement. Amend RSA 135-E:4, I to read as follows:

I. In the event that a person who has been convicted of a sexually violent offense is eligible for immediate release [~~on parole pursuant to RSA 651-A:6, I(c), or~~] upon completion of the maximum term of incarceration, the agency with jurisdiction shall provide immediate notice to the county attorney or attorney general of the person's release. The county attorney or attorney general or the agency with jurisdiction may file a petition for an emergency hearing in the superior court requesting that the person subject to immediate release be evaluated by the multidisciplinary team to determine whether the person is a sexually violent predator. The hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and holi-

days. The person shall not be released from total confinement until after the hearing has been held. At the hearing, the court shall determine whether there is probable cause to believe that the person is a sexually violent predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

3 Parole of Prisoners; Definitions. Amend the introductory paragraph of RSA 651-A:2, VI to read as follows:

VI. [~~“Nonviolent offense”~~] **“Violent crime”** shall include [~~all criminal offenses, except~~] those defined as violent crimes in RSA 651:5, XIII and the following:

4 Parole of Prisoners; Adult Parole Board. Amend RSA 651-A:3, I to read as follows:

I. There shall be an adult parole board with 9 members ***at least 2 of whom shall be attorneys licensed in New Hampshire who have experience in criminal law***. The members of the board shall be appointed by the governor with the consent of the council for staggered terms of 5 years or until their successors are appointed. No member shall serve more than 2 consecutive terms. A vacancy on the board shall be filled for the unexpired term. The governor shall designate one member as chairman, and the chairman shall designate one other member to serve as chairman in his ***or her*** absence. In the case of a revocation hearing an attorney of the board shall be present at the hearing. Board members shall be paid [~~\$100~~] **\$200** a day plus mileage at the state employee rate while engaged in parole hearings or administrative meetings.

5 New Paragraph; Parole of Prisoners; Notice of Hearings. Amend RSA 651-A:11 by inserting after paragraph III the following new paragraph:

IV. The notice provisions of this section shall not apply to revocation, review, or reconsideration hearings.

6 Parole of Prisoners; Effect of Recommittal. Amend RSA 651-A:19 to read as follows:

651-A:19 Effect of Recommittal.

I. A prisoner who is recommitted shall serve 90 days in prison ***and shall meet the criteria for parole*** before being placed back on parole or the remainder of his or her maximum sentence, whichever is shorter, or may be subject to an extended term of recommitment pursuant to paragraphs III and IV. The time between the return of the parolee to prison after arrest and revocation of parole shall be considered as time served as a portion of the maximum sentence. The 90-day recommitment period may be calculated from the date of the arrest or from the date of the hearing, as ordered by the parole board.

II. Prisoners who are recommitted shall be provided access to focused, evidence-based programming aimed at reengaging parolees in their parole plan.

III. The parole board may impose an extended term of recommitment for greater than 90 days if:

(a) The prisoner has previously been found true for a parole violation on his or her current sentence or another sentence for which he or she was concurrently serving a term of parole; or

(b) The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII [~~and the prisoner has displayed a combination of dynamic risk factors, including but not limited to, homelessness, loss of supports, substance abuse, or non-compliance with treatment, as determined by the department of corrections sexual offender treatment program staff~~]; or

(c) The prisoner was on parole for a violent crime as defined in RSA 651:5, XIII ***or RSA 651-A:2, VI***; or

(d) The nature of the conduct underlying the parole violation constitutes a criminal act or is otherwise so serious as to warrant an extended period of recommitment; or

(e) The conduct underlying the parole violation is related to his or her offense or offending pattern.

IV.(a) A prisoner shall be brought before the parole board at any time during the 90-day term of recommitment to determine whether a longer term is warranted if[-

(1) ~~The prisoner did not meaningfully participate in the evidence-based programming during the 90-day recommitment period; or~~

(2) ~~the prisoner received one or more major disciplinary violations during the 90-day recommitment period.~~

(b) The prisoner shall be provided notice of the hearing and the basis of the parole board's consideration of an extended term.

V. The imposition of an extended term of recommitment pursuant to paragraph III or IV shall be supported by written findings and a written order.

VI. Any prisoner who is subject to an extended term of recommitment shall, upon request, be entitled to a hearing before the parole board after serving 6 months of his or her term of recommitment and every 6 months thereafter.

VII. At the revocation hearing, the parole board may impose a term of recommitment for less than 90 days if:

(a) The prisoner has not been previously found true for a parole violation on his or her current sentence or another sentence for which he or she was concurrently serving a term of parole;

(b) The prisoner was not on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII;

(c) The prisoner was not on parole for a violent crime as defined in RSA 651:5, XIII ***or RSA 651-A:2, VI***;

(d) The parole violation is not substantially related to his or her offense or offending pattern; and

(e) The parole board determines that a lesser period of recommitment will aid in the rehabilitation of the parolee.

VIII. Notwithstanding paragraph I or subparagraphs VII(a) or (d), the parole board may impose a term of recommitment of less than 90 days for a prisoner who enters and successfully completes a residential substance abuse treatment program deemed acceptable by the board.

7 Parole of Prisoners; Parole Records. Amend RSA 651-A:20 to read as follows:

651-A:20 Parole Records. The adult parole board or its designee shall have access to all parole records of the department. ~~[The board shall review the records of the department for each parolee in its custody at least once every 36 months.]~~

8 Repeal. RSA 91-A:3, II(f), relative to parole applications being considered in nonpublic session, is repealed.

9 Repeal. RSA 651-A:6, I(c), relative to parole hearings for prisoners recommitted to prison more than one year prior to the expiration of the maximum term of his or her sentence, is repealed.

10 Effective Date.

I. Section 4 of this act shall take effect May 1, 2021.

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

2020-1089h

AMENDED ANALYSIS

This bill amends various provisions of the adult parole process including the definition of violent crime, parole board per diem, and recommitment of prisoners who violate parole.

Amendment to HB 1266

(2020-0791h)

Proposed by the Committee on Election Law - r

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

2 Absentee Voting; Application; Forms. Amend RSA 657:4, I to read as follows:

I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance, and Disability:

I. I hereby declare that (check one):

___ I am a duly qualified voter who is currently registered to vote in this town/ward.

___ I am **unable to register to vote in person because I am** absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

II. New Hampshire law requires that you vote in person at the polling place for your town or ward unless one of the following apply.

I will be entitled to vote by absentee ballot because (check one):

___ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled[.]; **or**

___ I am requesting [a] **an absentee** ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed[, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.]; **or**

___ I cannot appear in public on election day because of observance of a religious commitment[.]; **or**

___ I am unable to vote in person due to a disability[.]; **or**

___ **I am unable to vote in person due to confinement in a penal institution for a misdemeanor or while awaiting trial; or**

___ I cannot appear at any time during polling hours at my polling place because of an employment obligation. For the purposes of this application, the term "employment shall include the care of children and infirm adults, with or without compensation.

~~[For use only on the Monday immediately prior to the election:]~~ I cannot appear at my polling place on election day because the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to my city, town, or unincorporated place and either (check one):

___ I am elderly or infirm or I have a physical disability, and would otherwise vote in person but I have concerns for my safety traveling in the storm[.]; **or**

___ I anticipate that school, child care, or adult care will be canceled, and would otherwise vote in person but will need to care for children or infirm adults.

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

____ Presidential Primary **Election** to be held on _____
(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

____ State Primary **Election** to be held on _____
(MM/DD/YYYY)

____ **State** General Election **to be held on** _____
(MM/DD/YYYY)

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

____ Republican Party

____ Democratic Party

____ (name of any party determined by the secretary of state to have achieved official status under RSA 652:11)

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

(Last) (First) (Middle) (Sr., Jr., II., III)

Applicant's Voting Domicile (home address):

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)
Mail the ballot to me at this address (if different than the home address):

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

[Applicant's Phone Number : _____]-

[Applicant's Email Address : _____]

Applicant's Signature: _____

Date Signed: _____
(MM/DD/YYYY)

Applicant's Phone Number (optional): _____

Applicant's Email Address (optional): _____

I attest that I assisted the applicant in executing this form because he or she has a disability.

Signature _____ Print Name _____

If your absentee ballot application or affidavit envelope has the printed name and signature of a person who assisted you with voting, your signature will not be compared to your signature on the absentee ballot affidavit to verify your identity. Otherwise, if your signatures do not appear to be made by the same person, your absentee ballot may not be counted.

The applicant must sign this form to receive an absentee ballot. Any person who witnesses and assists a voter with a disability in executing this form shall print and sign his or her name in the space provided on the application form. The moderator will not compare the voter's signature on the application with the signature on the absentee ballot affidavit when a person assisting the voter has signed the statement on the absentee ballot application or affidavit envelope that assistance was provided.

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

Amendment to HB 1272

(2020-0863h)

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

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

1 Legislative Findings. The general court hereby finds and declares that:

I. The management and operation of a correctional facility involves functions that are inherently governmental. The imposition of punishment on errant citizens through incarceration requires state, county, and local governments to exercise their coercive police powers over individuals and is thus distinguishable from privatization in other areas of government.

II. Issues of liability, accountability, and cost warrant a prohibition of the ownership, operation, or management of correctional facilities by for-profit private contractors.

2 Department of Corrections; Powers and Duties of Commissioner. Amend RSA 21-H:8, VI-VII to read as follows:

VI. The commissioner may enter into contracts with the state's counties, the governments of other states, [and] the federal government, [and] **or other** appropriate [private] **government** agencies or facilities and make proper and necessary arrangements with them for the transfer and reception of inmates and allow transfers to state prisons of any person. Any person who is confined awaiting trial on a felony charge may be transferred

to the state prison from the county correctional facility, upon the recommendation of the superintendent of the county department of corrections, and with the approval of the county commissioners of said county. The superintendent may transfer a prisoner, without the approval of the county commissioners, if the superintendent determines the transfer is necessary for public safety or emergency reasons. The county commissioners shall review any such transfer at their next regular meeting. If the county commissioners reject the transfer, the prisoner shall be returned to the facility from which the prisoner came as soon as practicable.

VII.(a) The commissioner may order the assignment and transfer of persons committed to his *or her* custody to correctional facilities of the department or ***correctional facilities operated by state governments in other jurisdictions, or public*** facilities under contract with the department. ***The commissioner shall not enter into a contract with a private or for-profit entity for the sole purpose of housing state prisoners.***

(b) Notwithstanding subparagraph (a), if the governor, upon recommendation of the commissioner, declares by executive order that a corrections emergency exists that requires the commissioner to enter into a temporary contract with a private or for-profit entity to secure provisional housing for displaced prisoners, the commissioner may enter into such a contract, pending approval of the governor and the council. Temporary contracts entered into under this section shall not permanently or indefinitely replace a correctional facility operated by the state of New Hampshire or a contract with another publicly-operated facility.

3 New Paragraph; County Departments of Corrections; Policies, Rules and Regulations. Amend RSA 30-B:6 by inserting after paragraph II the following new paragraph:

III.(a) No county department of corrections shall enter into a contract with a private or for-profit entity for the sole purpose of housing county prisoners. Nothing in this paragraph shall prohibit a county department of corrections from contracting for select services that are provided inside of a county correctional facility.

(b) Notwithstanding subparagraph (a), if the county commissioners declare that a corrections emergency exists that requires the superintendent to enter into a temporary contract with a private or for-profit entity to secure provisional housing for displaced prisoners, the superintendent may enter into such a contract, pending approval of the county commissioners. Temporary contracts entered into under this section shall not permanently or indefinitely replace a county correctional facility or a contract with another publicly-operated facility.

4 Applicability. This act shall not apply to a contract entered into prior to the effective date of this act by the commissioner of the department of corrections or a county department of corrections with a private entity for the housing of prisoners. Upon the expiration of any such contract, the commissioner or the county shall transfer housing of such prisoners to a state correctional facility operated by the state of New Hampshire or another state government, or a federal correctional facility operated by the federal government, or a county correctional facility operated by a county. This act shall not apply to contracts for goods and services which are ancillary to the housing of prisoners such as medical or educational services, or repair and maintenance contracts.

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

2020-0863h

AMENDED ANALYSIS

This bill prohibits the state or county department of corrections from transferring the housing of prisoners to a correctional facility operated by a private or for-profit entity, except when a corrections emergency exists.

Amendment to HB 1274

(2020-0994h)

Proposed by the Committee on Commerce and Consumer Affairs - r

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

AN ACT requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water.

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

1 Short Title. This act may be known as the safe bottled drinking water act of 2020.

2 Purpose Statement. The general court finds that water is essential to life and it is a fundamental responsibility of government to protect the public health and safety of the people of the state. It is the intent of the legislature that bottled drinking water sold in the state meet the same maximum contaminant levels for public drinking water established under the New Hampshire safe drinking water act, RSA Chapter 485.

3 Container Sterilization and Sanitation; Water Source; Maximum Contaminant Levels. Amend RSA 143:16 to read as follows:

143:16 Container Sterilization and Sanitation; Water Source. All containers used in the manufacture of beverages, other than cider manufacturers regulated by the department of agriculture, shall be cleaned and sterilized in such manner as may be provided in the rules adopted under this chapter. All materials used in the manufacture of beverages shall be pure and wholesome and shall be stored, handled, transported, and kept in such manner as to protect them from spoilage, contamination, and unwholesomeness. Manufacturers

of bottled water shall only utilize a source of water ~~[for which a permit has been issued by the department of environmental services in accordance with RSA 485:3, XI]~~ **that complies with the requirements in rules adopted under RSA 143:6. All sources of bottled water in New Hampshire that began service on or after August 8, 1997 shall be approved by the department of environmental services in accordance with RSA 485:3, XI.** All products shall comply as to composition, labeling, conditions of manufacture, transportation, storage, handling, and sale with existent statutory provisions relating thereto and with rules adopted under this chapter. **All bottled water manufactured in the state shall comply with requirements specified in departmental rules adopted under RSA 143:6, and the maximum contaminant levels established under RSA 485.**

4 New Section; Sale of Bottled Water; Maximum Contaminant Levels. Amend RSA 143 by inserting after section 16 the following new section:

143:16-a Sale of Bottled Water Manufactured Out of State. All bottled water for retail sale, manufactured or bottled out of state, shall comply with the requirements specified in departmental rules under RSA 143:6, and maximum contaminant levels established under RSA 485. The department shall implement rules under RSA 541-A relative to bottled water manufactured out of state that are in compliance with any federal regulations on the matter.

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

2020-0994h

AMENDED ANALYSIS

This bill requires bottled water to comply with the maximum contaminant levels in the New Hampshire safe drinking water act.

Amendment to HB 1275-FN

(2020-0161h)

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

Amend RSA 151:12-c as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. A laboratory test ordered under this section, regardless of test complexity, as defined under the Clinical Laboratory Improvement Amendments of 1988, shall be conducted by a laboratory that routinely participates in proficiency testing for such offered test in a program approved by the Centers for Medicare and Medicaid Services. This paragraph shall not be construed to mandate proficiency testing for a laboratory test if it is not available from any approved program.

Amendment to HB 1280-FN

(2020-0105h)

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

Amend the bill by replacing sections 1-4 with the following:

1 Accident and Health Insurance; Coverage for Diabetes Services and Supplies; Individual. Amend RSA 415:6-e to read as follows:

415:6-e Coverage for Diabetes Services and Supplies. Each insurer that issues or renews any individual policy, plan, or contract 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 medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered, or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents, and equipment used to treat diabetes subject to the terms and conditions of the policy. **An insurer that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for covered prescription insulin drugs at an amount not to exceed \$100 for a 30-day supply of insulin drugs, regardless of the amount, type, or number of insulins needed. Coverage for prescription insulin drugs shall not be subject to any deductible.** Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

2 Accident and Health Insurance; Coverage for Diabetes Services and Supplies; Group. Amend RSA 415:18-f to read as follows:

415:18-f Coverage for Diabetes Services and Supplies. Each insurer that issues or renews any policy, plan, or contract of group accident or health insurance providing benefits for medical or hospital expenses, shall

provide each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered, or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each insurer that issues or renews any group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents, and equipment used to treat diabetes subject to the terms and conditions of the policy. ***An insurer that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for covered prescription insulin drugs at an amount not to exceed \$100 for a 30-day supply of insulin drugs, regardless of the amount, type, or number of insulins needed. Coverage for prescription insulin drugs shall not be subject to any deductible.*** Each insurer that issues or renews any group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

3 Health Service Corporations; Coverage for Diabetes Services and Supplies. Amend RSA 420-A:17-a to read as follows:

420-A:17-a Coverage for Diabetes Services and Supplies. Every health service corporation and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group accident or health insurance providing benefits for medical or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered, or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each health service corporation that issues or renews any individual or group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents, and equipment used to treat diabetes subject to the terms and conditions of the policy. ***Each health service corporation that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for covered prescription insulin drugs at an amount not to exceed \$100 for a 30-day supply of insulin drugs, regardless of the amount, type, or number of insulins needed. Coverage for prescription insulin drugs shall not be subject to any deductible.*** Each health service corporation that issues or renews any individual or group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

4 Health Maintenance Organizations; Coverage for Diabetes Services and Supplies. Amend RSA 420-B:8-k to read as follows:

420-B:8-k Coverage for Diabetes Services and Supplies. Every health maintenance organization and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group health insurance providing benefits for medical or hospital expenses, shall provide to each individual or group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the medically appropriate and necessary outpatient self-management training and educational services, pursuant to a written order of a primary care physician or practitioner, including but not limited to medical nutrition therapy for the treatment of diabetes, provided by a certified, registered, or licensed health care professional with expertise in diabetes, subject to the terms and conditions of the policy. Each health maintenance organization that issues or renews any individual or group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides a prescription rider shall cover medically appropriate or necessary insulin, oral agents, and equipment used to treat diabetes subject to the terms and conditions of the policy. ***Each health maintenance organization that provides coverage for prescription insulin drugs shall cap the total amount that a covered person is required to pay for covered prescription insulin drugs at an amount not to exceed \$100 for a 30-day supply of insulin drugs, regardless of the amount, type, or number of insulins needed. Coverage for prescription insulin drugs shall not be subject to any deductible.*** Each health maintenance organization that issues or renews any individual or group policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses which provides for durable medical equipment coverage shall provide coverage for medically appropriate or necessary equipment used to treat diabetes subject to the terms and conditions of the policy.

**Amendment to HB 1285
(2020-0601h)**

Proposed by the Majority of the Committee on Education - r

Amend RSA 159:19-b as inserted by section 1 of the bill by replacing it with the following:

159:19-b Possession of a Firearm on School Property.

I. No person shall knowingly possess a firearm on public school property, including buildings, grounds, school buses, and vans. Any person who violates the provisions of this paragraph shall be guilty of a class A misdemeanor.

II. This section shall not apply to:

(a) Any person or persons picking up or dropping off a student, provided the firearm remains in a motor vehicle.

(b) Any person specifically authorized by name and in writing by the school board to possess a firearm on school property. Any school board considering granting such authorization shall first hold at least one public hearing, noticed in the usual manner. At the hearing, the board shall consider whether any persons should be authorized to possess firearms on school property. Following the public hearing, the school board may decide, in a nonpublic session, to authorize specific persons to possess firearms on school property. Any specific authorizations adopted shall specify the weapon that has been authorized, the purpose and scope of the authorization, and the time period for which the authorization applies. Such authorization shall not be subject to RSA 91-A.

(c) Any law enforcement officer, when on or off duty or serving as a school resource officer.

**Amendment to HB 1286-FN
(2020-0927h)**

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

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

1 New Chapter; Music Therapists. Amend RSA by inserting after chapter 326-L the following new chapter:

CHAPTER 326-M

MUSIC THERAPISTS

326-M:1 Definitions. In this chapter and RSA 328-F:

I. "Board" means the music therapists governing board established in RSA 328-F.

II. "Board certified music therapist" means an individual who holds current board certification from the Certification Board for Music Therapists.

III. "Executive director" means the executive director of the office of professional licensure and certification.

IV. "Music therapist" means a person licensed to practice music therapy pursuant to this chapter.

V. "Music therapy" means the clinical and evidence based use of music interventions to accomplish individualized goals for people of all ages and ability levels within a therapeutic relationship by a board certified music therapist. The music therapy interventions may include, music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, singing, music performance, learning through music, music combined with other arts, music-assisted relaxation, music-based patient education, electronic music technology, adapted music intervention and movement to music. The practice of music therapy does not include the screening, diagnosis, or assessment of any physical, mental, or communication disorder. This term may include:

(a) Acceptance of clients referred for music therapy by other health care or educational professionals, family members, or caregivers.

(b) Assessment of clients to determine appropriate music therapy services.

(c) Development and implementation of individualized music therapy treatment plans that identify goals, objectives, and strategies of music therapy that are appropriate for clients.

(d) Use of music therapy techniques such as improvisation, performance, receptive music listening, song writing, lyric discussion, guided imagery with music, learning through music, and movement to music.

(e) Evaluation of a client's response to music therapy techniques and to the client's individualized music therapy treatment plan.

(f) Any necessary modification of the client's individualized music therapy treatment plan.

(g) Any necessary collaboration with the other health care professionals treating a client.

(h) Minimizing of barriers that may restrict a client's ability to receive or fully benefit from music therapy services.

326-M:2 Prohibition on Unlicensed Practice; Professional Identification.

I. No person without a license as a music therapist shall use the title "music therapist" or similar title or practice music therapy.

II. Nothing in this chapter shall be construed to prohibit or restrict the practice, services, or activities of the following:

(a) Any person licensed, certified, or regulated under the laws of this state in another profession or occupation or personnel supervised by a licensed professional in this state performing work, including the use of music, incidental to the practice of his or her licensed, certified, or regulated profession or occupation, if that person does not represent himself or herself as a music therapist; or

(b) Any person whose training and national certification attests to the individual's preparation and ability to practice his or her certified profession or occupation, if that person does not represent himself or herself as a music therapist; or

(c) Any practice of music therapy as an integral part of a program of study for students enrolled in an accredited music therapy program, if the student does not represent himself or herself as a music therapist; or

(d) Any person who practices music therapy under the supervision of a licensed music therapist, if the person does not represent himself or herself as a music therapist.

326-M:3 Licensure of Music Therapists. In addition to requirements under RSA 328-F:

I. The board shall issue a license to an applicant for a music therapy license when such applicant has completed and submitted an application upon a form and in such manner as the executive director prescribes, accompanied by applicable fees, and evidence satisfactory to the board that:

(a) The applicant is in good standing based on a review of the applicant's music therapy licensure history in other jurisdictions, including a review of any alleged misconduct or neglect in the practice of music therapy on the part of the applicant, and a review of the criminal background check required under RSA 328-F:18-a.

(b) The applicant provides proof of passing the examination for board certification offered by the Certification Board for Music Therapists or any successor organization or provides proof that the applicant is currently a board certified music therapist.

II. The board shall issue a license to an applicant for a music therapist license when such applicant has completed and submitted an application upon a form and in such manner as the executive director prescribes, accompanied by applicable fees, and evidence satisfactory to the board that the applicant is licensed and in good standing as a music therapist in another jurisdiction where the qualifications required are equal to or greater than those required in this chapter at the date of application.

326-M:4 Music Therapists Governing Board; Duties. In addition to the duties of a governing board under RSA 328-F:

I. The board may facilitate the development of materials that the office of professional licensure and certification may utilize to educate the public concerning music therapist licensure, the benefits of music therapy, and utilization of music therapy by individuals and in facilities or institutional settings.

II. The board may act as a facilitator of statewide dissemination of information between music therapists, the American Music Therapy Association or any successor organization, the Certification Board for Music Therapists or any successor organization, and the executive director.

III. The executive director shall seek the advice of the board for issues related to the regulation of music therapists.

2 Allied Health Professionals; Definition; Governing Board. Amend RSA 328-F:2, II to read as follows:

II. "Governing boards" means individual licensing boards of athletic trainers, occupational therapy assistants, occupational therapists, recreational therapists, physical therapists, physical therapist assistants, respiratory care practitioners, speech-language pathologists, [and] genetic counselors, **and music therapists**.

3 New Paragraph; Allied Health Professionals; Music Therapists. Amend RSA 328-F:2 by inserting after paragraph X the following new paragraph:

XI. "Music therapist" means music therapist as defined in RSA 326-M:1.

4 Governing Board; Establishment. Amend RSA 328-F:3, I to read as follows:

I. There shall be established governing boards of athletic trainers, occupational therapists, recreational therapists, respiratory care practitioners, physical therapists, speech-language pathologists, [and] genetic counselors, **and music therapists**.

5 New Paragraph; Music Therapists Governing Board; Appointment. Amend RSA 328-F:4 by inserting after paragraph X the following new paragraph:

XI. The music therapists governing board shall consist of 3 licensed music therapists, who have actively engaged in the practice of music therapy in this state for at least 2 years, one member who is a licensed health care provider who is not a music therapist, and one public member. Initial appointment of professional members by the governor and council shall be qualified persons practicing music therapy in this state. All subsequent appointments or reappointments shall require licensure.

6 Renewals; Reference to Music Therapists Added. Amend RSA 328-F:19, I to read as follows:

I. Initial licenses and renewals shall be valid for 2 years, except that timely and complete application for license renewal by eligible applicants shall continue the validity of the licenses being renewed until the governing board has acted on the renewal application. Licenses issued pursuant to RSA 328-A, RSA 326-G, [and] RSA 326-J, **and RSA 326-M** shall expire in even-numbered years and licenses issued pursuant to RSA 326-C, RSA 326-E, RSA 326-F, and RSA 326-K shall expire in odd-numbered years.

7 Office of Professional Licensure and Certification; New Classified Position; Appropriation.

I. One program assistant II position, labor grade 15, is hereby established as a classified position in the office of professional licensure and certification.

II. The amount necessary to pay for the position established in paragraph I and for the per diem and travel reimbursement as required under RSA 328-F:6 for the music therapy governing board established in this act, which shall be in addition to any sums appropriated in 2019, 345:1, 01-21-21-215010-2406, for the division of health professions, is hereby appropriated to the executive director of the office of professional licensure and certification. Salaries and necessary expenses shall be a charge against the office of professional licensure and certification fund established in RSA 310-A:1-e.

8 Effective Date. This act shall take effect July 1, 2020.

**Amendment to HB 1287-FN
(2020-0712h)**

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

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

1 New Section; Accident and Health Insurance; Coverage for Long-Term Antibiotic Therapy for Tick-Borne Illness; Individual. Amend RSA 415 by inserting after section 6-x the following new section:

415:6-y Coverage for Long-Term Antibiotic Therapy for Tick-Borne Illness. 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 long-term antibiotic therapy for tick-borne illness when determined to be medically necessary and ordered by a licensed infectious disease physician after making a thorough evaluation of the patient's symptoms, diagnostic test results or response to treatment. 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, "long-term antibiotic therapy" means the administration of oral, intramuscular, or intravenous antibiotics singly or in combination, for periods of time in excess of 4 weeks.

2 New Section; Accident and Health Insurance; Coverage for Long-Term Antibiotic Therapy for Tick-Borne Illness; Group. Amend RSA 415 by inserting after section 18-bb the following new section:

415:18-cc Coverage for Long-Term Antibiotic Therapy Tick-Borne Illness. 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 long-term antibiotic therapy for tick-borne illness when determined to be medically necessary and ordered by a licensed infectious disease physician after making a thorough evaluation of the patient's symptoms, diagnostic test results or response to treatment. 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, "long-term antibiotic therapy" means the administration of oral, intramuscular, or intravenous antibiotics singly or in combination, for periods of time in excess of 4 weeks.

**Amendment to HB 1312
(2020-0811h)**

Proposed by the Majority of the Committee on Judiciary - r

Amend the bill by replacing section 1 with the following:

1 New Section; Penalties; Civil Contempt. Amend RSA 458 by inserting after section 52 the following new section:

458:53 Penalties; Civil Contempt. No family division circuit court shall incarcerate a person for civil contempt without written findings of fact to support such action.

2020-0811h

AMENDED ANALYSIS

This bill provides that no person shall be incarcerated for civil contempt without written findings of fact.

**Amendment to HB 1314
(2020-0591h)**

Proposed by the Committee on Executive Departments and Administration - c

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

AN ACT relative to the board of acupuncture licensing and the licensure of acupuncturists.

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

2 Board of Acupuncture Licensing; Qualification. Amend RSA 328-G:3, I(a)(1) to read as follows:

(1) ~~[Be NCCAOM certified and]~~ Hold a current, valid license to practice acupuncture ~~[in another state in which licensure requirements are substantially equivalent to, or higher than, those of this state, in the case of the initial board appointees, and a current, valid license to practice]~~ under this chapter~~[- in the case of subsequent board appointees].~~

3 Board of Acupuncture Licensing; Terms. Amend RSA 328-G:3, III to read as follows:

III. The terms of office shall be 3 years for all board members. ***No member shall serve more than 2 consecutive full terms.*** The initial board appointees shall consist of one acupuncturist for a term of 3 years, one acupuncturist for a term of 2 years, 2 acupuncturists for a term of one year each, and one public member for a term of 3 years. A member may be removed from office by the governor and council for malfeasance, misfeasance, or dishonorable conduct.

4 License Issuance; Certification. Amend RSA 328-G:9, II to read as follows:

II. The board shall issue a license to any applicant who satisfies all of the following requirements:

(a) Is 21 years of age or older.

(b) Has ~~[current, active]~~ NCCAOM certification ***or equivalent certification approved by the board, or has successfully passed the California acupuncture licensing examination (CALE),*** through examination or Credentials Documentation Review.

~~[(c) Has successfully completed an NCCAOM approved Clean Needle Technique Course.]~~

~~[(d)]~~ (c) Has paid the \$110 license fee and filed the application established by the board.

~~[(e)]~~ (d) Is of good moral character.

~~[(f)]~~ (e) Has earned a baccalaureate, registered nurse, or physician's assistant degree from an accredited institution. An applicant who possesses a current, valid license to practice acupuncture from another state who meets all other requirements of licensure may have this requirement waived at the discretion of the board.

~~[(g)]~~ (f) Has successfully completed a post-secondary acupuncture college program which is ACAOM or board approved. For one year from the date on which the first license is issued this requirement will be waived for an applicant who possesses a current, valid license to practice acupuncture in another state, provided that the applicant meets the other requirements of this chapter. After one year from the date on which the first license is issued, this requirement may only be waived at the discretion of the board. The board of acupuncture licensing will review on a case by case basis valid apprenticeship programs that demonstrate a balanced approach of clinical training and fundamental sciences and that conform to NCCAOM standards. In addition, all applicants who have not graduated from an accredited acupuncture school must show proof of successful completion of a college level course in anatomy and physiology.

5 License Renewal; Continuing Education. Amend RSA 328-G:9, X to read as follows:

X. As a condition of renewal of license, the board shall require each licensee to show proof of having completed for each biennial period 30 continuing education units at approved institutions or as approved by the board. Maintaining continuous NCCAOM certification ***or an equivalent certification approved by the board*** shall fulfill the continuing education requirement ~~[as long as NCCAOM certification continues to require at least 30 Professional Development Activity points for each biennium].~~

6 Acupuncture Detoxification Specialist; General Supervision. Amend RSA 328-G:9-a, II(b) to read as follows:

(b) "General supervision" includes, but is not limited to, being available by ***site visit***, phone, or other electronic means during business hours~~[, with at least 2 site visits by]~~ ***to*** a licensed acupuncturist ~~[a year],~~ ***a physician, or an osteopath licensed under RSA 329.***

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

2020-0591h

AMENDED ANALYSIS

This bill allows certain persons licensed by the board of acupuncture licensing who are doctors of acupuncture to use that title. The bill limits board of acupuncture licensing members to 2 consecutive full terms. The bill also provides for alternative certification for licensure or renewal and modifies a definition of general supervision of an acupuncture detoxification specialist.

Amendment to HB 1319

(2020-0995h)

Proposed by the Committee on Environment and Agriculture - r

Amend RSA 149-M:9, XV as inserted by section 1 of the bill by replacing it with the following:

XV. No permit shall be issued by the department for the siting of a new solid waste facility if any part of the actual solid waste disposal area is proposed to be located within 2 miles of the boundary of any state or national park. For purposes of this paragraph, "state park" means any state park managed by the state director of the division of parks and recreation pursuant to RSA 216-A:1-2. For purposes of this paragraph "national park" means the Appalachian National Scenic Trail as described in RSA 216-D:2 and the Saint-Gaudens National Historical Park. State or national park shall not include the state historic sites and recreational rail trails.

2020-0995h

AMENDED ANALYSIS

This bill prohibits the siting of new landfills or expansions of existing landfills near state parks or national parks. This bill also defines state and national parks for the purposes of prohibiting the siting of new landfills or expansions of existing landfills.

**Floor Amendment to HB 1319
(2020-1108h)**

Proposed by Rep. Bixby

Amend RSA 149-M:9, XV as inserted by section 1 of the bill by replacing it with the following:

XV. No permit shall be issued by the department for the siting of a new landfill, excluding expansions of existing landfills, if any part of the actual solid waste disposal area is proposed to be located within 2 miles of the boundary of any state or national park. For purposes of this paragraph, "state park" means any state park managed by the state director of the division of parks and recreation pursuant to RSA 216-A:1-2. For purposes of this paragraph "national park" means the Appalachian National Scenic Trail as described in RSA 216-D:2 and the Saint-Gaudens National Historical Park. State or national park shall not include the state historic sites and recreational rail trails.

2020-1108h

AMENDED ANALYSIS

This bill prohibits the siting of new landfills, excluding expansions of existing landfills, near state parks or national parks. This bill also defines state and national parks for the purposes of prohibiting the siting of new landfills or expansions of existing landfills.

**Amendment to HB 1320
(2020-0650h)**

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

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

AN ACT relative to renter's insurance notification.

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

1 New Section; Renter's Insurance Notification. Amend RSA 540 by inserting after section 28 the following new section:

540:28-a Renter's Insurance Notification. A landlord of a residential rental property that is rented for a duration of longer than one month, may include within the rental agreement a notification in bold print that informs the tenant 1) that the landlord's insurance does not cover the tenant's belongings from loss or damage; 2) that the landlord recommends that the tenant purchase renter's insurance; and 3) that the cost of the renter's insurance shall be borne by the tenant if the tenant decides to purchase the insurance. The inclusion of such notification in a rental agreement shall include a separate acknowledgment by the renter.

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

2020-0650h

AMENDED ANALYSIS

This bill provides for notification by a landlord of residential property which may be included in the rental agreement concerning loss or damage of the tenant's belongings and the purchase of renter's insurance by the tenant.

**Amendment to HB 1321
(2020-0557h)**

Proposed by the Majority of the Committee on Education - r

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

AN ACT relative to the chartered public school joint legislative oversight committee.

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

1 Chartered Public Schools; Oversight Committee. RSA 194-B:21 is repealed and reenacted to read as follows:

194-B:21 Oversight Committee; Report.

I. There is hereby established a joint legislative oversight committee. The committee shall meet jointly at least twice a year and shall monitor the effect of this chapter, review the chartered public school system, and make recommendations for any legislative changes. Where appropriate, the committee shall also make recommendations to the legislature to reduce the scope of, ease the administration of, simplify compliance with, eliminate regulations of, and reduce the amount of paperwork required.

II. The committee shall include the chairperson of the house education committee or designee, the chairperson of the senate education and workforce development committee or designee, the chairperson of the house finance committee or designee, one representative appointed by the speaker of the house of representatives, one senator appointed by the president of the senate, and one nonvoting representative of the department of education with expertise in charter schools, appointed by the commissioner of the department of education, who shall not be counted in the quorum.

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

IV. The members of the oversight committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the chairperson of the house education committee. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

V. The committee shall submit a written report of its findings and recommendations to the president of the senate, the speaker of the house of representatives, and the chairperson of the house education committee and the senate education and workforce development committee by September 1 of each year.

2 Duties of the State Board of Education. Amend RSA 194-B:17, VI to read as follows:

VI. The state board shall convene one or more working committees to study and make recommendations regarding the implementation and effectiveness of chartered public schools. The recommendations shall be provided to the legislative oversight committee in RSA 194-B:21 *by July 1 of each year.*

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

2020-0557h

AMENDED ANALYSIS

This bill establishes the chartered public school joint legislative committee.

Amendment to HB 1328

(2020-0670h)

Proposed by the Committee on Education - c

Amend RSA 193:3, I(g) as inserted by section 1 of the bill by replacing it with the following:

(g) If a student is reassigned as a result of a best interest determination, the superintendents involved in the reassignment shall jointly establish a tuition rate for such student. Some or all of the tuition may be waived by the superintendent of the receiving district for good cause shown or pursuant to school board policy of the receiving district. The school board of the student's district of residence shall approve the payment of tuition upon the superintendent's finding that is in the best interest of the student to be reassigned. Transportation shall be the responsibility of the parent or legal guardian.

Amend RSA 193:3, II(h)-III as inserted by section 1 of the bill by replacing them with the following:

(h) If a student is assigned to attend school in another district because of a manifest educational hardship, the district in which the student resides shall pay tuition to the district to which the child is reassigned. Such tuition shall be computed according to RSA 193:4. The school board of the district in which the student resides shall approve the tuition payment.

III. The state board of education may permit such child to withdraw from the school the student currently attends for such time as the state board deems necessary. Children with disabilities as defined in RSA 186-C:2 shall be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

III-a (a) A student reassigned under this section shall be counted in the average daily membership in residence of the student's resident school district. The student's resident district shall forward any tuition payment due to the district to which the student was reassigned.

(b) The superintendent of the student's resident school administrative unit shall notify the department of education within 30 days of any reassignment of students under this section.

(c) Nothing in this section shall alter or impair the right of a child with a disability, as defined in RSA 186-C:2, to be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

(d) The total reassignments or transfers in any one school year shall not exceed one percent of the average daily membership in residence of a school district, or 5 percent of the average daily membership in residence of any single school, whichever is greater, unless the school board votes to exceed this limit.

(e) The state board of education shall adopt rules, pursuant to RSA 541-A, relative to manifest educational hardship. Each school board shall establish a policy, consistent with the state board's rules, which shall allow a school board, with the recommendation of the superintendent, to take appropriate action including assignment to another public school or public academy within the district or to a public school or public academy in another district.

(f) Students re-assigned under this section shall meet the admission requirements of the school to which the student is re-assigned.

**Amendment to HB 1331
(2020-0471h)**

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

Amend the bill by replacing section 1 with the following:

1 Uniform Anatomical Gift Act; Honoring an Individual's Decision to Donate. Amend RSA 291-A:23 to read as follows:

291-A:23 Honoring an Individual's Decision to Donate. A person's decision to make a donation of that person's own body, organ, or tissue after death shall be honored ***and may not be revoked or amended by anyone after such individual's death.*** In the absence of a revocation or amendment ***by the individual prior to death,*** health care providers and procurement organizations shall act in accordance with the donor's decision and may take appropriate actions to effect the anatomical gift.

**Amendment to HB 1332
(2020-1086h)**

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 Pharmacists and Pharmacies; Prescriptions. Amend RSA 318:47-c, I(b) to read as follows:

(b) A patient shall be entitled to receive a paper prescription instead of an oral or electronically transmitted prescription, except prescriptions for controlled drugs as defined in RSA 318-B:1, VI.

2 New Paragraphs; Pharmacists and Pharmacies; Prescriptions. Amend RSA 318:47-c by inserting after paragraph II the following new paragraphs:

III.(a) Notwithstanding any provision of law to the contrary, no person shall issue a prescription for a controlled drug unless the prescription is made by electronic prescription from the person issuing the prescription to a pharmacy and the electronic prescription contains the information and signature required in paragraph II, except for prescriptions issued:

(1) In circumstances where electronic prescribing is not available due to temporary technological or electrical failure.

(2) By a practitioner to be dispensed by a pharmacy located outside of New Hampshire, provided that such pharmacy complies with the laws and regulations of the state where the pharmacy is located.

(3) When the prescriber is the dispenser.

(4) By a practitioner for a drug that the federal Food and Drug Administration (FDA) requires the prescription to contain certain elements that are not able to be accomplished with electronic prescribing.

(5) By practitioners who have received a waiver or a renewal thereof for a specified period determined by the board, not to exceed one year, from the requirement to use electronic prescribing, pursuant to a process established in rules of the board, due to economic hardship, technological limitations that are not reasonably within the control of the practitioner, or other exceptional circumstance demonstrated by the practitioner.

(6) In circumstances where electronic prescribing is not available due to RSA 318-B:2, VI-a.

(b) A pharmacist who receives a written, oral, or faxed prescription shall not be required to verify that the prescription properly falls under one of the exceptions under subparagraph (a). Pharmacists may continue to dispense medications from otherwise valid written, oral, or faxed prescriptions that are consistent with this section.

IV. Notwithstanding any provision of the law to the contrary, no pharmacist shall dispense a prescription for a controlled drug unless the prescription is made by an electronic prescription that includes the information and signature as provided in paragraph II, except for prescriptions excluded under subparagraph III(a).

3 New Paragraph; Controlled Drug Act; Acts Prohibited. Amend RSA 318-B:2 by inserting after paragraph VI the following new paragraph:

VI-a. No person or entity shall issue clinical decision support alerts or similar notices, warnings, or announcements by means of electronic health record software or similar electronic means designed to increase prescriptions for scheduled drug products, in violation of the Anti-Kickback Statute 42 U.S.C. section 1320a-7b(b), or with the intent to defraud the United States pursuant to 18 U.S.C. section 371.

4 New Paragraph; Consumer Protection; Acts Unlawful. Amend RSA 358-A:2 by inserting after paragraph XVII the following new paragraph:

XVIII. Issuing clinical decision support alerts or similar notices, warnings, or announcements by means of electronic health record software or similar electronic means designed to increase prescriptions for scheduled drug products, in violation of the Anti-Kickback Statute 42 U.S.C. section 1320a-7b(b), or with the intent to defraud the United States pursuant to 18 U.S.C. section 371.

5 Effective Date. This act shall take effect January 1, 2022.

**Amendment to HB 1345
(2020-0898h)**

Proposed by the Committee on Commerce and Consumer Affairs - r

Amend RSA 126-X:8, XX as inserted by section 4 of the bill by replacing it with the following:

XX. An alternative treatment center organized as a voluntary corporation under RSA 292 may, on or before December 31, 2020, convert from a voluntary corporation under RSA 292 to either a domestic business corporation organized under RSA 293-A or a limited liability company organized under RSA 304-C in any of the following ways:

(a) By adopting a plan of entity conversion in accordance with RSA 293-A or RSA 304-C, as applicable, that includes a provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, provided that each such conversion shall be authorized by a vote of 2/3 of the members of the board of directors at a meeting duly called for the purpose or by unanimous written consent.

(b) By adopting a plan of merger in accordance with RSA 293-A that includes a provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, for which the domestic business corporation shall be the surviving entity, provided that, such merger shall be authorized by a vote of 2/3 of the members of the board of directors of the alternative treatment center at a meeting duly called for the purpose or by unanimous written consent.

(c) By adopting a plan of merger in accordance with RSA 304-C that includes a provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, for which the domestic limited liability company shall be the surviving entity, provided that, such merger shall be authorized by a vote of 2/3 of the members of the board of directors at a meeting duly called for the purpose or by unanimous written consent.

Amend RSA 126-X:8, XXIV as inserted by section 4 of the bill by replacing it with the following:

XXIV.(a) Any alternative treatment center choosing to convert or merge pursuant to this section shall obtain an independent fair market valuation of its total assets as of June 30, 2020. The valuation of the total assets of such alternative treatment center, if positive, shall be distributed to one or more charitable organizations solely for charitable purposes. The director of charitable trusts shall receive a copy of the valuation and may file any objection relating thereto with the court within 60 days. Except as set forth in this section and notwithstanding any other law to the contrary, no portion of the assets of such alternative treatment center after the conversion or merger, as applicable, shall be deemed to be charitable assets.

(b) Any alternative treatment center choosing to convert or merge pursuant to this section shall submit a copy the plan of conversion or merger to the director of charitable trusts. The director may file an objection relating to the plan with the court within 60 days.

(c) Any alternative treatment center that has converted or merged pursuant to this section shall on December 31, 2020 and thereafter for 2 years file a letter with the director of charitable trusts certifying compliance with the requirements of RSA 128-X:8, XX.

Amend RSA 292:7, II as inserted by section 5 of the bill by replacing it with the following:

II. An alternative treatment center registered pursuant to RSA 126-X and organized under this chapter may, pursuant to RSA 126-X:8, XX, convert to either a domestic corporation organized under RSA 293-A or a limited liability company organized under RSA 304-C, and may merge with a domestic business corporation organized under RSA 293-A or a limited liability company organized under RSA 304-C.

**Amendment to HB 1346
(2020-0413h)**

Proposed by the Committee on Commerce and Consumer Affairs - c

Amend the bill by replacing section 1 with the following:

1 Insurance Coverage for Pediatric Autoimmune Neuropsychiatric Disorders; Report Required. The insurance commissioner shall solicit information and data from health insurance carriers regarding the effect of 2019, 277 (SB224) regarding insurance coverage for pediatric autoimmune neuropsychiatric disorders. The data collected shall include the number of pediatric autoimmune neuropsychiatric disorder cases diagnosed, treatment recommended by health care providers, denials of treatment approved by insurance carriers, number of appeals by insureds, and number of appeals granted by insurance carriers. The commissioner shall analyze the information and submit a report on or before November 1, 2023 to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate committees having jurisdiction over health and human services issues and over insurance issues.

**Amendment to HB 1360
(2020-1032h)**

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

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

1 New Paragraph; Child Protection Act; Confidentiality; Legislator's Access to Case Information. Amend RSA 169-C:25 by inserting after paragraph III the following new paragraph:

IV. An employee or representative of the department may discuss a proceeding under this chapter with a legislator if the child's parent has signed a consent form, authorizing the department to disclose information from case records and court records to the legislator. The legislator shall be bound by the confidentiality provisions of this section and RSA 170-G:8-a. The consent form shall include the text of both RSA 169-C:25 and RSA 170-G:8-a.

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

2020-1032h

AMENDED ANALYSIS

This bill permits a legislator to discuss an abuse and neglect case under RSA 169-C with the department of health and human services if the parent has signed a release permitting the disclosure of such information.

Amendment to HB 1368

(2020-0661h)

Proposed by the Committee on Education - c

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

1 School District Elections; Vacancies. Amend RSA 671:33, II(b) to read as follows:

(b) In a cooperative school district, the remaining school board members representing the same town or towns as the departed member shall fill a vacancy on the school board, provided that there are at least 2 such members. If there are less than 2 remaining members on the cooperative school board representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to fill the vacancy then the cooperative school district moderator shall make the appointment. ***All vacancies for at-large board members of the cooperative school district shall be filled by the moderator.*** A member appointed to fill a vacancy under this subparagraph shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term.

2 School District Elections; Vacancies. Amend RSA 671:33, IV to read as follows:

IV. In a cooperative school district, the remaining budget committee members representing the same town or towns as the departed member shall fill a vacancy on the budget committee, provided that there are at least 2 such members. If there are less than 2 remaining members on the budget committee representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to fill the vacancy then the cooperative school district moderator shall make the appointment. If the vacancy is for the cooperative school board representative to the cooperative school district budget committee, such vacancy shall be filled by the cooperative school board. ***All vacancies for at-large members of the cooperative school district budget committee shall be filled by the moderator.*** A member appointed to fill a vacancy under this subparagraph shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term.

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

Amendment to HB 1376

(2020-0807h)

Proposed by the Committee on Judiciary - r

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

AN ACT relative to the sharing of location information by mobile telecommunications services, and establishing a civil penalty and civil cause of action for unauthorized sharing of electronic location information.

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

1 New Section; Unauthorized Disclosure of Location Information. Amend RSA 507 by inserting after section 8-i the following new section:

507:8-j Unauthorized Disclosure of Location Information.

I. In this section:

(a) "Location" means information related to the physical or geographical location of a person or the person's mobile communications device, regardless of the particular technological method used to obtain this information.

(b) "Mobile telecommunications service" means a service offered to the public for a fee that transmits sounds, images, or data through wireless telecommunications technology.

(c) "Share" means to make location data available to another person, for a fee or otherwise.

II. A mobile telecommunications service may share location information of a person only to fulfill an explicit request from that person and not for any other purpose, unless the person has affirmatively waived such right after being properly informed. For purposes of this section, continuing to use a service or website shall not be considered an affirmative waiver.

III. Notwithstanding paragraph II, a mobile telecommunications service may provide a customer's location data:

(a) To comply with an explicit court order or other requirement of law.

(b) To law enforcement officials who have a warrant based on probable cause and signed by a judge.

(c) To an emergency service agency responding to an emergency communication or an imminent threat to life or property.

IV. A mobile telecommunications service that violates this section shall be subject to a civil penalty of not less than \$1,000 nor more than \$10,000 per day for each violation. Any person whose rights under this section have been violated shall have a right of action against the mobile telecommunication service, including the right to court costs and reasonable attorney's fees as the prevailing party.

2 Effective Date. This act shall take effect January 1, 2021.

2020-0807h

AMENDED ANALYSIS

This bill:

I. Prohibits mobile telecommunications services from sharing location information.

II. Establishes a civil penalty for unauthorized disclosure of electronic location information.

III. Establishes a private right of action in favor of a person whose location information was disclosed.

Amendment to HB 1380

(2020-0887h)

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

Amend RSA 270:74-c, II as inserted by section 1 of the bill by replacing it with the following:

II. No person shall operate a personal water craft within 300 feet of any marsh land or flat in the Hampton/Seabrook estuary, *within 300 feet of the Rye marsh areas to include Witch Creek, Seavey Creek, Berry's Brook, Parson's Creek, Awcomin Marsh, and Rye Harbor Marsh, or within the New Castle Goat Island Back Channel Mooring Field as defined in rules adopted by the Pease Development Authority Pda 500, or that area marked between Shapleigh Island and Goat Island to Red Nun #4 to the Wentworth Bridge, to include the areas around Pest, Leaches, and Clampit Islands*, without regard to tide height. *This paragraph shall not apply to water craft operated by police, fire, or other emergency services.*

Amendment to HB 1391-FN

(2020-0820h)

Proposed by the Committee on Judiciary - r

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

AN ACT relative to pet deposits under a lease or rental agreement.

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

1 New Paragraph; Security Deposits; Definitions. Amend RSA 540-A:5 by inserting after paragraph IV the following new paragraph:

V. "Pet deposit" means funds that are transferred from a tenant to the landlord for the sole purpose of reimbursing a landlord for damage to a rental unit or common areas caused by the tenant's pet.

2 New Section; Security Deposits; Pet Deposits. Amend RSA 540-A by inserting after section 6 the following new section:

540-A:6-a Pet Deposits.

I. Notwithstanding RSA 540-A:5 or RSA 540-A:6, in addition to a security deposit of up to one month's rent, a landlord may collect a pet deposit in an amount of up to one-half of one month's rent.

II. Except as authorized in RSA 161-F:32, no landlord shall collect or attempt to collect a pet deposit for:

(a) A support or service animal to which a person with disabilities would be entitled pursuant to the Federal Fair Housing Act (42 U.S.C. 3604(f)(3)(B)); or

(b) An animal which a tenant was permitted to have in her or his household prior to the effective date of this section.

III. Any provision of a written lease or rental agreement which provides for a pet deposit shall contain the following language: "NO PET DEPOSIT IS REQUIRED FOR A SERVICE OR SUPPORT ANIMAL TO WHICH A PERSON WITH DISABILITIES IS ENTITLED TO UNDER THE FEDERAL FAIR HOUSING ACT (42 USC 3604 (f)(3)(B))."

IV. Except as provided in this section, the provisions of RSA 540-A:7, I and RSA 540-A:8 shall apply to pet deposits; provided that for a violation of RSA 540-A:6-a, III, a landlord shall be liable to a tenant who has a pet and has paid a pet deposit, in the amount of \$100.

3 Effective Date: This act shall take effect upon its passage.

2020-0820h

AMENDED ANALYSIS

This bill adds requirements for the establishment and enforcement of a pet deposit by a landlord under a lease or rental agreement with a tenant.

Amendment to HB 1401

(2020-0379h)

Proposed by the Majority of the Committee on Transportation - r

Amend RSA 265:107:-b, II as inserted by section 1 of the bill by replacing it with the following:

II. The fine for a violation of this section shall be \$100, provided that a police officer may enforce the provisions of this section only as a secondary action when the police officer detains a driver of a motor vehicle for a suspected violation of another provision of Title XXI.

Amendment to HB 1404

(2020-0647h)

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 HIV/AIDS prophylaxis treatment for minors without parental consent.

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

1 Sexually Transmitted Disease. Amend RSA 141-C:18, II to read as follows:

II. Any minor 14 years of age or older may voluntarily submit ~~himself~~ to medical diagnosis ~~and~~, treatment ~~for~~ **or prevention of, or both**, a sexually transmitted disease and a licensed physician, **physician assistant, or advanced practice registered nurse** may diagnose, treat or prescribe for the treatment **or prevention of, or both**, of a sexually transmitted disease in a minor 14 years of age or older, without the knowledge or consent of the parent or legal guardian of such minor.

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

2020-0647h

AMENDED ANALYSIS

This bill clarifies the law allowing minors to voluntarily submit themselves for testing for sexually transmitted diseases.

Amendment to HB 1407

(2020-0765h)

Proposed by the Committee on Executive Departments and Administration - c

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

1 Administrative Procedure Act; Definition of Form. RSA 541-A:1, VII-a is repealed and reenacted to read as follows:

VII-a. "Form" means a document, whether hardcopy or electronic, with blank spaces for insertion of required or optional information, which must be submitted to the agency by persons outside the agency, such as, but not limited to, licensing applications, petitions, or requests. The term does not include a document that is called a form by the agency but which does not have blank spaces for insertion of information by persons outside the agency.

2 Public Hearing and Comment. Amend RSA 541-A:11, I(a) to read as follows:

I.(a) Each agency shall hold at least one public hearing on all proposed rules filed pursuant to RSA 541-A:3 and shall afford all interested persons reasonable opportunity to testify and to submit data, views, or arguments in writing or, if practicable for the agency, in electronic format, in accordance with the terms of the notice filed pursuant to RSA 541-A:3, I and the provisions of this section. The office of legislative services shall provide oral or written comments on potential bases for committee objection under RSA 541-A:13, IV in a form and manner determined by the director of the office of legislative services. Each agency shall require all materials submitted in writing to be signed by the person who submits them, and the agency shall transfer to hard copy, if practicable for the agency, all materials submitted as diskette, electronic mail, or other electronic format. Copies of the proposed rule **and of any draft new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which the rule incorporates by reference or whose requirements are set forth in the rule pursuant to RSA 541-A:19-b**, shall be available to the public under RSA 91-A and at least 5 days prior to the date of the hearing.

3 New Paragraph; Filing of Final Proposal. Amend RSA 541-A:12 by inserting after paragraph II the following new paragraph:

II-a. The agency shall file with the final proposal a copy of any related new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which has been incorporated by reference in the final proposed rule or whose requirements are set forth in the final proposed rule pursuant to RSA 541-A:19-b.

4 Review by the Joint Legislative Committee on Administrative Rules; Basis for Objection. Amend RSA 541-A:13, IV(c) to read as follows:

(c) Determined not to be in the public interest, ***including the existence of substantive inconsistencies between a form and the rule where the form is incorporated by reference or which sets forth the requirements of the form, pursuant to RSA 541-A:19-b***; or

5 Final Adoption. Amend RSA 541-A:14, III to read as follows:

III. The agency shall file ~~[all adopted rules]~~ with the director of legislative services ***all adopted rules and any related new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which the rules incorporate by reference or whose requirements are set forth in the rules pursuant to RSA 541-A:19-b***.

6 New Paragraph; Interim Rules. Amend RSA 541-A:19 by inserting after paragraph IV the following new paragraph:

IV-a. The agency shall file with the proposed interim rule a copy of any related new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which has been incorporated by reference in the proposed interim rule or whose requirements are set forth in the proposed interim rule pursuant to RSA 541-A:19-b.

7 Interim Rules; Basis for Objection. Amend RSA 541-A:19, VII(c) to read as follows:

(c) Determined not to be in the public interest, ***including the existence of substantive inconsistencies between a form and the rule where the form is incorporated by reference or which sets forth the requirements of the form, pursuant to RSA 541-A:19-b***; or

8 Interim Rules. Amend RSA 541-A:19, X to read as follows:

X. No proposed interim rule shall be adopted unless the committee has voted to approve the proposed interim rule or conditionally approve the proposed interim rule, provided that the committee legal counsel has sent written confirmation to the agency pursuant to RSA 541-A:19, VIII(b). An adopted interim rule, ***and any new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which the rule incorporates by reference or the requirements for which are set forth in the rule pursuant to RSA 541-A:19-b***, shall be filed with the director of legislative services no later than 30 days following committee approval or conditional approval. An interim rule shall be effective under RSA 541-A:16, III on the day after filing with the director of legislative services, or at a later date, provided the agency so specifies in a letter to the director of legislative services and the effective date is within 30 days following committee approval or conditional approval. Interim rules shall be effective for a period not to exceed 180 days. During the time an interim rule shall be in effect, the agency may propose a permanent rule to replace the interim rule once it expires, but it shall not adopt another interim rule to replace the expiring interim rule.

9 Adoption of Forms. Amend RSA 541-A:19-b to read as follows:

541-A:19-b Adoption of Forms. An agency may adopt a form as defined in RSA 541-A:1, VII-a, ***either*** by incorporating the actual form by reference ***in a rule***, or by setting forth the requirements of the form in rules, adopted according to the procedures in this chapter ***and in compliance with the drafting and procedure manual pursuant to RSA 541-A:8***. ***No new or amended form shall be effective and enforceable pursuant to RSA 541-A:22, I unless the form has been adopted in accordance with this chapter.***

10 Revisions to Forms; Expedited Procedure. Amend RSA 541-A:19-c to read as follows:

541-A:19-c Revisions to Forms; Expedited Procedure.

I. An agency may make editorial changes to a previously adopted form without following the procedures required in RSA 541-A:19-b, in this section, or in RSA 541-A:3, ***but shall notify the office of legislative services of any proposed editorial changes in accordance with the drafting and procedure manual pursuant to RSA 541-A:8***.

II. An agency may revise ~~[a form as defined in RSA 541-A:1, VII-a without meeting the requirements of RSA 541-A:5-7]~~ ***substantively the requirements on a previously adopted form as defined in RSA 541-A:1, VII-a, and amend the relevant provisions in the rule which set forth the requirements of the form or incorporate the form by reference pursuant to RSA 541-A:19-b, without meeting the requirements of RSA 541-A:5, RSA 541-A:6, and RSA 541-A:9-14 [either in accordance with RSA 541-A:19-b or] by providing notice and adopting the amended form in accordance with paragraphs III through VII.***

III. Notice of an agency's intent to ~~[adopt a form or amendment to a form]~~ ***amend a form and amend the relevant, affected rule*** shall include:

- (a) The name and address of the agency.
- (b) The statutory authority for the form.

(c) *The rule number and title of the affected rule to be amended, and whether the action is an amendment or readoption with amendment of the rule as described in the drafting and procedure manual pursuant to RSA 541-A:8.*

(d) An explanation of the reason for the proposed ~~[adoption or]~~ amendment of a form **and a summary of the existing, affected rule and the proposed amendment to the form and the rule.**

~~[(d)]~~ (e) The name, address, electronic address, and telephone number of an individual in the agency able to answer questions about the proposed form.

~~[(e)]~~ (f) The deadline for receipt by the agency of written or electronic public comment, which shall be no sooner than the 7th calendar day after the date of publication of the notice in the rulemaking register.

III-a. The amended rule to be filed shall include only those relevant provisions of the rule, as described in the drafting and procedure manual, pursuant to paragraph II, and neither the amended form nor the amended rule shall have a fiscal impact which would otherwise require a fiscal impact statement pursuant to RSA 541-A:5.

IV. **The agency shall file a copy of the amended form, the amended rule including an appendix pursuant to RSA 541-A:3-a, and** the notice required by paragraph III ~~[shall be filed]~~ with the director of legislative services, ~~[for publication]~~ **who shall publish the notice** in the rulemaking register. ~~[A copy of the form to be adopted shall be filed with the notice.]~~

V. If on the basis of public comment the official or the group of individuals with rulemaking authority determines that the form should not be ~~[adopted]~~ **amended**, the agency shall so notify the director of legislative services and the form shall not be ~~[adopted]~~ **amended**.

VI. The proposed form **as amended and amended rule** shall be placed on the agenda of the committee for review at the first regularly scheduled or special meeting at least 5 calendar days after the close of the period for written or electronic comment described in subparagraph III(e). The committee may approve or object to the form. The committee may object to the adoption of the form **as amended and the affected rule** if the form is:

(a) Beyond the authority of the agency;

(b) Contrary to the intent of the legislature; ~~or]~~

(c) **Deemed not to be in the public interest, including the existence of substantive inconsistencies between the form and the rule where the form is incorporated by reference or which set forth the requirements of the form pursuant to RSA 541-A:19-b; or**

(d) Deemed by the committee not to meet the requirements of this section, **including due to the existence of a fiscal impact.**

VII. Subsequent review and adoption of the form **as amended and the affected rule** shall be as provided in RSA 541-A:13 for final proposed rules.

11 Validity of Rules. Amend RSA 541-A:22, I to read as follows:

I. No agency rule, **including a form**, is valid or effective against any person or party, nor may it be enforced by the state for any purpose, until it has been filed as required in this chapter and has not expired.

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

Amendment to HB 1410

(2020-0723h)

Proposed by the Committee on Commerce and Consumer Affairs - r

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

AN ACT prohibiting the use of flavors in vaping products.

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

1 New Section; Youth Access to Tobacco Products; Flavors in E-Liquids. Amend RSA 126-K by inserting after section 4-a the following new section:

126-K:4-b Flavors Prohibited in E-Liquids.

I. Flavors shall be prohibited in e-cigarettes and other vaping products for any person under age 21.

II. For cartridges used in e-cigarettes and other vaping devices, all flavors other than menthol and tobacco shall be prohibited for all persons. Refillable tanks shall be exempted from the prohibition under this paragraph.

2 New Section; Alcoholic Beverages; Tobacco Products; Flavors in E-Liquids. Amend RSA 175 by inserting after section 5-b the following new section:

175:5-c Flavors Prohibited in E-Liquids.

I. Flavors shall be prohibited in e-cigarettes and other vaping products for any person under age 21.

II. For cartridges used in e-cigarettes and other vaping devices, all flavors other than menthol and tobacco shall be prohibited for all persons. Refillable tanks shall be exempted from the prohibition under this paragraph.

3 Effective Date. This act shall take effect January 1, 2021.

2020-0723h

AMENDED ANALYSIS

This bill prohibits flavors from being added to e-liquids or other vaping products for any person under age 21. This bill prohibits flavors other than menthol and tobacco for cartridges used in e-cigarettes and other vaping devices for all persons.

Amendment to HB 1414**(2020-0429h)****Proposed by the Committee on Resources, Recreation and Development - c**

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

AN ACT relative to penalties for improper timber harvesting.

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

1 Timber Harvesting; Trespass; Civil Penalty. Amend RSA 227-J:8, I to read as follows:

I. No person shall negligently cut, fell, destroy, injure, or carry away, ***or cause to be cut, felled, destroyed, injured, or carried away***, any tree, timber, log, wood, pole, underwood, or bark which is on the land of another person, or aid in such actions without the permission of that person or the person's agent.

2 Timber Harvesting; Trespass; Criminal Penalty. Amend RSA 227-J:8-a, I to read as follows:

I. No person shall recklessly cut, fell, destroy, injure, or carry away, ***or cause to be cut, felled, destroyed, injured, or carried away***, any tree, timber, log, wood, pole, underwood, or bark which is on the land of another person, or aid in such actions without the permission of that person or the person's agent.

3 Effective Date. This act shall take effect January 1, 2021.

2020-0429h

AMENDED ANALYSIS

This bill provides that any person who negligently or recklessly causes timber to be cut on the land of another shall be guilty of trespass under RSA 227-J, relative to timber harvesting.

Amendment to HB 1415**(2020-0730h)****Proposed by the Committee on Election Law - r**

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

AN ACT establishing a committee to study campaign finance disclosure laws and anonymous contributions, receipts, and expenditures.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study campaign finance disclosure laws and anonymous contributions, receipts, and expenditures.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the campaign finance disclosure laws, including the Montana Disclosure Act of 2015, and anonymous contributions, receipts, and expenditures to determine whether any New Hampshire laws can be amended or enacted to facilitate transparency.

2020-0730h

AMENDED ANALYSIS

This bill establishes a committee to study campaign finance disclosure laws and anonymous contributions, receipts, and expenditures.

Amendment to HB 1417**(2020-0989h)****Proposed by the Committee on Commerce and Consumer Affairs - r**

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

1 Regulation of Biometric Information; Definitions. Amend RSA 359-N:1 to read as follows:

359-N:1 Definitions. In this chapter:

I.(a) "Biometric data" includes, but is not limited to, the following:

[(a)] (1) Fingerprints, palm prints, and other methods for measuring or recording ridge pattern or fingertip characteristics.

[(b)] (2) Facial feature pattern characteristics.

[(c)] (3) Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence.

[(d)] (4) Voice data used for comparing live speech with a previously-created speech model of a person's voice.

[(e)] (5) Iris recognition data containing color or texture patterns or codes.

~~[(f)]~~ (6) Keystroke dynamics, measuring pressure applied to key pads.

~~[(g)]~~ (7) Hand geometry, measuring hand characteristics, including the shape and length of fingers, in 3 dimensions.

~~[(h)]~~ (8) Retinal scans, reading through the pupil to measure blood vessels lining the retina.

~~[(i)]~~ (9) DNA/RNA *or representations thereof*.

(b) Biometric data does not include the following:

(1) Surveillance footage used for security purposes, if such footage is not used to identify, collect, or use biometric data.

(2) Data collected or used by a health care provider, as defined in RSA 141-C:2, pursuant to the Health Insurance Portability and Accountability Act, and implementing regulations, if the collection or use complies with such law and regulations.

(3) Data collected or used pursuant to the Gramm-Leach-Bliley Act, and implementing regulations, if the collection or use complies with such law and regulations.

II. "Consent" means a clear affirmative act taken after receiving explicit notice that biometric data will be collected and signifying a freely given, specific, informed, and unambiguous indication of a consumer's agreement to the collection, use, or retention of personal data relating to the consumer, such as by a written statement, including by electronic means.

~~[H.]~~ **III.** "Government agency" includes any employee, agent, elected official or entity of the state, a municipality, or any other political subdivision of the state of New Hampshire.

IV. "Private entity" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust, or other form of organization.

2 Collection of Biometric Data Prohibited. Amend RSA 359-N:2, III to read as follows:

III. No private entity shall require an individual to disclose or provide biometric data as a condition of doing business with, engaging in any business activity or relationship with, or obtaining services from that private entity, unless the good, service, or activity provided by the private entity cannot be provided without the collection of biometric information from an individual. A private entity shall not collect, use, or retain the biometric information of an individual without the individual's consent and shall not condition access to its good, service, or activity on the provision of biometric data.

~~[HH.]~~ **IV.** Nothing in paragraphs ~~[I and H]~~ **I-III** shall prohibit the disclosure, collection, or retention of biometric data from applicants for and persons employed in positions with state, county, or local public safety agencies *or private entities* as part of the employment screening process, or for obtaining required security clearances, or in connection with investigations of internal misconduct or crimes and offenses **as long as the biometric data is used solely for such purposes.**

3 Regulation of Biometric Information; Violation; Civil Action. Amend RSA 359-N:4 to read as follows:

359-N:4 Violation; Civil Action. Any individual aggrieved by a violation of this chapter, including the loss or misuse of biometric data lawfully collected under RSA 359-N:2 or 359-N:3, may bring a civil action against a government agency *or private entity* under this section to obtain the following:

I. An injunction of the agency *or private entity* practice;

II. Actual damages or \$2,500 for each violation, whichever is greater; and

III. Reasonable attorney's fees and court costs.

4 Effective Date. This act shall take effect January 1, 2021.

2020-0989h

AMENDED ANALYSIS

This bill expands the prohibition against collecting biometric data to private entities.

Amendment to HB 1421-LOCAL

(2020-0705h)

Proposed by the Committee on Municipal and County Government - c

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

AN ACT establishing a commission to study the equalization rate 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.

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

1 New Section; Commission to Study the Equalization Rate Used for the Calculation of a Property Tax Abatement. Amend RSA 76 by inserting after section 20 the following new section:

76:20-a Commission to Study the Equalization Rate Used for the Calculation of a Property Tax Abatement.

I. There is established a commission to study the equalization rate used for the calculation of a property tax abatement. The commission shall consider the inequity in the current system of equalization and estab-

lish a method to eliminate the use of 2 separate equalization rates, reported by the department of revenue administration, in 2 separate years, one of which is used for tax assessment purposes and one of which is used for tax appeal purposes, so that the same equalization rate is used by the New Hampshire board of tax and land appeals, the superior court, and all cities, towns, and counties.

II. The commission shall be composed of the following members:

- (a) One member of the assessing standards board, appointed by the board.
- (b) One member representing the certified municipal assessing officials, appointed by the New Hampshire Association of Assessing Officials.
- (c) The commissioner of the department of revenue administration, or designee.
- (d) Two members of the house of representatives, both of whom are members of the municipal and county government committee, appointed by the speaker of the house of representatives.
- (e) One member of the senate, appointed by president of the senate.
- (f) Three public members, appointed by the New Hampshire Municipal Association, one of whom shall be a municipal attorney practicing before the board of tax and land appeals and superior court in tax abatement cases, one of whom shall be a municipal official of a town or city with relevant tax abatement and equalization experience, and one of whom shall be a member of the public, engaged in property valuation for municipalities.

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

IV. The commission shall study and report as to whether legislation is recommended to correct the inequity in the tax appeal process by establishing a method to eliminate the use of 2 separate equalization rates reported by the department of revenue administration in 2 separate years, with one rate used for tax assessment purposes and the other rate used for tax appeal purposes, so that the same equalization rate is used for both tax assessment purposes and in any subsequent appeal to the board of tax and land appeals or the superior court.

V. The members of the commission shall elect a chairperson among the members. The first meeting of the commission shall be held no later than February 1, 2021, and shall be called by the first-named house member.

VI. The commission shall report its findings and any recommendations for legislation to the speaker of the house of representatives, the senate president, the house and senate clerks, and the governor on or before November 1, 2021.

2 Repeal. RSA 76:20-a, relative to the commission to study the equalization rate used for the calculation of a property tax abatement, 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.

2020-0705h

AMENDED ANALYSIS

This bill establishes a commission to study the equalization rate used for the calculation of a property tax abatement.

Amendment to HB 1422-FN

(2020-0958h)

Proposed by the Minority of the Committee on Environment and Agriculture - r

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

AN ACT establishing a moratorium on the issuance of permits for new landfills.

Amend RSA 149-M:9-a as inserted by section 1 of the bill by replacing it with the following:

149-M:9-a Moratorium. The department shall not issue any permit for the creation of new private solid waste disposal facilities in New Hampshire under RSA 149-M:9 after July 1, 2020. Nothing in this section shall be construed to limit the issuance of permits related to the expansion of existing solid waste disposal facilities in New Hampshire.

2020-0958h

AMENDED ANALYSIS

This bill establishes a 2 year moratorium on the issuance of permits for new landfills.

Amendment to HB 1423

(2020-0844h)

Proposed by the Minority of the Committee on Education - r

Amend the bill by replacing section 1 with the following:

1 Education Tax Credit Scholarships; Scholarship Organization Reports. Amend RSA 77-G:1, XIX to read as follows:

XIX. "Scholarship organization report" means a document developed by the department of revenue administration and submitted by [a] **each** scholarship organization to the department of revenue administration that shall be a public record, notwithstanding RSA 21-J:14, and contains at a minimum:

(a) The number **and dollar range** of scholarships granted under subparagraph VIII(a)(1), and the percentage of these students who were eligible for the federal free and reduced-price meal program in the prior year.

(b) The number **and dollar range** of scholarships granted under subparagraph VIII(a)(2), and the percentage of these students who were eligible for the federal free and reduced-price meal program in the prior year.

(c) The number **and dollar range** of scholarships granted under subparagraph VIII(a)(3), and the percentage of these students who were eligible for the federal free and reduced-price meal program in the prior year.

(d) The total dollar amount of all scholarships granted.

(e) The total dollar amount of donations spent on administrative expenses pursuant to RSA 77-G:5, I(f).

(f) The total dollar amount to be carried forward pursuant to RSA 77-G:5, I(g).

(g) The total dollar amount of donations used and not used for scholarships.

(h) The number of scholarships granted.

(i) The number of scholarships distributed by the organization, per school, [and] the dollar range of those scholarships **and the total dollar amount of scholarships to each school**. All home educated students shall be totaled together as a single school.

(j) **The percentage of scholarship expenses for each home educated scholarship expense category.**

(k)(1) The number of students who apply and do not receive a scholarship.

(2) An analysis, broken down by zip code, of the place of residence for each student receiving a scholarship under this program.

~~[(k)]~~ **(l)(1)** The aggregated results from a survey, designed by the department of revenue administration, and administered by the scholarship organization, which shall solicit information from [at least 90 percent of] **all** the parents or legal guardians of participating students, broken down by the number of years in the program. In each case, the respondent shall be asked to gauge their level of agreement with the statement as follows: "strongly agree," "agree," "no change," "disagree," "strongly disagree." The following statements shall be included in the survey:

(A) I am satisfied with the school my child is attending as compared to the school my child attended prior to the availability of the education tax credit program.

(B) My child has seen a measurable improvement in academic achievement **with a description of how this was determined**.

(C) My child would have been unable to attend the school of his or her choice without the education tax credit program.

(2) The survey shall include the following [question] **questions** to the parent or legal guardian of a participating student:

(A) "Excluding the education tax credit scholarship, how much did you pay out of pocket for your child to attend school this year?"

(B) **"Was your main reason for applying to the education tax credit scholarship program safety, academics, special needs, discipline, or other?"**

~~[(h)]~~ **(m)** The aggregated results from a survey, designed by the department of education, and administered by the scholarship [organization] **organizations**, which shall solicit and receive information from the parents or legal guardians of participating students who graduated or stopped attending 2 years prior. A parent's or legal guardian's response to the survey shall be [optional] **required**. Results shall be aggregated by the scholarship organization and published by the department of education. The survey shall solicit the following information:

(1) Whether the student is attending a private, public, community, or vocational college, or otherwise employed or unemployed.

(2) Whether the student graduated or not.

~~[(m)]~~ **(n)** The number of participating students who graduated from high school in the previous year, and the number that dropped out of school.

~~[(n)]~~ **(o)** A signed statement that the scholarship organization acknowledges compliance with the provisions of this chapter.

~~[(o)]~~ **(p)** An explanation of information omitted from the report because it would reveal private data about an individual student.

~~[(p)]~~ The name of any other scholarship organizations who have agreed to combine their data with the scholarship organization for the purposes set forth in RSA 77-G:2, II. The agreement shall only be considered valid if each scholarship organization lists the other scholarship organizations in the agreement.]

**Amendment to HB 1424
(2020-0630h)**

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

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

AN ACT allowing alternative treatment centers to acquire and use in manufacturing hemp-derived cannabidiol (CBD) isolate.

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

1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers; Requirements. Amend RSA 126-X:8 by inserting after paragraph XVIII the following new paragraph:

XIX. An alternative treatment center may acquire, and may use in the manufacture of cannabis concentrate and cannabis infused products, hemp-derived cannabidiol, or CBD, isolate that is not produced by an alternative treatment center in New Hampshire. All such CBD isolate, and all cannabis concentrate and cannabis infused products manufactured from such CBD isolate, shall be tested for contaminants and cannabinoid profile in accordance with this chapter and department rules.

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

2020-0630h

AMENDED ANALYSIS

This bill allows alternative treatment centers to acquire and use in manufacturing hemp-derived cannabidiol (CBD) isolate.

**Amendment to HB 1425-FN
(2020-0755h)**

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

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

AN ACT directing the department of environmental services to publish an advisory to public schools on the risks associated the use of food containers containing polyfluoralkyl substances and polystyrene and establishing a committee to study how to remove food containers containing polyfluoroalkyl substances and polystyrene from schools.

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

1 Department of Education; Department of Environmental Services. The department of education, in consultation with the department of environmental services, shall publish an advisory to all public schools explaining the environmental and health risks associated with food containers containing polyfluoroalkyl substances (PFAS) and polystyrene.

2 Committee Established. There is established a committee to study how to remove food containers containing polyfluoroalkyl substances (PFAS) and polystyrene from schools.

3 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) 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.

4 Duties. The committee shall examine options for the removal of PFAS and polystyrene food containers for public schools including alternatives to food containers using PFAS and polystyrene. The committee shall also develop legislation to be filed with its report.

5 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.

6 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.

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

2020-0755h

AMENDED ANALYSIS

This bill directs the department of education to publish an advisory to public schools on the risks associated the use of food containers containing polyfluoralkyl substances and polystyrene and establishes a committee to study how to remove food containers containing polyfluoroalkyl substances and polystyrene from schools.

**Amendment to HB 1430
(2020-0519h)**

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

Amend RSA 125-O:5-b, II as inserted by section 1 of the bill by replacing it with the following:

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

- (a) Three members of the house of representatives, who shall be members of the science, technology and energy committee, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) The director of the office of strategic initiatives, or designee.
- (d) The commissioner of the department of environmental services, or designee.
- (e) The president of the New Hampshire Electric Cooperative, or designee.
- (f) The chief executive officer of Liberty Utilities, or designee.
- (g) The president of Eversource Energy, or designee.
- (h) The president of Unitil, or designee.
- (i) The president of NextEra Energy, or designee.

Amend RSA 125-O:5-b, V(e) as inserted by section 1 of the bill by replacing it with the following:

(e) ISO-NE analysis of the megawatt hour growth resulting from the beneficial electrification of all relevant sectors, including transportation, home heating, and elective power usage through 2030.

Amend the bill by replacing section 3 with the following:

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 1432
(2020-0842h)**

Proposed by the Minority of the Committee on Education - r

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

1 New Paragraph; Statewide Performance Targets; High School Competency Assessments. Amend RSA 193-H:2 by inserting after paragraph III the following new paragraph:

IV. Every high school, as defined in RSA 194:23, shall have in place a competency assessment for each course offered in the high school. In this section, competency assessment means a process that provides feedback for student learning of course knowledge, skills, and work-study practices. Competency assessment may include, but not be limited to, locally-developed common performance assessments, exhibits, portfolios, or end-of-course assessments designed to identify student understanding of standards within the course content domain.

2 Effective Date. This act shall take effect June 30, 2021.

2020-0842h

AMENDED ANALYSIS

This bill requires high schools to develop competency assessments for each course offered.

**Amendment to HB 1435
(2020-0835h)**

Proposed by the Majority of the Committee on Education - r

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

AN ACT relative to the powers of the state board of education.

Amend the bill by replacing section 1 with the following:

1 State Board of Education; Powers. Amend RSA 186:5 to read as follows:

186:5 Powers. The state board shall: ~~[have the same powers of management, supervision, and direction over all public schools in this state as the directors of a business corporation have over its business, except as otherwise limited by law. It may make all rules and regulations necessary for the management of its own business and for the conduct of its officers, employees, and agents, and to secure the efficient administration of the public schools and the administration of the work of Americanization, in teaching English to non-English-speaking adults and in furnishing instruction in the privileges, duties, and responsibilities of citizenship, which is hereby declared to be an essential part of public school education. It shall be the duty of school boards and employees of school districts to comply with the rules and regulations of the state board.]~~

I. Regularly review all programs and activities of the department of education and make recommendations to the commissioner of education with regard to such programs and activities.

II. Advise the commissioner of education relative to department goals, information gathering, and any other aspect of elementary and secondary education within the state of New Hampshire.

III. Hear appeals and issue decisions, which shall be considered final decisions of the department of education for purposes of RSA 541, of any dispute between individuals and school systems or the department of education, except those disputes governed by the provisions of RSA 21-N:4, III.

IV. Appoint members of the professional standards board and other advisory bodies as provided by law.

V. Adopt rules as provided in RSA 21-N:9. It shall be the duty of school boards and governing boards of chartered public schools to comply with the rules and regulations of the state board.

2020-0835h

AMENDED ANALYSIS

This bill modifies the powers of the state board of education.

Amendment to HB 1440

(2020-0669h)

Proposed by the Committee on Commerce and Consumer Affairs - c

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

AN ACT relative to insurance credentialing of out-of-state applicants for licensure as alcohol and drug counselors.

Amend the bill by deleting sections 1-3 and renumbering the original sections 4-5 to read as 1-2, respectively.

2020-0669h

AMENDED ANALYSIS

This bill adds out-of-state applicants for licensure as licensed alcohol and drug counselors, licensed clinical supervisors, or master licensed alcohol and drug counselors to insurance credentialing verification requirements.

Amendment to HB 1444-FN

(2020-0514h)

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 requiring the adoption of innovative vehicle emissions standards pursuant to section 177 of the federal Clean Air Act.

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

1 Statement of Purpose. The general court finds that:

I. Implementation of the California Low Emission/Zero Emission Vehicle (LEV/ZEV) program pursuant to section 177 of the Clean Air Act will result in consumer, public health, and environmental benefits for citizens of New Hampshire. Currently the states of Vermont, Maine, Massachusetts, New York, New Jersey, Connecticut, Oregon, Rhode Island, Maryland, and Colorado have adopted the LEV/ZEV standards, while the states of Delaware, Pennsylvania, and Washington have adopted only the LEV requirements. New Hampshire is the only state in the Northeast that has not yet adopted this program.

II. Motor vehicles account for approximately one-half of the emissions of air pollutants that cause the formation of ground level ozone and over one-third of the state's greenhouse gas emissions. Ground level ozone is a respiratory irritant that can cause severe health impacts to the sick, the very young, the elderly, and those with chronic respiratory conditions such as asthma. Greenhouse gases contribute to climate change, which is causing more frequent and more extreme weather events that have led to loss of life and significant damage to statewide infrastructure, particularly roads and bridges.

III. Although vehicles sold in New Hampshire currently comport with the California emissions standards (as a result of the harmonization of federal and California standards through 2025), New Hampshire consumers cannot benefit from the extended emissions-specific warranty provisions of the California standards because New Hampshire has not formally adopted the California standards. New Hampshire automobile dealers currently cannot obtain some types of vehicles that manufacturers only allocate to ZEV states, thus limiting consumer choice within New Hampshire. In addition, New Hampshire will benefit from reduced emissions upon California's adoption of post-2025 standards, when the federal and California emissions standards will no longer be in alignment.

2 New Section; Adoption of California Air Resources Board Standards. Amend RSA 125-C by inserting after section 21 the following new sections:

125-C:22 Adoption of Vehicle Emissions Standards; Federal Clean Air Act.

I.(a) Notwithstanding RSA 541-A:3-b, on or before January 1, 2022, the commissioner of the department of environmental services shall adopt rules, in accordance with the provisions of RSA 541-A, to implement the light duty motor vehicle exhaust emission standards of the state of California section 1961.2 and the light duty

motor vehicle greenhouse gas exhaust emission standards of the state of California section 1961.3, and shall amend such regulations from time to time, in accordance with changes in such standards. The regulations shall be applicable to new motor vehicles sold in the state of New Hampshire upon the year of departmental rule adoption as authorized by the Federal Clean Air Act. Such regulations may incorporate by reference the California motor vehicle emissions standards set forth in final regulations issued by the California Air Resources Board pursuant to Title 13, California Code of Regulations, as of October 1, 2019 (last amended October 1, 2019), and promulgated under the authority of Division 26 of the California Health and Safety Code, as may be amended from time to time. Nothing in this section shall limit the commissioner's authority to regulate motor vehicle emissions for any other class of vehicle.

II.(a) Rules adopted pursuant to this section shall also include requirements for the sale of zero emissions vehicles (ZEV) or related provisions set forth in California Code of Regulations, section 1962.2 starting on January 1, 2022, and using New Hampshire specific vehicle numbers.

(b) Such rules shall include a credit system in accordance with the regulations cited in paragraph I for manufacturers of low emission vehicles (LEVs) and ZEVs. Manufacturers shall receive credits for LEV/ZEV vehicles delivered to New Hampshire lots beginning January 1, 2020. Credits received between January 1, 2020 and January 1 of the year the department adopts rules under paragraph I shall be treated as received on January 1 of the year of departmental rule adoption for purposes of expiration. Credits received by January 1 of the year of departmental rule adoption shall not be traded or shared with other states or manufacturers.

III.(a) The administration of this section by the department shall be funded through the motor vehicle air pollution abatement fund established by RSA 125-S:3.

125-C:23 Penalties. Notwithstanding RSA 125-C:15, the commissioner of the department of environmental services shall:

I. Impose a civil penalty not to exceed \$37,500 on any manufacturer who sells, attempts to sell, or causes to be offered for sale a new motor vehicle that fails to meet the applicable emission standards in RSA 125-C:22.

II. Impose a civil penalty not to exceed \$5,000 per zero-emission vehicle credit on a manufacturer that produces and delivers for sale in New Hampshire fewer ZEVs or ZEVs than required to meet its ZEV credit obligation under rules adopted by the department in a given model year.

III. All funds received from penalties under this section shall be deposited in the motor vehicle air pollution abatement fund established in RSA 125-S:3

3 Inspection Stickers; Fees. Amend RSA 266:2 to read as follows:

266:2 Fees. The fee for inspection stickers shall be [~~\$3.25~~] **\$3.75** for each sticker furnished an approved inspection station. The division shall transfer [~~\$.25~~] **\$.50** of each fee collected under this section to the motor vehicle air pollution abatement fund established by RSA 125-S:3 and [~~\$.25~~] **\$.50** of each fee collected under this section to the general fund. All unused stickers returned by the approved inspection station to the division shall be refundable at the rate of [~~\$3.25~~] **\$3.75** each, except that unused stickers purchased from the division for a fee of \$2.50 shall be refundable at the same rate at which the stickers were purchased.

4 Motor Vehicle Air Pollution Abatement Fund; Funding Source Added. Amend RSA 125-S:4 to read as follows:

125-S:4 Fund Established; Collection. Funding for the motor vehicle air pollution abatement fund shall be from the portion of the motor vehicle inspection fee established by RSA 266:2 **and from penalties collected for sales of motor vehicles failing to meet applicable emission standards and misuse of zero-emission vehicle credits under RSA 125-C:23.**

5 Department of Environmental Services; Positions Established; Appropriation. There is established within the department of environmental services one classified environmentalist III position for the purposes of implementing the requirements of RSA 125-C:22. The sum necessary to pay the salary, benefits, and other costs related to the positions established in this section is hereby appropriated to the department of environmental services for the biennium ending June 30, 2021. This appropriation shall be in addition to any other appropriations made to the department. The governor is authorized to draw a warrant for said sum out of any money in treasury not otherwise appropriated.

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

2020-0514h

AMENDED ANALYSIS

This bill requires the adoption of California Low Emission/Zero Emission vehicle standards to protect public health, enable New Hampshire automotive customers to utilize the extended emissions-specific warranty, and to enable New Hampshire automotive dealers to carry Zero Emissions Vehicles in stock. The bill also makes an appropriation to the department of environmental services to fund an additional position.

Amendment to HB 1448

(2020-0795h)

Proposed by the Committee on Environment and Agriculture - c

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

AN ACT relative to animal health certificates and quarantine requirements for animals imported into the state.

Amend RSA 437:8, IV as inserted by section 2 of the bill by replacing it with the following:

IV. Once a dog, cat, or ferret intended for transfer has entered the state, it shall be held at least [48 hours] **7 days** at a facility licensed under RSA 437 or at a facility operated by a licensed veterinarian separated from **contact with** other **non-quarantined** animals on the premises **and shall receive a health certificate from a licensed veterinarian** before being offered for transfer.

Amend the bill by replacing section 4 with the following:

4 New Paragraphs; Health Certificates for Dogs, Cats, and Ferrets; Rabies Vaccinations. Amend RSA 437:8 by inserting after paragraph VI the following new paragraphs:

VII. No dog or cat shall be imported into New Hampshire with intent to transfer without first receiving a negative test for intestinal parasites, heartworm if the dog or cat is over 6 months of age, and proof of deworming issued by a licensed veterinarian within 14 days previous to the transfer. The commissioner of the department of agriculture, markets, and food shall adopt rules under RSA 541-A relative to what tests are sufficient for such diseases.

VIII. A dog, cat, or ferret 4 months old or older shall be vaccinated against rabies at least 30 days before entering New Hampshire in order to receive a health certificate under this section. Puppies and kittens shall not be vaccinated against rabies before 3 months of age.

2020-0795h

AMENDED ANALYSIS

This bill makes certain requirements for a dog, cat, or ferret to receive a health certificate, including a 7 day quarantine period for imported animals.

Amendment to HB 1449

(2020-0969h)

Proposed by the Committee on Environment and Agriculture - c

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

1 New Paragraph; Cruelty to Animals; Hoarding Defined. Amend RSA 644:8 by inserting after paragraph II-a the following new paragraph:

II-b. In this section "animal hoarding" shall mean a situation where an individual or individuals are unable to care for multiple animals in their custody due to psychological reasons. For purposes of this section, "hoarding" shall have the same definition as provided in the most current version of the Diagnostic and Statistical Manual of Mental Disorders.

2 Animal Hoarding. Amend RSA 644:8, IV-a to read as follows:

(a) Except as provided in subparagraphs ~~[(b) and (c)]~~ **(c) and (d)** any appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society may take into temporary protective custody any animal when there is probable cause to believe that it has been or is being abused or neglected in violation of paragraphs III or III-a when there is a clear and imminent danger to the animal's health or life and there is not sufficient time to obtain a court order. Such officer shall leave a written notice indicating the type and number of animals taken into protective custody, the name of the officer, the time and date taken, the reason it was taken, the procedure to have the animal returned and any other relevant information. Such notice shall be left at the location where the animal was taken into custody. The officer shall provide for proper care and housing of any animal taken into protective custody under this paragraph. If, after 7 days, the animal has not been returned or claimed, the officer shall petition the municipal or district court seeking either permanent custody or a one-week extension of custody or shall file charges under this section. If a week's extension is granted by the court and after a period of 14 days the animal remains unclaimed, the title and custody of the animal shall rest with the officer on behalf of the officer's department or society. The department or society may dispose of the animal in any lawful and humane manner as if it were the rightful owner **unless charges are filed**. If after 14 days the officer or the officer's department determines that charges should be filed under this section, the officer shall petition the court. **Where animals have been taken into custody, as a result of animal hoarding as defined in paragraph II-b, and prior to any action, agreement, settlement, or trial as outlined in paragraph IV or in this paragraph, the court may order a person to undergo a psychological or psychiatric evaluation and to undergo any treatment that the court determines to be appropriate after due consideration of such evaluation.**

(b) If a person is found not competent to stand trial, in the absence of a co-owner, the court may order custody of the seized animals to a third party or person with order of priority being a co-owner, family member, trustee, close friend, or a guardian with a power of attorney until such time as the court is satisfied that the terms of treatment have been met. In the case of a person who was evaluated and found unable to provide proper care and shelter by the court, the animals

held in custody shall be disposed of and the court shall grant permanent custody to a third party or person with order of priority being a co-owner, family member, trustee, close friend, or such guardian with a power of attorney who is able to dispose of the animals in a humane manner.

~~[(b)]~~ (c) For purposes of subparagraph (a) the investigating officer for livestock, as defined in RSA 427:38, III, shall be accompanied by a veterinarian licensed under RSA 332-B or the state veterinarian who shall set the probable cause criteria for taking the animal or animals.

~~[(e)]~~ (d)(1) For purposes of subparagraph (a), for facilities licensed to conduct live running or harness horseracing or live dog racing pursuant to RSA 284, the appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society shall:

(A) Notify the director of the pari-mutuel commission of the circumstances arising under subparagraph (a);

(B) Enter the grounds of the facility with the director of the pari-mutuel commission or such person designated by the director of the pari-mutuel commission;

(C) Take such horses or dogs into temporary protective custody as determined by the director of the pari-mutuel commission or such person designated by the director of the pari-mutuel commission; and

(D) Comply with subparagraph (a) after taking a horse or dog from a facility licensed pursuant to RSA 284 into temporary protective custody.

(2) This paragraph shall not preempt existing or enforcement authority of the pari-mutuel commission, pursuant to RSA 284 or rules and regulations adopted pursuant to such authority.

3 Effective Date. This act shall take effect January 1, 2021.

2020-0969h

AMENDED ANALYSIS

This bill defines animal hoarding and sets forth a procedure for a person charged with animal hoarding to be given a psychiatric evaluation.

Amendment to HB 1455-FN (2020-0970h)

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

Amend RSA 417:4, XXIV as inserted by section 1 of the bill by replacing it with the following:

XXIV. Vehicle Scans, Calibrations, and Painting.

(a) There shall be a rebuttable presumption that manufacturer recommendations for scans and calibrations are necessary for vehicle safety and for restoration of a vehicle to its pre-loss condition. No insurance company, agent, or adjuster shall knowingly fail to pay a claim to the claimant unless such presumption has been rebutted by evidence that the scan and calibration are not necessary for vehicle safety and to restore a vehicle to its pre-loss condition.

(b) If the vehicle is equipped with an advanced driver assistance system, an automotive glass company, repair facility, or insurer informing, approving, or conducting glass repair or replacement shall:

(1) Prior to approving or performing glass repair or replacement, inform the consumer if a calibration of that system is required and if such calibration will be performed;

(2) If performing such calibration, meet or exceed the manufacturer's recommendations or specifications; and

(3) If a calibration was not performed or not completed successfully, inform the consumer that the vehicle should be taken to a vehicle manufacturer's certified dealership, a qualified automobile glass company, repair facility, or other qualified repairer capable of performing the calibration of an advanced driver assistance system that meets or exceeds the manufacturer's recommendations or specifications.

(c) If the vehicle is equipped with an advanced driver assistance system, an automotive glass company, repair facility, or insurer informing, approving, or conducting a scan or calibration for motor vehicle repairs or replacement:

(1) Shall not be limited to tooling or equipment dictated or recommended by the manufacturer's recommendations for scans and calibrations.

(2) Shall calibrate an advanced driver assistance system meeting or exceeding the manufacturer's recommendations for scans and calibrations.

(d) If a repairer does not accept a paint and materials estimate proposed by an insurer, there shall be a rebuttable presumption that estimates based upon independent third party paint and material guidelines used by the repairer are necessary to restore a vehicle to its pre-loss condition. No insurance company, agent, or adjuster shall knowingly fail to pay a claim to the claimant unless this presumption has been rebutted by evidence that the paint and material estimate is not necessary to restore a vehicle to its pre-loss condition.

(e) In this paragraph, "manufacturer's recommendations for scans and calibrations" means a manufacturer's written procedures, specifications, tolerances, and other technical requirements or instructions with respect to scans and calibrations.

2020-0970h
AMENDED ANALYSIS

This bill establishes a rebuttable presumption that manufacturer recommendations for scans and calibrations are necessary for vehicle safety and for restoration of a vehicle to its pre-loss condition, and makes it an unfair insurance practice for an insurance company, agent, or adjuster to knowingly fail to pay a claim to the claimant or repairer to the extent the claimant's vehicle is repaired in conformance with applicable manufacturer's recommendations or specifications.

Amendment to HB 1459
(2020-0282h)

Proposed by the Majority of the Committee on Education - r

Amend the bill by replacing section 1 with the following:

1 Duties of the State Board of Education; Non-academic Surveys or Questionnaires. Amend RSA 186:11, IX-d to read as follows:

IX-d. Require school districts **and chartered public schools** to adopt a policy governing the administration of non-academic surveys or questionnaires to students. The policy shall require school districts **and chartered public schools** to notify a parent or legal guardian of a non-academic survey or questionnaire and its purpose **by written notice given via the student. In addition to the written notice, the school district or chartered public school may provide notice electronically.** ~~[The policy shall provide that no student shall be required to volunteer for or submit to a non-academic survey or questionnaire, as defined in this paragraph, without written consent of a parent or legal guardian unless the student is an adult or an emancipated minor.]~~ The policy shall include an exception from the consent requirement for the youth risk behavior survey developed by the Centers for Disease Control and Prevention **and surveys related to other prevention programs funded by the Centers for Disease Control and Prevention.** ~~[The policy shall also allow a parent or legal guardian to opt-out of the youth risk behavior survey developed by the Centers for Disease Control and Prevention.]~~ The school district **or chartered public school** shall make such surveys or questionnaires available, at the school and on the school, **chartered public school**, or school district's website, for review by a student's parent or legal guardian at least 10 days prior to distribution to students. **The policy shall also allow a parent or legal guardian to opt out of the non-academic survey or questionnaire either in writing or electronically.** In this paragraph, "non-academic survey or questionnaire" means surveys, questionnaires, or other documents designed to elicit information about a student's social behavior, family life, religion, politics, sexual orientation, sexual activity, drug use, or any other information not related to a student's academics.

Floor Amendment to HB 1460
(2020-1096h)

Proposed by Reps. Piemonte and Carson

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

1 Municipal Budget Law; Duties of Governing Body and Other Officials. Amend RSA 32:17 to read as follows:
32:17 Duties of Governing Body and Other Officials. The governing bodies of municipalities adopting this subdivision, or of districts which are wholly within towns adopting this subdivision, shall review the statements submitted to them under RSA 32:4 and shall submit their own recommendations to the budget committee, together with all information necessary for the preparation of the annual budget, including each purpose for which an appropriation is sought and each item of anticipated revenue, at such time as the budget committee shall fix. In the case of a special meeting calling for the appropriation of money, the governing body shall submit such information not later than 5 days prior to the required public hearing. Department heads and other officers shall submit their departmental statements of estimated expenditures and receipts to the budget committee, if requested. **The budget committee may require a governing body to provide its budget recommendations in full line item detail in active spreadsheet format.**

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

2020-1096h
AMENDED ANALYSIS

This bill permits municipal budget committees to require governing bodies to provide budget recommendations in full line item detail in active spreadsheet format.

Amendment to HB 1461
(2020-0545h)

Proposed by the Committee on Judiciary - r

Amend the bill by replacing section 1 with the following:

1 Carnival-Amusement Operators; Penalty. Amend RSA 321-A:9 to read as follows:

321-A:9 Penalty. Any person convicted of operating a carnival or amusement ride without having first registered it with the commissioner, as provided in RSA 321-A:5, or violating the rules adopted by the commissioner, as provided in RSA 321-A:2, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person. Any operator or owner who operates after a suspension, as provided in RSA 321-A:7, shall be guilty of a violation for each day of illegal operation. ***Any person injured as a result of a violation of the rules adopted by the commissioner, as provided in RSA 321-A:2, shall have a private right of action against the person or persons who committed the violation resulting in the injury. This section shall not be interpreted or construed to alter the common law.***

**Amendment to HB 1462-FN
(2020-0895h)**

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

Amend the bill by replacing section 1 with the following:

1 Sexual Assault and Related Offenses; Prohibition From Contact With a Minor. Amend RSA 632-A:10 to read as follows:

632-A:10 Prohibition From ~~[Child Care Service of Persons Convicted of Certain Offenses]~~ ***Contact With Minors.***

I. A person is guilty of a class A felony if, having been convicted in this or any other jurisdiction of any felonious offense involving child sexual abuse images, or of a felonious physical assault on a minor, or of any sexual assault, he or she knowingly ~~[undertakes]~~ ***engages in any*** employment or volunteer service ~~[involving the]~~ ***which purpose involves the direct*** care, instruction ~~[or]~~, guidance ~~[of]~~, ***or repeat interaction with a*** minor ~~[children, including, but not limited to, service as a teacher, a coach, or worker of any type in child athletics, a day care worker, a boy or girl scout master or leader or worker, a summer camp counselor or worker of any type, a guidance counselor, or a school administrator of any type].~~

II.(a) A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, he ***or she*** knowingly fails to provide information of such conviction when applying or volunteering for service or ***engages in any*** employment ~~[of any type involving]~~ ***which purpose involves the direct*** care, instruction, ~~[or]~~, guidance ~~[of]~~, ***or repeat interaction with a*** minor ~~[children, including, but not limited to, the types of services set forth in paragraph I].~~

(b) ***A public or private employer shall, either verbally or in writing, advise an applicant for an employment or volunteer position that the position applied for may involve contact with minors which may be prohibited under this section if the applicant was convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section.***

III. A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, he ***or she*** knowingly fails to provide information of such conviction when making application for initial teacher certification in this state.

**Amendment to HB 1468
(2020-0873h)**

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

Amend the bill by replacing section 3 with the following:

3 Destruction of Property; Criminal Mischief. Amend RSA 634:2, VI to read as follows:

VI. Any person who is found guilty of criminal mischief under paragraph III of this section because he or she has vandalized, defaced, ~~[or]~~ destroyed ~~[any part of state or municipal property, or any natural geological formation, site, or rock surface located on public property that has been designated by the state or any of its political subdivisions or the federal government as a natural area or landmark],~~ ***covered, tampered with, or made any other unauthorized alteration, whether permanent or temporary, on public property,*** shall be guilty of a ~~[class A misdemeanor]~~ ***violation*** and shall also make restitution for any damage he or she has caused.

**Amendment to HB 1472
(2020-0697h)**

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

Amend RSA 149-M:62 as inserted by section 2 of the bill by replacing it with the following:

149-M:62 Plastic Straw Restriction. A food service business shall provide a single-use plastic straw to a customer only when explicitly requested by the customer, or when a customer selects a single-use plastic straw from a self-service dispenser. This section shall be exempt from RSA 149-M:5.

**Amendment to HB 1473
(2020-0824h)**

Proposed by the Majority of the Committee on Education - r

Amend RSA 186-C:10 as inserted by section 1 of the bill by deleting paragraph IV.

Amend the bill by deleting section 2 and renumbering the original sections 3-4 to read as 2-3, respectively.

Amendment to HB 1477-FN

(2020-0808h)

Proposed by the Committee on Ways and Means - r

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

AN ACT establishing a committee to study the impact of taxes on tobacco use and their role in tobacco and nicotine cessation programs.

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

1 Committee Established. There is established a committee to study the impact of taxes on tobacco use and their role in tobacco and nicotine cessation programs.

2 Membership and Compensation.

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

(a) Four members of the house of representatives, with at least one each from the majority and minority parties, 2 of whom shall be members of the ways and means committee, one of whom shall be a member of the health, human services, and elderly affairs committee, and one of whom shall be a member of the commerce and consumer affairs committee, appointed by the speaker of the house of representatives.

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

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

III. The committee may seek input and advice from experts as the committee deems relevant to its study, including state and national level anti-smoking organizations, vaping and tobacco retailers, the New Hampshire Retail Association, the New Hampshire Hospital Association, the department of justice, and the department of revenue administration.

3 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.

4 Duties. The committee shall study:

I. The tax rate for tobacco products, including e-cigarettes, for the delivery of nicotine, as compared to our regional competitors and the nation as a whole.

II. The role of taxes on tobacco and nicotine as a prevention and cessation tool for tobacco and nicotine use.

III. The effectiveness of New Hampshire's prevention and cessation programs.

IV. The purposes and performance of the tobacco settlement fund.

V. Coverage and access to services to help residents quit tobacco through cessation programs.

VI. The income losses to New Hampshire businesses due to online tobacco and nicotine sales to New Hampshire residents, and any potential for recovery of tobacco tax revenues for such sales to New Hampshire residents.

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.

2020-0808h

AMENDED ANALYSIS

This bill establishes a committee to study the impact of taxes on tobacco use and their role in tobacco and nicotine cessation programs.

Amendment to HB 1483

(2020-0946h)

Proposed by the Committee on Commerce and Consumer Affairs - r

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

AN ACT relative to allowing dogs in outdoor dining areas of restaurants.

Amend the bill by replacing section 1 with the following:

1 Dogs on Restaurant Outdoor Dining Areas. RSA 466:44, II is repealed and reenacted to read as follows:

II.(a) A restaurant owner may allow dogs onto any outdoor dining area at his or her place of business, if:

(1) Such dogs and owners access the outdoor dining area from the exterior of the restaurant, regardless of whether food or drink are served in such outdoor dining area.

(2) All food is prepared and all utensils stored in the interior of the restaurant.

(3) The owner allowing dogs shall prominently display a sign at all public entrances advising patrons that dogs are allowed on the premises. The sign shall state the following text in English:

Companion dogs are only allowed in certain outdoor dining areas of this establishment.

Only service dogs are allowed in other parts of this establishment.

Your companion dog must be licensed and currently vaccinated against rabies to remain in the outdoor dining area with you.

You are responsible for controlling your dog at all times.

(4) The owner of such dog shall control his or her dog within the outdoor dining area.

(5) The owner of a dog shall keep the dog on the ground and out of the aisles of the outdoor dining area and shall not allow the dog to eat or drink using glasses, plates, or utensils from the restaurant.

(6) The staff of the restaurant shall not pet or play with the dog.

(7) The restaurant owner may ask a dog owner to remove his or her threatening or aggressive dog from the outdoor dining area.

(8) The restaurant owner calls 911 if such dog bites or hurts another person.

(9) Restaurant staff who do not prepare or serve food shall clean up after dogs in outdoor dining areas.

(10) Such dogs shall not be allowed in food preparation or production areas.

(b) In this paragraph "patio" means an open air, exterior, paved space with an entrance separate from the restaurant.

(c) This paragraph shall not apply to service animals as defined by RSA 167-D:1, IV.

2020-0946h

AMENDED ANALYSIS

This bill allows dogs in outdoor dining areas of restaurants.

Amendment to HB 1484

(2020-0964h)

Proposed by the Committee on Commerce and Consumer Affairs - r

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

1 Accident and Health Insurance; Retroactive Denials. RSA 415:6-i, II and III are repealed and reenacted to read as follows:

II.(a) No insurer shall impose on any health care provider any retroactive denial of a previously paid claim or any part thereof unless:

(1) The insurer has notified the health care provider at least 15 days in advance of the imposition of any retroactive denial and provided a written statement specifying the basis for any denial; and

(2) The time which has elapsed since the date of payment of the challenged claim does not exceed 6 months. The retroactive denial of a previously paid claim may be permitted beyond 6 months from the date of payment only for the following reasons:

(A) The claim was submitted fraudulently;

(B) The claim payment was incorrect because the health care provider or the insured was already paid for the health care services identified in the claim;

(C) The health care services identified in the claim were not delivered by the health care provider;

(D) The claim payment is the subject of legal action;

(E) The claim payment is the subject of an adjustment with a different insurer, administrator, or payor and such adjustment is not affected by a contractual relationship, association, or affiliation involving claims payment, processing, or pricing; or

(F) The claim payment was for services subject to coordination of benefits with another carrier or under Title XVIII, Title XIX, or Title XXI of the Social Security Act.

(b) In those cases where the retroactive denials relate to coordination of benefits, the carrier shall furnish the provider with the name and address of the entity responsible for the denied claim.

(c) When prior approval for a service or other covered item is granted, a carrier shall not retrospectively deny coverage or payment for the originally approved service unless fraudulent or materially incorrect information was provided at the time prior approval for the services was granted.

III. The health care provider shall have 6 months from the date of notification under this paragraph to determine whether the insured had other appropriate insurance, which was in effect on the date of service. Notwithstanding the contractual terms between the insurer and provider, the insurer shall allow for the submission of a claim that was previously denied by another insurer due to the insured's transfer or termination of coverage.

2 Effective Date. This act shall take effect January 1, 2021.

Amendment to HB 1486

(2020-1080h)

Proposed by the Majority of the Committee on Legislative Administration - r

Amend subparagraph I(a) of section 2 of the bill by replacing it with the following:

(a) Three members of the house of representatives, one of whom shall be from the minority party, appointed by the speaker of the house of representatives.

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The committee shall study information technology in the legislative process and shall:

(a) Review the current use of information technology in the legislative process including, but not limited to, public hearings, session days, committee and subcommittee meetings, and communications.

(b) Develop a training needs assessment for legislators and staff to effectively utilize the currently available Microsoft Office or other similar commercial software applications for legislative work.

(c) Examine the potential for use of telecommunications for committee and subcommittee meetings.

(d) Review the rules of the house of representatives to identify what uses of information technology are currently permitted for session days, public hearings, committee and subcommittee work, and communications.

(e) Hear testimony from stakeholders including, but not limited to, the department of information technology and the house and senate clerks.

II. The committee shall also study the expansion of public testimony opportunities to remote locations statewide and shall:

(a) Review laws and programs enacted in other states, counties, or municipalities authorizing remote testimony to legislative committees.

(b) Make recommendations regarding the technologies, formats, policies, and procedures used for remote testimony.

(c) Determine the administrative costs anticipated to establish and sustain remote testimony procedures.

(d) Make recommendations regarding administrative oversight of remote testimony programs.

(e) Study any other issue that the committee determines is relevant to its objective.

III. The committee shall solicit information from any individual or entity the committee deems relevant to its study, including but not limited to:

(a) The New Hampshire department of information technology.

(b) The clerk of the New Hampshire house of representatives.

(c) The clerk of the New Hampshire senate.

(d) The attorney general.

(e) The community college system of New Hampshire.

(f) The New Hampshire Disability Rights Center.

(g) Community Support Network, Inc.

(h) New Futures.

(i) The New Hampshire association of regional planning commissions.

(j) The New Hampshire Council on Development Disabilities.

(k) The University of New Hampshire's Carsey School of Public Policy.

Amendment to HB 1487

(2020-0829h)

Proposed by the Minority of the Committee on Education - r

Amend the bill by replacing section 1 with the following:

1 New Chapter; Freedom of Speech and Association. Amend RSA by inserting after chapter 188-G the following new chapter:

CHAPTER 188-H

FREEDOM OF SPEECH AND ASSOCIATION

188-H:1 Postsecondary Educational Institutions; Freedom of Speech and Association.

I. No public postsecondary educational institution shall make or enforce any rule subjecting any student to disciplinary sanctions solely on the basis of conduct that is speech, association, expression, or other communication that, when engaged in outside the campus or facility of the postsecondary institution, is protected from governmental restriction by the First Amendment to the United States Constitution or Part I, Article 22 of the New Hampshire constitution.

II. All campuses of a public postsecondary educational institution shall be open to any speaker who the students or a student group have invited. A public postsecondary educational institution may establish procedures for scheduling facilities and preparing for an event. A public postsecondary educational institution shall make all reasonable efforts and shall make available all reasonable resources to ensure the safety of an invited speaker. A public postsecondary educational institution shall not charge a security fee based on the content of the person or group which has extended an invitation to a speaker or the content of the speech of the invited speaker.

III. This section shall not apply to any postsecondary educational institution that is controlled by a religious organization, to the extent that the application of this section would not be consistent with the religious tenets of the organization.

IV. Nothing in this section shall be construed to authorize any prior restraint of student speech.

V. Nothing in this section prohibits the imposition of discipline for harassment, threats, or intimidation, unless such conduct is constitutionally protected.

2020-0829h

AMENDED ANALYSIS

This bill prohibits public postsecondary educational institutions from disciplining students for engaging in speech, association, or other forms of expression or communication that would be constitutionally protected outside of the college campus.

Amendment to HB 1494-FN (2020-0574h)

Proposed by the Committee on Executive Departments and Administration - r

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

AN ACT relative to death benefits for public works employees killed in the line of duty, and relative to workers' compensation offsets for certain retirement system benefits.

Amend the bill by replacing section 1 with the following:

1 Death Benefit; Employees Killed in the Line of Duty; Public Works Employee Added. Amend the section heading and paragraphs I through the introductory paragraph of III of RSA 21-I:29-a to read as follows:

21-I:29-a Death Benefit for ~~[Police Officer or Firefighter]~~ **Employees** Killed in Line of Duty.

I. In this section:

(a) "Adult child" means a child, whether by blood or adoption, of the police officer, firefighter, emergency medical technician, ~~or~~ rescue squad member, **or public works employee** age 18 or older at the time of death of such police officer, firefighter, emergency medical technician, ~~or~~ rescue squad member, **or public works employee** and who does not meet the definition of a dependent child.

(b) "Dependent child" means a child, whether by blood or adoption, of the police officer, firefighter, emergency medical technician, ~~or~~ rescue squad member, **or public works employee** who:

(1) Is under the age of 25 and was dependent on the earnings of the police officer, firefighter, emergency medical technician, ~~or~~ rescue squad member, **or public works employee** at the time of death. For the purposes of this subparagraph, a child is not considered dependent if the child provides more than half of his or her own support, is married, or is legally adopted by another; or

(2) Is any age and is physically or mentally incapacitated and was dependent on the earnings of the police officer, firefighter, emergency medical technician, ~~or~~ rescue squad member, **or public works employee** at the time of death.

(c) "Family" means the surviving spouse of the police officer, firefighter, emergency medical technician, ~~or~~ rescue squad member, **or public works employee** who was wholly or partially dependent, in fact, upon the earnings of the police officer, firefighter, emergency medical technician, rescue squad member, **or public works employee** or, if there is no surviving spouse, the surviving dependent child or dependent children, of such police officer ~~or~~, firefighter, **emergency medical technician, rescue squad member, or public works employee** or, if there is no surviving dependent child, a surviving person qualifying as a common-law spouse pursuant to RSA 457:39, or if there is no surviving common-law spouse, the surviving adult child or adult children, or if there is no surviving adult child or adult children, the surviving parent or parents of such police officer, firefighter, emergency medical technician, ~~or~~ rescue squad member, **or public works employee**.

(d) "Emergency medical technician" means all levels of emergency medical technician, including emergency medical responders, emergency medical technicians, advanced emergency medical technicians, and paramedics, whether auxiliary, intermittent, special, part-time, volunteer, call, or reserve, who is employed by a city, town, village district, or precinct within the state of New Hampshire, or any emergency medical technician who is a volunteer for or employed by a nonprofit corporation in New Hampshire, or any emergency medical technician employed by a New Hampshire licensed private ambulance service while in the performance of emergency medical services pursuant to RSA 153-A:2, VI either under contract or agreement with a city, town, village, or precinct.

(e) "Firefighter" means any firefighter, including auxiliary, intermittent, special, part-time, volunteer, call, or reserve firefighters who are employed by a city, town, village district, or precinct within the state of New Hampshire, any firefighter employed by the state of New Hampshire, or any firefighter who is a volunteer for or employed by a non-profit corporation which is the primary provider of fire protection for all or part of a New Hampshire municipality.

(f) "Killed in the line of duty" means a death of a police officer, firefighter, emergency medical technician, ~~or~~ rescue squad member, **or public works employee** while in the performance of his or her duties as a result of incident, accident, or violence causing death or injuries which are the direct or proximate cause of death. "Incident" shall include any death that is determined to be occupationally related by the worker's compensation insurance carrier, a self-insured worker's compensation plan, or by the labor commissioner for workers' compensation purposes pursuant to RSA 281-A.

(g) "Police officer" means any law enforcement officer with the power of arrest, including auxiliary, intermittent, special, part-time, or reserve police officers, or sheriffs and their deputies who are employed by a city, town, village district, county, or precinct within the state of New Hampshire, police officers employed by the university system of New Hampshire, court security officers and bailiffs, and any state law enforcement officer employed by the state of New Hampshire who has power of arrest as determined by state law.

(h) **"Public works employee" means any municipal or state public works or highway employee who has the responsibility to work in hazardous locations, or as a first responder, or in conjunction with emergency first responders in construction zones, highway traffic areas, and other locations where the public works or highway employee is exposed to risk of injury or fatality from construction hazards, highway traffic volume and speed, nighttime responses, environmental issues, weather, or other hazardous conditions.**

(i) "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.

II. In addition to any other benefits provided under this chapter, the state treasurer shall pay a \$100,000 death benefit to the family of a police officer, firefighter, emergency medical technician, [or] rescue squad member, **or public works employee** killed in the line of duty. Payment to a dependent child under the age of 18 shall be made to the child's trustee for the benefit of the child. The governor, with the consent of the executive council, is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The commissioner of safety, upon notice from the family or chief of department of any firefighter, police officer, emergency medical technician, [or] rescue squad member, **or public works employee** who may be entitled to a line-of-duty death benefit or upon the commissioner's own initiative, shall obtain the available records related to the circumstances, cause, and manner of such death and the decedent's status as a firefighter, police officer, emergency medical technician, [or] rescue squad member, **or public works employee** may cause further inquiry to be made, and shall make a determination of whether the death qualifies as a line-of-duty death and who is entitled to the death benefit. The determination shall be made within 180 days of the determination of the cause and manner of death by the office of the chief medical examiner, or within 180 days from the date the commissioner received notice from the family or chief of department of the firefighter, police officer, emergency medical technician, [or] rescue squad member, **or public works employee** whichever is later. For deaths that are not reviewed by the office of the chief medical examiner, the determination shall be made within 180 days of a determination that the decedent qualifies for a workers' compensation death benefit by a worker's compensation carrier, self-insured worker's compensation plan, or the labor commissioner pursuant to RSA 281-A, or within 180 days from the date the commissioner received notice from the family or chief of department of the firefighter, police officer, emergency medical technician, [or] rescue squad member, **or public works employee** whichever is later.

2020-0574h

AMENDED ANALYSIS

This bill establishes a state death benefit for a municipal or state public works employee killed in the line of duty. The bill also eliminates the offset for workers' compensation benefits applicable to group I accidental death benefit annuities in state retirement system.

Amendment to HB 1495-FN

(2020-0909h)

Proposed by the Committee on Commerce and Consumer Affairs - c

Amend the bill by replacing section 1 with the following:

1 New Chapter; Over-the-Counter Rape Test Kit. Amend RSA by inserting after chapter 359-Q the following new chapter:

CHAPTER 359-R

OVER-THE-COUNTER RAPE TEST KIT

359-R:1 Sale of Over-the-Counter Rape Test Kit Prohibited.

I. No person shall sell or offer for sale in the state of New Hampshire an over-the-counter rape test kit. Any person who sells a kit in violation of this section shall be guilty of a violation and shall be fined not more than \$1,000 for each offense.

II. In this section, an "over-the-counter rape test kit" means a sexual assault forensic exam kit for sale to members of the public, that allows an individual to independently collect evidence of a sexual assault outside of a hospital or other designated health care setting.

III. Nothing in this section shall affect any right of action under RSA 358-A.

**Amendment to HB 1496-FN
(2020-0978h)**

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

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

1 Findings.

I. The general court finds that light-emitting diode (LED) bulbs save enough electric power compared to incandescent bulbs to rapidly earn back the cost of their purchase and, through additional purchases using only previous savings, thereafter easily exceed current rebates. Therefore, and in view of climate concerns, the general court finds it both reasonable and necessary to end the rebate to residential ratepayers of revenue derived from the regional greenhouse gas initiative and invest it all, as originally intended, on effective energy efficiency programs for buildings.

II. According to the Energy Information Administration more than 40 percent of New Hampshire houses are heated by fuel oil.

III. Energy efficiency measures that reduce heat loss in buildings (through air sealing, adding insulation, and other measures tailored for each building) not only lower demand for electricity but also for fuel, lowering heating expense for our families, while directly reducing the burning of fossil fuels which produces greenhouse gases.

IV. Continuing failure to implement a serious energy efficiency program produces an unnecessary and accelerating loss of wealth from the New Hampshire economy, to the benefit only of out-of-state fossil-fuel producers.

2 New Subparagraph; Energy Efficiency and Sustainable Energy Board. Amend RSA 125-O:5-a, I by inserting after subparagraph (j) the following new subparagraph:

(k) Serve as a stakeholder forum that makes recommendations to program administrators and the public utilities commission with respect to the development and implementation of program plans under the energy efficiency resource standard, including providing assistance interpreting and applying state policies with respect to energy efficiency, demand response, and strategic electrification.

3 Energy Efficiency Fund and Use of Auction Proceeds. Amend RSA 125-O:23, II to read as follows:

II. All amounts ~~[in excess of the threshold price of \$1 for any allowance sale]~~ shall be ***allocated to the commercial and industrial retail electric ratepayers and the residential retail electric ratepayers consistent with the kilowatt-hour delivery sales of electric distribution utilities as determined by the commission. Eighty percent of the commercial and industrial retail electric ratepayer allocations shall be rebated to all commercial and industrial*** ~~[rebated to all retail electric]~~ ratepayers in the state on a per-kilowatt-hour basis, in a timely manner to be determined by the commission. ***Twenty-five percent of the residential ratepayer allocation shall be rebated to residential ratepayers in a similar manner to all residential ratepayers, prorated over the 4 months following the effective date of this paragraph, after which the residential rebates shall permanently end. During this 4-month period utility-run energy efficiency programs shall distribute information to all residential ratepayers alerting them of the pending end of the rebate and informing them of how to grow the savings from using one or 2 LED bulbs to fully compensate for the end of the rebate.***

4 Energy Efficiency Fund and use of Auction Proceeds. Amend RSA 125-O:23, III(a) to read as follows:

(a) At least 15 percent to the low-income core energy efficiency program. ***Starting as of the effective date of this subparagraph, this program may provide, through coupons or otherwise, one or more 60 or 75 watt-equivalent LED bulbs to each low-income household along with instructions for increasing the savings from the first LED bulbs to more than compensate for the pending end of the rebate.***

5 Energy Consumption Reduction Goal; Reports. Amend RSA 21-I:14-c, III to read as follows:

III. Beginning in calendar year 2016, the commissioner shall submit an annual report to be made available to the public on or before January 15 compiling the annual reports submitted under paragraph II, with findings on the departments' annual progress in complying with the energy consumption reduction goal established in paragraph I and problems which may prevent the departments from achieving this goal, to ***the energy efficiency and sustainable energy board established under RSA 125-O:5-a***, the governor, the senate president, the speaker of the house of representatives, the chair of the senate energy and natural resources committee, and the chair of the house science, technology and energy committee.

6 Energy Efficiency Fund and Use of Auction Proceeds. Amend RSA 125-O:23, I to read as follows:

I. There is hereby established an energy efficiency fund. This nonlapsing, special fund shall be continually appropriated to the commission to be expended in accordance with this section. The state treasurer shall invest the moneys deposited therein, as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All programs supported by these funds shall be subject to audit by the commission as deemed necessary. A portion of the fund moneys shall be used to pay for commission and department costs to administer this subdivision, including contributions for the state's share of the costs

of the RGGI regional organization. ~~[No fund moneys shall be used by the commission or the department to contract with outside consultants.]~~ The commission shall transfer from the fund to the department such costs as may be budgeted and expended, or otherwise approved by the fiscal committee of the general court and the governor and council, for the department's cost of administering this subdivision.

7 Repeal. The following are repealed:

I. RSA 125-O:21, III-a, relative to unsold budget allowances in the carbon dioxide emissions budget trading program.

II. 2012, 281:11 through 281:17, relative to the contingent repeal of the carbon dioxide cap and the regional greenhouse gas initiative.

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

2020-0978h

AMENDED ANALYSIS

This bill:

I. Requires the energy efficiency and sustainable energy board to provide recommendations to the public utilities commission on the energy efficiency and renewable energy funds.

II. Requires rebates from the use of auction proceeds to all commercial and industrial retail energy rate-payers.

III. Requires that any funds remaining in the energy efficiency fund at a year's end be retained for use in subsequent years, and forbids use of the fund for any but its intended purpose.

IV. Repeals the contingent repeal of the regional greenhouse gas initiative program.

Amendment to HB 1500-FN

(2020-0980h)

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

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

1 New Subdivision; Student Loan Ombudsman. Amend RSA 383 by inserting after section 25 the following new subdivision:

Student Loan Ombudsman

383:26 Student Loan Ombudsman.

I. The commissioner shall designate a student loan ombudsman within the department to provide timely assistance to any student loan borrower, as defined in RSA 399-H:1, VII, on any student education loan, as defined in RSA 399-H:1, VI.

II. The student loan ombudsman, in consultation with the commissioner, shall:

(a) Administer and coordinate the commissioner's response to consumer complaints related to student education loans.

(b) Make available information to assist student loan borrowers to understand their rights and responsibilities under the terms of student education loans.

(c) Take any other actions necessary to assist the commissioner in enforcement of RSA 399-H.

2 New Chapter; Student Loan Servicing. Amend RSA by inserting after chapter 399-G the following new chapter:

CHAPTER 399-H

STUDENT LOAN SERVICING

399-H:1 Definitions. In this chapter:

I. "Control" means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. Any person is presumed to be a control person if that person:

(a) Is a director, general partner, or executive officer;

(b) Directly or indirectly has the right to vote 10 percent or more of a class of a voting security or membership interest, or has the power to sell or direct the sale of 10 percent or more of a class of voting securities or membership interest;

(c) In the case of a limited liability company, is a managing member; or

(d) In the case of a partnership, has the right to receive upon dissolution, or has contributed, 10 percent or more of the capital.

II. "Nationwide multistate licensing system and registry" means a national licensing system and facility developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, or their successors, for the licensing and registration of mortgage loan originators, mortgage lenders, mortgage servicers, mortgage brokers, and other non-depository financial service licensees, including student loan servicers.

III. "Principal" of the applicant or licensee means an owner with 10 percent or more ownership interest, corporate officer, director, member, general or limited liability partner, limited partner with 10 percent or more ownership interest, trustee, beneficiary of 10 percent or more of the trust that owns

the applicant or licensee, indirect owner, senior manager, branch manager of a location required to be licensed as a branch office under this chapter, and any person occupying similar status or performing similar functions.

IV. "Servicing" means:

(a) Receiving any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan, and applying the payments of principal and interest and such other payments with respect to the amounts received from a student loan borrower, as may be required pursuant to the terms of a student education loan;

(b) During a period when no payment is required on the student education loan, maintaining account records for the loan and communicating with the student loan borrower regarding the loan, on behalf of the holder of the loans;

(c) Interacting with a student loan borrower to facilitate the loan servicing as described in this definition, including activities to help prevent loan default on obligations arising from a student education loan; or

(d) Performing other administrative services with respect to a student education loan.

V. "Significant event" means:

(a) Filing for bankruptcy or reorganization;

(b) Criminal felony indictment or conviction of any of the licensee's principals;

(c) Receiving notification of a license denial, cease and desist, consent agreement or order, suspension, or revocation, or any other formal administrative action in any state against the licensee;

(d) Receiving notification of any enforcement action or investigation by the attorney general of the state of New Hampshire or of any other state pursuant to any consumer protection statute, and the reasons therefor, except routine investigations of consumer complaints; or

(e) Entering into a consent agreement, settlement agreement, memorandum of understanding, or similar agreement with any regulatory body pertaining to the licensee's practices.

VI. "Student education loan" means any loan primarily for personal use to finance education or other school-related expenses.

VII. "Student loan borrower" means any resident of this state who has received or agreed to pay a student education loan; or any person who shares responsibility with such resident for repaying the student education loan.

VIII. "Student loan servicer" means any person, wherever located, responsible for the servicing of any student education loan to any student loan borrower.

399-H:2 License Required.

I. Prior to engaging in the business of a student loan servicer a person shall obtain and maintain a license under this chapter. Each student loan servicer shall register with and obtain and maintain a valid unique identifier issued by the nationwide multistate licensing system and registry.

II. Any license fee required by this chapter shall be paid before a license may become effective.

III. A person located outside of the United States and required to be licensed under this chapter shall maintain a location within the continental United States where records of all New Hampshire transactions are kept and from where all activity under this chapter shall be conducted.

399-H:3 Exemptions. This chapter shall not apply to:

I. Any bank, out-of-state bank, credit union, federal credit union, or out-of-state credit union, bank holding company, or any wholly owned subsidiary of any such bank, bank holding company or credit union, or any subsidiary where each owner of such subsidiary is wholly owned by the same bank, bank holding company, or credit union.

II. Any state or private nonprofit guaranty agency that has an agreement with the United States Department of Education under section 428(b) of the Higher Education Act of 1965, 20 U.S.C. 1078(b), that does not:

(a) Receive any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan, and apply the payments of principal and interest and such other payments with respect to the amounts received from a student loan borrower, as may be required pursuant to the terms of a student education loan;

(b) During a period when no payment is required on the student education loan, maintain account records for the loan and communicate with the student loan borrower regarding the loan, on behalf of the holder of the loans; and

(c) Perform other administrative serves with respect to a student education loan.

III. Any person engaged as a student loan servicer when:

(a) Such services are conducted pursuant to a contract awarded by the United States Secretary of Education under 20 U.S.C. section 1087f; and

(b) The commissioner is preempted by federal law from regulating the activities of the servicer.

399-H:4 Application, Fees and Bond.

I. To be considered for student loan servicer licensing, each person shall complete and file an application with the department, through the nationwide multistate licensing system and registry using the nationwide

multistate licensing system and registry form. At a minimum, the application shall state the primary business address of the applicant, the applicant's tax identification number, the address of its offices, the contact person required pursuant to paragraph V, and a list of the principals of the applicant. Each principal shall provide his or her social security number and shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and its principals, and a financial statement prepared by a certified public accountant or a public accountant, the accuracy of which is sworn to under oath before a notary public by the proprietor, a general partner, or a corporate officer or a member duly authorized to execute such documents. The applicant shall disclose whether the applicant or any of its principals has ever been issued or been the subject of an injunction or administrative order, has ever been convicted of a misdemeanor involving financial services or a financial services-related business or any fraud, false statements or omissions, theft or any wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses or has ever been convicted of any felony.

II.(a) Unless the student loan servicer is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on the individuals who are indirect owners.

(b) The persons described in subparagraph (a) shall submit to the department a criminal history records release form, as provided by the New Hampshire division of state police, which authorizes the release of the person's criminal records, if any. The person shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints is necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

(c) The department shall submit the criminal history records release form to the New Hampshire division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.

(d) The department may require the applicant or licensee to pay the actual costs of each background investigation and criminal history records check.

(e) The department may rely on criminal records checks reported through the nationwide multistate licensing system and registry in lieu of subparagraphs (b) and (c).

III. Each initial and annual renewal license application shall be accompanied by a nonrefundable application fee of \$1,000. Unless exempted under RSA 399-H:3, III, each initial application fee shall also be accompanied by a nonrefundable investigation fee of \$1,000.

IV.(a) Each applicant shall post a continuous surety bond in amount of \$100,000. The surety bond shall be payable to the state of New Hampshire and the bank commissioner of the state of New Hampshire for the benefit of any person who is damaged by any violation of this chapter and shall be conditioned upon the licensee's compliance with each provision of this chapter.

(b) Surety bonds shall include a provision requiring the surety to give written notice to the commissioner 30 days in advance of the cancellation or termination of the bond.

(c) Every bond shall provide that no recovery shall be made against the bond unless the state makes a claim for recovery or the person brings suit naming the licensee within 6 years after the act upon which the recovery or suit is based. The obligations of the surety shall survive the bankruptcy, insolvency, liquidation, or reorganization of the licensee, including, without limitation, any bankruptcy, insolvency, liquidation, or reorganization commenced by or against the licensee under any applicable state or federal law, including the United State Bankruptcy Code.

(d) When an action is commenced on a licensee's bond, the licensee shall immediately file a new bond. Immediately upon recovery upon any action on the bond the licensee shall file a new bond.

V. Student loan servicers shall designate an individual contact person who shall be a control person of their organization to communicate with department personnel on complaints from student loan borrowers. The contact person shall have authority to facilitate resolution of student loan borrower complaints.

399-H:5 License Grant and Renewal.

I. Upon the filing of the complete application for an initial or renewal license and the payment of the applicable fees, the commissioner shall investigate the financial condition and responsibility, financial and business experience, character and general fitness of the applicant. The commissioner may issue or renew a license if the commissioner finds that:

(a) The applicant's financial condition is sound.

(b) The applicant's business will be conducted honestly, fairly, equitably, carefully, and efficiently within the purposes and intent of this chapter and in a manner commanding the confidence and trust of the community.

(c) If the applicant is an individual, such individual is in all respects properly qualified and of good character.

(d) If the applicant is a partnership, each partner is in all respects properly qualified and of good character.

(e) If the applicant is a corporation or association, the president, chairperson of the executive committee, senior officer responsible for the corporation's business and chief financial officer or any other person who performs similar functions as determined by the commissioner, each director, each trustee and each shareholder owning 10 percent or more of each class of the securities of such corporation is in all respects properly qualified and of good character.

(f) If the applicant is a limited liability company, each member is in all respects properly qualified and of good character.

(g) No person on behalf of the applicant knowingly has made any incorrect statement of a material fact in the application, or in any report or statement made pursuant to this chapter.

(h) No person on behalf of the applicant knowingly has omitted to state any material fact necessary to give the commissioner any information lawfully required by the commissioner.

(i) The applicant has paid the investigation fee and the license fee required pursuant to RSA 399-H:4, III.

(j) The applicant has met any other similar requirements as determined by the commissioner.

II. Each license shall expire on December 31 of each calendar year. A licensee may renew the license by paying the required fee to the banking department on or before December 1 for the ensuing year that begins on January 1. Failure to renew the license shall result in the license terminating on December 31. The commissioner may refuse to issue a renewal license on any ground on which the commissioner might refuse to issue an initial license. No application for renewal of a license shall be denied without reasonable cause and the right of appeal pursuant to RSA 541-A and RSA 541.

III. If the commissioner determines that a check filed with the commissioner to pay a license or renewal fee has been dishonored, the commissioner shall automatically suspend the license or the renewal license that has been issued but is not yet effective.

IV. A license shall not be transferable or assignable.

399-H:6 License Denial; Abandonment.

I. If the commissioner determines that an applicant fails to meet the requirements of this chapter, the commissioner shall notify the applicant of that determination in writing immediately.

II. The commissioner may deny a license application if it is in the public interest and the applicant or the applicant's principal:

(a) Has filed an application for licensing which was incomplete in any material respect;

(b) Is the subject of an order entered within the past 5 years by this state, any other state, or federal regulator denying, suspending, or revoking a license or registration;

(c) Is permanently, preliminarily, or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of lending or collection activities;

(d) Is not qualified on the basis of such factors as experience, knowledge, and financial integrity; or

(e) Should not be licensed for other good cause shown.

III. Applicants may appeal a license denial in accordance with RSA 541-A and rules of the commissioner.

IV. Applicants may petition the banking department for a rehearing in accordance with RSA 541 if the decision in an appeal conducted pursuant to paragraph III affirms a denial of a license application.

V. The commissioner may deem an application for a license abandoned if the applicant fails to respond to any request for additional information. The commissioner shall notify the applicant, in writing, that if the applicant fails to submit such information not later than 60 days after the date on which such request for information was made, the application shall be deemed abandoned. An application filing fee paid prior to the date an application is deemed abandoned pursuant to this paragraph shall not be refunded. Abandonment of an application pursuant to this paragraph shall not preclude the applicant from submitting a new application for a license.

399-H:7 License Surrender.

I. Not later than 15 days after a licensee ceases to engage in the business of student loan servicing in this state for any reason, including a business decision to terminate operations in this state, license revocation, bankruptcy, or voluntary dissolution, such licensee shall provide written notice of surrender to the commissioner and shall surrender to the commissioner its license for each location in which such licensee has ceased to engage in such business. The written notice of surrender shall identify the location where the records of the licensee will be stored and the name, address, and telephone number of an individual authorized to provide access to the records.

II. Surrender of a license shall not take effect until the commissioner deems the surrender process complete.

III. The surrender of a license shall not reduce or eliminate the licensee's administrative, civil, or criminal liability arising from acts or omissions occurring prior to the surrender of the license, including any administrative actions undertaken by the commissioner to revoke or suspend a license, assess a civil penalty, order restitution, or exercise any other authority provided to the commissioner.

399-H:8 Continuing Obligation to Update.

I. Licensees shall update information concerning the contact person required pursuant to RSA 399-H:4, V on file with the commissioner within 10 days of any change of such information.

II.(a) A licensee shall submit written notification to the department of the addition or deletion of a principal, and shall provide the name and address of each new principal no later than 30 days after such change.

(b) Each new principal shall authorize the commissioner to conduct a background investigation and a criminal history records check.

(c) The commissioner shall investigate management and ownership changes including, but not limited to, each principal's qualifications and business history.

(d) The licensee shall investigate and disclose any injunction or administrative order that has been issued against the principal and whether the principal has been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony, prior to the commissioner's approval of such change.

III. Licensees shall notify the department of any change of address and the commissioner shall endorse such change of address on the person's license.

IV. No licensee shall transact any business provided for by this chapter under a trade name or any other name different from the name stated in its license without immediately notifying the commissioner, who shall then amend the license accordingly.

V. Significant events shall be reported to the department in writing within 10 calendar days.

VI. If any other information filed with the commissioner becomes materially inaccurate, the licensee shall, within 30 days of the event causing such change, submit an amendment to its application records that corrects the information on file with the commissioner.

VII. Any officer, owner, manager, or agent of any licensee, and any person controlling or having a contract under which he or she has a right to control such a licensee, whether exclusively or otherwise, and any person with executive authority over or in charge of any segment of such a licensee's affairs, shall reply promptly in writing, or in other designated form, to any written inquiry from the commissioner requesting a reply. The commissioner may require that any communication made to him or her under this section be verified.

399-H:9 Reporting.

I. Each licensee shall file, under oath, its financial statement within 90 days from the date of its fiscal year end. The financial statement shall be prepared in accordance with generally accepted accounting principles with appropriate note disclosures and, unless the commissioner grants an exemption due to hardship, shall be audited by an independent certified public accountant. The financial statement shall include a balance sheet, income statement, statement of changes in owners' equity, and a cash flow statement. If the financial statement filed under this section is not audited, a certification statement shall be attached and signed by a duly authorized officer of the licensee. The certification statement shall state that the financial statement is true and accurate to the best of the officer's belief and knowledge.

II. The department shall publish its analysis of information obtained through licensee reporting requirements as a part of the commissioner's annual report.

III. Any licensee failing to file the financial statement required by this section within the time prescribed may be required to pay to the department a penalty of \$25 for each calendar day the financial statement is overdue up to a maximum penalty of \$2,500 per statement.

IV. The banking department may require additional regular or special reports as it may deem necessary to the proper supervision of licensees under this chapter.

399-H:10 Prohibitions. No student loan servicer shall:

I. Directly or indirectly employ any scheme, device, or artifice to defraud or mislead student loan borrowers.

II. Engage in any unfair or deceptive practice toward any person or misrepresent or omit any material information in connection with the servicing of a student loan, including, but not limited to, misrepresenting the amount, nature, or terms of any fee or payment due or claimed to be due on a student loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan.

III. Obtain property by fraud or misrepresentation.

IV. Knowingly misapply or recklessly apply student loan payments to the outstanding balance of a student loan.

V. Knowingly or recklessly provide inaccurate information to a credit bureau, thereby harming a borrower's creditworthiness.

VI. Fail to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to a credit bureau.

VII. Refuse to communicate with an authorized representative of the borrower who provides a written authorization signed by the borrower, provided the loan servicer may adopt procedures reasonably related to verifying that the representative is in fact authorized to act on behalf of the borrower.

VIII. Negligently make any false statement or knowingly and willfully make any omission of a material fact in connection with any information or reports filed with a governmental agency or in connection with any investigation conducted by the commissioner or another governmental agency.

IX. No student loan servicer licensee or person subject to investigation or examination under this section shall knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records or other information.

X. Engage in abusive acts or practices when servicing a student education loan in this state. An act or practice is abusive in connection with the servicing of a student education loan, if the act or practice does either of the following:

(a) Materially interferes with the ability of a student loan borrower to understand a term or condition of a student education loan.

(b) Takes unreasonable advantage of any of the following:

(1) A lack of understanding on the part of a student loan borrower of the material risks, costs, or conditions of the student education loan.

(2) The inability of a student loan borrower to protect their interests when selecting or using either of the following:

(A) A student education loan; or

(B) A feature, term, or condition of a student education loan.

(3) The reasonable reliance by the student loan borrower on a person engaged in servicing a student education loan to act in the interests of the borrower.

XI. Engage in the business of student loan servicing under any other name or at any other place of business than that named in the license.

399-H:11 Affirmative Duties. Except as otherwise provided pursuant to federal law, a student loan servicer shall:

I. Upon receipt of a written inquiry from a student loan borrower or the representative of a student loan borrower, a student loan servicer shall respond by:

(a) Acknowledging receipt of the inquiry within 10 business days; and

(b) Providing information relating to the inquiry and, if applicable, the action the student loan servicer will take to correct the account, or an explanation of the student loan servicer's position that the borrower's account is correct, within 30 business days.

II. A student loan servicer shall inquire of a student loan borrower how to apply an overpayment to a student education loan. A borrower's instruction on how to apply an overpayment to a student education loan shall stay in effect for any future overpayments during the term of the student education loan until the borrower provides different instructions. For purposes of this paragraph, "overpayment" means a payment on a student education loan in excess of the monthly amount due from the student loan borrower on a student education loan, commonly referred to as a prepayment.

III. A student loan servicer shall apply partial payments in a manner that minimizes late fees and negative credit reporting. If there are multiple loans on a borrower's account with an equal stage of delinquency, a student loan servicer shall satisfy the requirements of this paragraph by applying partial payments to satisfy as many individual loan payments as possible on a borrower's account. For purposes of this paragraph, "partial payment" means a payment on a student education loan account that contains multiple individual loans in an amount less than the amount necessary to satisfy the outstanding payment due on all loans in the student education loan account, commonly referred to as an underpayment.

IV. The following requirements shall be applicable to a student loan servicer in the event of the sale, assignment, or other transfer of the servicing of a student education loan that results in a change in the identity of the person to whom a student loan borrower is required to send payments or direct any communication concerning the student education loan:

(a) As a condition of a sale, an assignment, or any other transfer of the servicing of a student education loan, a student loan servicer shall require the new student loan servicer to honor all benefits originally represented as available to a student loan borrower during the repayment of the student education loan and preserve the availability of those benefits, including any benefits for which the student loan borrower has not yet qualified;

(b) A student loan servicer shall transfer to the new student loan servicer for the student education loan all information regarding the student loan borrower, the account of the borrower, and the student education loan of the borrower. The information shall include the repayment status of the student loan borrower and any benefits associated with the student education loan of the borrower;

(c) The student loan servicer shall complete the transfer of information required pursuant to subparagraph (b) within 45 calendar days after the sale, assignment, or other transfer of the servicing of the student education loan; and

(d) The sale, assignment, or other transfer of the servicing of a student education loan shall be completed at least 7 calendar days before the next payment on the student education loan is due.

V. A student loan servicer who obtains the right to service a student education loan shall adopt policies and procedures to verify that the student loan servicer has received all information regarding the student loan borrower, the account of the student loan borrower, and the student education loan of the student loan borrower including, but not limited to, the repayment status of the student loan borrower and any benefits associated with the student education loan of the student loan borrower.

VI. A student loan servicer shall evaluate a student loan borrower for eligibility for an income-driven repayment program prior to placing the borrower in forbearance or default, if an income-driven repayment program is available to the borrower.

399-H:12 Consumer Complaints.

I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the commissioner, shall be forwarded via electronic, certified, or registered mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 10 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the banking department. Not later than 30 days following receipt of such complaint, the licensee shall conduct an investigation of the complaint and either:

(a) Make appropriate corrections in the account of the consumer and transmit to the consumer and the banking department written notification of such corrections, including documentary evidence thereof; or

(b) Transmit a written explanation or clarification to the consumer and the banking department which sets forth, to the extent applicable, the reasons why the licensee believes its actions are correct, including copies of documentary evidence thereof.

II. A licensee who fails to respond to consumer complaints as required by this section within the time prescribed shall pay to the commissioner a penalty of \$50 for each day such response is overdue. For purposes of this section, the date of transmission shall be the date such response is received by the commissioner.

III.(a) Licensees which, because of extenuating circumstances beyond the control of the licensee, are unable to comply with the time frames prescribed in this section, may make written request to the commissioner for a waiver of such time frames. Waivers shall not be granted or considered unless the request for the waiver:

(1) Is received by the banking department within 20 calendar days following the licensee's receipt of the complaint;

(2) Specifies the reason for the request; and

(3) Specifies a date certain by which the licensee shall comply with the provisions of this section.

(b) Requests for waivers shall be either granted or denied within 5 calendar days of receipt by the banking department.

399-H:13 Examinations and Investigations.

I. The commissioner or the commissioner's duly authorized representative shall, in accordance with this chapter and RSA 383 and, with or without notice to the licensee or person, examine or investigate the business affairs of any licensee or any other person subject to this chapter, whether licensed or not, or more often when necessary, as the commissioner deems necessary to determine compliance with this chapter and the rules adopted pursuant to it. In determining compliance, the commissioner or the duly authorized representative may examine the books, accounts, records, files, and other documents, whether electronically stored or otherwise, and any other matters of any licensee or person. The commissioner or the duly authorized representative shall have and be given free access to the office and places of business, files, safes, and vaults of all such persons, and may require the attendance of any person and to examine him or her under oath relative to such loans or such business or to the subject matter of any examination or investigation and may require the production of books, accounts, papers, and records of such persons.

II. The commissioner may, in his or her discretion, accept all or part of a report of examination of a student loan servicer, certified to by the regulatory supervisory official of another state. To avoid unnecessary duplication of examinations, the commissioner, insofar as he or she deems it practicable in administering this section, may cooperate with the regulators of other states, the Federal Trade Commission, other federal regulators, or their successors in conducting examinations and investigations.

III. The department may subpoena witnesses and administer oaths and to compel, by subpoena duces tecum, the production of all books, records, files, and other documents and materials whether electronically stored or otherwise relevant to its investigation at any time in any matter over which the department has jurisdiction, control, or supervision pertaining to the provisions of this chapter.

IV. When the department requests a loan list or other similar summary document from a licensee from which to select particular files for review, the licensee shall ensure that the list is received by the department within 7 calendar days after the licensee's receipt of the request from the department. The licensee shall pro-

vide the department the files it selects from the loan list within 14 calendar days after the licensee's receipt of the request from the department. The licensee shall ensure the department receives any other information requested within 21 days of the licensee's receipt of the request. Failure to provide files and documents within the time established by this paragraph shall subject a licensee or person to a fine of \$50 per day for each day the files and documents are not produced. Failure to provide files and documents within 60 days after being requested to do so by the department shall be sufficient cause for license revocation, suspension, or denial.

V. Every person being examined, and all of the officers, directors, employees, agents, and representatives of such person shall make freely available to the commissioner or the commissioner's examiners the accounts, records, documents, files, information, assets, and matters in their possession or control relating to the subject of the examination and shall facilitate the examination.

VI. The expense of such examination or investigation shall be chargeable to and paid by the licensee or person being examined. The payment shall be calculated by the same method as for payments by institutions for cost of examinations under RSA 383:11.

VII. In any investigation to determine whether any person has violated or is about to violate this chapter or any rule or order under this chapter, upon the commissioner's finding that the person violated this chapter or a rule or order under this chapter, or the person charged with the violation defaults, the commissioner may recover the cost of the investigation, in addition to any other penalty provided for under this chapter.

VIII. If the commissioner or examiner finds any accounts or records to be inadequate, or kept or posted in a manner not in accordance with generally accepted accounting principles, the commissioner may employ experts to reconstruct, rewrite, post, or balance them at the expense of the person being examined if such person has failed to maintain, complete, or correct such records or accounting after the commissioner or examiner has given him or her written notice and a reasonable opportunity to do so.

IX.(a) Upon receipt of a written report of examination, the licensee shall have 30 days or such additional reasonable period as the commissioner for good cause may allow, within which to review the report, recommend any changes, and set forth in writing the remedial course of action the licensee will pursue to correct any reported deficiencies outlined in the report.

(b) If so requested by the person examined, within the period allowed in subparagraph (a), or if deemed advisable by the commissioner without such request, the commissioner shall hold a closed hearing relative to the report and shall not file the report in the department until after such closed hearing and issuance of his or her order thereon. If no such closed hearing has been requested or held, the examination report, with such modifications, if any, thereto as the commissioner deems proper, shall be accepted by the commissioner and filed upon expiration of the review period provided for in subparagraph (a). The report shall in any event be so accepted and filed within 6 months after final hearing thereon.

(c) All reports pursuant to this section shall be confidential and shall not be available for public inspection. The comments and recommendations of the examiner shall also be confidential information and shall not be available for public inspection.

X. In order to carry out the purposes of this section, the commissioner may:

(a) Retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations.

(b) Enter into agreements or relationships with other government officials or regulatory associations in order to improve efficiencies and reduce regulatory burden by sharing resources, standardized or uniform methods or procedures, and documents, records, information, or evidence obtained under this section.

(c) Use, hire, contract, or employ public or privately available analytical systems, methods, or software to examine or investigate the student loan servicer licensee or person subject to this chapter.

(d) Accept and rely on examination or investigation reports made by other government officials, within or without this state.

(e) Accept audit reports made by an independent certified public accountant for the student loan servicer licensee or person subject to this chapter in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in the report of examination, report of investigation, or other writing of the commissioner.

399-H:14 Compliance with Federal Law. A student loan servicer shall comply with all applicable federal laws and regulations relating to student loan servicing, including, but not limited to, the Truth-in-Lending Act, 15 U.S.C. section 1601 et seq., as from time to time amended, and the regulations promulgated thereunder. In addition to any other remedies provided by law, a violation of any such federal law or regulation shall be deemed a violation of this chapter and a basis upon which the commissioner may take enforcement action under this chapter.

399-H:15 Recordkeeping.

I. Each student loan servicer licensee shall maintain adequate records of each student education loan transaction for not less than 2 years following the final payment on such student education loan or the assignment of such student education loan, whichever occurs first, or such longer period as may be required by the commissioner or any other provision of law.

II. If requested by the commissioner, each student loan servicer shall make such records available or send such records to the commissioner by secure electronic transmission, registered or certified mail, return receipt requested, or by any express delivery carrier that provides a dated delivery receipt, not later than 5 business days after requested by the commissioner to do so. Upon request, the commissioner may grant a licensee additional time to make such records available or send the records to the commissioner.

399-H:16 Powers of the Commissioner.

I. The commissioner shall have the power to subpoena witnesses and administer oaths in any adjudicative proceeding and to compel, by subpoena duces tecum, the production of documents, papers, books, records, files, and other evidence, whether electronically stored or otherwise, before the commissioner in any matter over which the commissioner has jurisdiction, control, or supervision pertaining to the provisions of this chapter. The commissioner shall have the power to administer oaths and affirmation to any person whose testimony is required. If any person shall refuse to obey any such subpoena or to give testimony or to produce evidence as required thereby, any justice of the superior court may, upon application and proof of such refusal, order the issuance of a subpoena, or subpoena duces tecum, out of the superior court, for the witness to appear before the superior court to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of the superior court, the clerk shall issue such subpoena, as directed, requiring the person to whom it is directed to appear at the time and place therein designated. If any person served with any such subpoena shall refuse to obey the same, and to give testimony, and to produce evidence as required thereby, the commissioner may apply to any justice of the superior court who, after proof of such refusal, shall issue such citation, directed to any sheriff, for the arrest of such person, and, upon such person's being brought before such justice, proceed to a hearing of the case. Any person who refuses to comply with a subpoena shall be subject to a fine not exceeding \$10,000 or by imprisonment, or both.

II. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the administration and enforcement of this chapter.

III. The commissioner may prepare, alter, or withdraw such forms as are necessary to comply with the provisions of this chapter.

IV. The commissioner may issue, amend, or rescind such orders as are reasonably necessary to carry out the provisions of this chapter.

V. The commissioner may, for good cause shown, abate all or a portion of delinquency penalties assessed under this chapter.

VI. All actions taken by the commissioner pursuant to this chapter shall be taken only when the commissioner finds such action necessary or appropriate to the public interest or for the protection of consumers and consistent with the purposes fairly intended by the policy and provisions of this chapter.

VII. In adopting rules, preparing forms, setting standards, and performing examinations, investigations, and other regulatory functions authorized by the provisions of this chapter, the commissioner may cooperate, and share information pursuant to confidentiality agreements, with regulators in this state and with regulators in other states and with federal regulators in order to implement the policy of this chapter in an efficient and effective manner and to achieve maximum uniformity in the form and content of applications, reports, and requirements for student loan servicers, where practicable.

VIII. The commissioner may set fees to be charged to cover the reasonable costs of copying documents and producing reports.

IX. The commissioner may share information with state and federal regulators, and may share information with law enforcement agencies for the purposes of criminal investigations.

399-H:17 Order to Show Cause.

I. The commissioner may issue an order requiring a person to whom any license has been granted or any person under the commissioner's jurisdiction to show cause why the license should not be revoked, suspended, or penalties imposed, or both, if the commissioner finds that:

(a) The licensee has violated any provision of this chapter or any rule or order lawfully made pursuant to this chapter.

(b) Any fact or condition exists which, if it had existed at the time of the original application for the license, would have warranted a denial of such license. No abatement of the license fee shall be made if the license is surrendered, revoked, or suspended prior to the expiration of the period for which it was issued.

II.(a) The order shall give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order.

(b) Valid delivery of such order shall be by hand or certified mail at the last known principal office of the licensee or respondent or to a principal, control person, or legal representative of the licensee or respondent.

(c) A hearing, if requested, shall be scheduled not later than 10 calendar days after the written request for such hearing is received by the commissioner.

(d) Within 30 calendar days from the date of the hearing the commissioner shall enter an order making such disposition of the matter as the facts require.

(e) If the person to whom an order to show cause is issued fails to appear at a hearing after being duly notified, such person shall be deemed in default, and the proceeding may be determined against him or her upon consideration of the order to show cause, the allegations of which may be deemed to be true.

(f) If the person to whom an order to show cause or other order is issued fails to request a hearing within 30 calendar days of receipt or valid delivery of the order and no hearing is ordered by the commissioner, then such person shall be deemed in default, and the order shall, on the 31st day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown.

III. The department may take action for immediate suspension of a license, pursuant to RSA 541-A:30, III.

IV. If a licensee is a partnership, association, corporation, or entity however organized, it shall be sufficient cause for the suspension or revocation of a license that any officer, director, or trustee of a licensed association or corporation or any member of a licensed partnership has so acted or failed to act in behalf of said licensee as would be cause for suspending or revoking a license to such party as an individual.

399-H:18 Cease and Desist Orders.

I. The department may issue a cease and desist order against any person who it has reasonable cause to believe has violated or is about to violate the provisions of this chapter or any rule or order under this chapter.

II.(a) The order shall be calculated to give reasonable notice of the opportunity for a hearing and shall state the reasons for the issuance of the order.

(b) Valid delivery of such order shall be by hand or certified mail at the last known principal office of the person.

(c) A hearing, if requested, shall be held not later than 10 days after the written request for such hearing is received by the commissioner.

(d) Within 30 days of the date of the hearing the commissioner shall issue a further order vacating the cease and desist order or making it permanent as issued or as amended by the commissioner.

(e) If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, such person shall be deemed in default, and the proceeding may be determined against him or her upon consideration of the cease and desist order, the allegations of which may be deemed to be true.

(f) If the person to whom a cease and desist order is issued fails to request a hearing within 30 calendar days of receipt or valid delivery of such order and no hearing is ordered by the commissioner, then such person shall likewise be deemed in default, and the order shall, on the 31st day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the commissioner, for good cause shown.

III. If any person refuses to comply with the commissioner's order, an action may be brought by the attorney general on the commissioner's behalf in any superior court in this state to enjoin such person from engaging in or continuing such violation or from doing any act or acts in furtherance of such violation. In any such action, an order or judgment may be entered awarding a temporary or permanent injunction, and awarding the commissioner or the attorney general or both costs in bringing such action. Any person who fails to comply with such injunction shall be subject to a fine not exceeding \$10,000 or imprisonment, or both.

399-H:19 Penalties.

I. Any person or the members, officers, directors, agents, and employees thereof who knowingly violate any provision of this chapter shall be guilty of a misdemeanor if a natural person, or a felony if any other person, in addition to any other penalty under this section.

II. Any person who knowingly violates any provision of this chapter, or rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to suspension or revocation of any registration or license, or an administrative fine not to exceed \$2,500 for each violation in lieu of or in addition to such suspension or revocation as may be applicable under this chapter for violation of the provision to which such rule or order relates. Each of the acts specified shall constitute a separate violation and each such administrative action or fine may be imposed in addition to any criminal or civil penalties imposed.

III. Any person who negligently violates any provision of this chapter, or rule or order of the commissioner may, upon notice and opportunity for hearing, except where another penalty is expressly provided, be subject to suspension, revocation, or denial of any registration or license, including the forfeiture of any application fee, or the imposition of an administrative fine not to exceed \$1,500 for each violation, in lieu of or in addition to suspension or revocation as may be applicable under this chapter for violation of the provision to which such rule or order relates. Each of the acts specified shall constitute a separate violation and each such administrative action or fine may be imposed in addition to any criminal or civil penalties imposed.

IV. Every person who directly or indirectly controls a person liable under this section, every partner, principal executive officer, or director of such person, every person occupying a similar status or performing a similar function, every employee of such person who materially aids in any act constituting a violation of this chapter, and every licensee or person acting as a common law agent who materially aids in any act constituting a violation of this chapter, either knowingly or negligently, may, upon notice and opportunity for hearing, and in addition to any other penalty provided for by law, be subject to suspension, revocation,

or denial of any registration or license, including the forfeiture of any application fee, or an administrative fine not to exceed \$2,500, or both. Each of the acts specified shall constitute a separate violation, and such administrative action or fine may be imposed in addition to any criminal or civil penalties imposed. No person shall be liable under this paragraph who sustains the burden of proof that such person did not know, and in the exercise of reasonable care could not have known, of the existence of facts by reason of which the liability is alleged to exist.

V. Any person who refuses without just cause to be examined under oath or who willfully obstructs or interferes with the examiners in the exercise of their authority shall be guilty of a misdemeanor.

VI. Any person who engages in the business of a student loan servicer in this state or with consumers located in this state without first obtaining a license, shall not collect, receive, or retain any principal, interest, or charges whatsoever on any purported student education loan contract.

VII. The attorney general on the commissioner's behalf, may, with or without prior administrative action by the commissioner, bring an action against any person in any superior court in this state to enjoin the acts or practices and to enforce compliance with this chapter or any rule or order under this chapter. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver may be appointed for the defendant or the defendant's assets. The court shall not require the commissioner or attorney general to post a bond. Any person who fails to comply with an injunction, restraining order, or writ of mandamus shall be subject to a fine not exceeding \$10,000 or imprisonment, or both. In a proceeding in superior court under this paragraph where the state prevails, the commissioner and the attorney general shall be entitled to recover all costs and expenses of investigation, and the court shall include the costs in its final judgment.

399-H:20 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity shall not affect other provisions or any other application of this act which can be given effect without invalid provision or application, and for this purpose the provisions of this act are declared severable.

3 Bank Commissioner; Examination Costs. Amend RSA 383:11, II(c) to read as follows:

(c) From consumer credit division entities. Each entity subject to the supervision of the commissioner under the provisions of RSA 361-A, RSA 397-A, RSA 399-A, RSA 399-D, [and] RSA 399-G, **and RSA 399-H** shall be charged and shall pay such proportion of the balance applicable to the consumer credit administration division under the department's accounting unit designation as the gross revenue received from the total dollar volume of loans made, originated, funded, or brokered, or debt adjustment contracts entered into, or mortgage **or student loan** servicing fees received or money transmitted from each entity's New Hampshire business bears to the total gross revenue received from the total dollar volume of the loans made, originated, funded, or brokered, or debt adjustment contracts entered into, or mortgage **or student loan** servicing fees received, or money transmitted, from New Hampshire business by all entities during the preceding calendar year ending December 31, as shown by their reports to the commissioner.

4 Repeal. RSA 383:9-c, relative to educational lending institutions, is repealed.

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

Amendment to HB 1506

(2020-0911h)

Proposed by the Committee on Transportation - c

Amend RSA 265:162, II as inserted by section 1 of the bill by inserting after subparagraph (d) the following new subparagraph:

(e) The commissioner of the department of safety, or designee.

Amend RSA 265:162, V as inserted by section 1 of the bill by replacing it with the following:

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

Amendment to HB 1507

(2020-0951h)

Proposed by the Committee on Environment and Agriculture - c

Amend RSA 149-M:7, III as inserted by section 1 of the bill by replacing it with the following:

III. Administration of a permit system, including the terms, conditions, and time frames under which the department shall issue, modify, suspend, revoke, deny, approve, or transfer permits required by this chapter, **and means of noticing the public about such permits including, but not limited to, using electronic means via notice on the department's Internet website, and communicating permitting information with affected municipalities.**

**Amendment to HB 1514
(2020-0711h)**

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 relative to the presence of a fire department at a display fireworks display.

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

1 Public Safety; Fireworks; Local Option. Amend RSA 160-B:10 to read as follows:
160-B:10 Local Option.

I. Any municipality in the state, by action of its local legislative body or local governing body, may vote to allow or to prohibit, within that municipality, the issuance of permits or licenses to the extent authorized under RSA 160-B:6 and 160-B:7. If the municipality has voted to prohibit the issuance of permits or the display of fireworks prior to March 1, 1992, such decision shall remain in effect unless subsequent action is taken under this section.

II. In any municipality that votes to allow, within that municipality, the issuance of permits for display fireworks, the local fire department may inspect the site of the display. The local fire chief shall determine whether to have the presence of fire department personnel and extinguishing equipment at the display and if so, how long the presence shall last.

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

**Amendment to HB 1516
(2020-1085h)**

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

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

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

457:4 Marriageable. ~~[No person below the age of 16 years shall be capable of contracting a valid marriage, and all marriages contracted by such persons shall be null and void.]~~ **No individual under the age of 18 shall be granted a marriage license. Notwithstanding the foregoing, a person who is 16 or 17 years of age, who has been emancipated pursuant to an order of emancipation under RSA 461-B, shall be capable of contracting a valid marriage.**

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

457:8 Prohibitions. No town clerk shall issue any certificate for the marriage of any person below the age of ~~[consent]~~ **18**, and no magistrate or minister of religion shall solemnize the marriage of any such person, if such clerk, magistrate or minister knows or has reasonable cause to believe that such person is below such age, unless ~~[permission for such marriage has been given under this subdivision]~~ **the person presents a valid order of emancipation issued pursuant to RSA 461-B.** No magistrate or minister of religion shall solemnize any marriage by proxy.

2020-1085h

AMENDED ANALYSIS

This bill provides that, unless the person has been emancipated, the minimum age for marriage is 18 years of age.

**Amendment to HB 1517-FN
(2020-0903h)**

Proposed by the Committee on Transportation - c

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-9 to read as 4-10, respectively:

3 New Section; Motor Vehicles; Registration; Roadable Aircraft. Amend RSA 261 by inserting after section 41-b the following new section:

261:41-c Roadable Aircraft; Registration.

I. Upon receipt of an application for registration of a roadable aircraft and payment of applicable state and municipal registration permit fees, the department shall issue a certificate of registration to the owner of such aircraft, provided that the application is accompanied by the following:

(a) Proof of valid and unexpired aircraft registration issued by the New Hampshire department of transportation.

(b) A copy of an annual aircraft inspection completed within the 12 calendar months immediately preceding the date of application.

II. For purposes of this section, roadable aircraft shall be identified by the registration number assigned to such aircraft by the New Hampshire department of transportation.

III. The expiration date of a certificate issued pursuant to this section shall match the expiration of the aircraft registration issued by the New Hampshire department of transportation.

IV. The fees for registration of roadable aircraft shall be comprised of the fee prescribed by RSA 261:141, III(g), payable to the department, plus a municipal registration permit fee of \$2,000, payable to the city or town in which the owner of such roadable aircraft resides.

2020-0903h

AMENDED ANALYSIS

This bill defines and establishes inspection and registration requirements for roadable aircraft.

Amendment to HB 1518-FN

(2020-0983h)

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

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

2 Electric Renewable Portfolio Standards; Electric Renewable Energy Classes. Amend RSA 362-F:4, I (c) to read as follows:

(c) Hydrogen derived from biomass fuels, **water**, or methane gas.

3 Electric Renewable Portfolio Standards; Renewable Energy Fund. Amend RSA 362-F:10, II-III to read as follows:

II. In lieu of meeting the portfolio requirements of RSA 362-F:3 for a given year if, and to the extent sufficient certificates are not otherwise available at a price below the amounts specified in this paragraph, an electricity provider may, at the time of report submission for that year under RSA 362-F:8, make payment to the commission at the following rates for each megawatt-hour not met for a given class obligation through the acquisition of certificates:

(a) Class I-\$55, except for that portion of the class electric renewable portfolio standards to be met by qualifying renewable energy technologies producing useful thermal energy under RSA 362-F:3 which shall be ~~[\$25]~~ **\$55** beginning January 1, ~~[2013]~~ **2020**.

(b) Class II-\$55.

(c) Class III-~~[\$31.50]~~ **\$55 beginning January 1, 2020**.

(d) Class IV-~~[\$26.50]~~ **\$55 beginning January 1, 2020**

III.(a) Beginning in 2013 **for Class I (except for useful thermal energy under RSA 362-F:3) and Class II, and beginning in 2021 for Class I qualifying renewable energy technologies producing useful thermal energy under RSA 362-F:3, Class III, and Class IV**, the commission shall adjust these rates by January 31 of each year using **1/2 of** the Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor ~~[for classes III and IV and 1/2 of such Index for classes I and II]~~.

(b) ~~[In lieu of the adjustments under subparagraph (a) for class III in 2015 and 2016, the class rate in each of those years shall be \$45. In lieu of the adjustments under subparagraph (a) for class III in 2017, 2018, and 2019, the class rate in each of those years shall be \$55.]~~

(c) ~~By January 31, 2020 the commission shall compute the 2020 class III rate to equal the rate that would have resulted in 2020 by the application of subparagraph (a) to the 2013 rate and each subsequent year's rate to 2020.]~~

(d) ~~In 2021 and thereafter, the class III rate shall be determined by application of subparagraph (a) to the prior year's rate]~~ **The 2019 class rates for all classes are those in effect on December 1, 2019 as posted by the commission.**

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

2020-0983h

AMENDED ANALYSIS

This bill sets the alternative compliance payment at \$55 per megawatt hour to the renewable energy fund for electric distribution utility requirements not satisfied by renewable energy credits.

This bill also changes the rate adjustments for certain class obligations.

Amendment to HB 1520

(2020-0953h)

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

Amend the bill by replacing section 1 with the following:

1 Statement of Purpose. The general court recognizes that the health care delivery system of the state of New Hampshire is responsible for constantly improving health care outcomes and managing health care costs across the state. The health care delivery system is therefore vital to the economy and well being of all New Hampshire citizens. Therefore the general court hereby establishes the New Hampshire health policy commission to advise and make recommendations to state agencies for the purposes of improved health and managed cost for all New Hampshire citizens.

Amend RSA 126-A:81, II-III as inserted by section 2 of the bill by replacing them with the following:

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

- (a) The commissioner of the department of health and human services, or designee.
- (b) The commissioner of the insurance department, or designee.
- (c) The attorney general, or designee.
- (d) A physician with expertise in health policy, appointed by the New Hampshire Medical Society.
- (e) A representative of New Hampshire health insurers, appointed by America's Health Insurance

Plans (AHIP).

- (f) A representative of the New Hampshire Hospital Association, appointed by the association.

(g) The director of the university of New Hampshire institute for health policy and practice, or designee.

- (h) The president of Endowment for Health, or designee.

- (i) A representative of the New Hampshire Health Care Association, appointed by the association.

(j) The chair of the university of New Hampshire department of health management and policy, or designee.

(k) A public member with expertise in health care delivery and management, appointed by the governor with confirmation by the executive council.

- (l) A representative of the Bi-State Primary Care Association, appointed by the association.

- (m) A representative of NAMI New Hampshire, appointed by that organization.

- (n) A representative of the New Hampshire Nurses' Association, appointed by that association.

- (o) A representative of the Business and Industry Association (BIA), appointed by the association.

(p) A representative of labor with expertise in representing the health care workforce, appointed by the Service Employees International Union (SEIU) Local 1984.

- (q) A representative of the Home Care Association of New Hampshire, appointed by the association.

- (r) The commissioner of the department of corrections, or designee.

(s) A member of the house of representatives who shall be a member of the health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.

III. The legislative member shall receive mileage at the legislative rate when attending to the duties of the commission. The members appointed pursuant to subparagraphs II(a) through (c) and (r) and (s) shall serve terms coterminous with their terms in office. The members appointed pursuant to subparagraphs II(d) through (q) shall serve 4-year terms; provided that initially such members shall serve staggered terms and no such member shall serve more than 2 consecutive terms. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the commissioner of the department of health and human services. The first meeting of the commission shall be held within 45 days of the effective date of this subdivision. A majority of the members shall constitute a quorum. The commission shall convene at least 4 times per year. The commission shall be subject to the provisions of 91-A.

Amend RSA 126-A:81, IV(a)(3) as inserted by section 2 of the bill by replacing it with the following:

(3) Recommending standards for health care delivery systems to best meet medical, behavioral, and social needs.

Amendment to HB 1521-FN (2020-0331h)

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

Amend RSA 330-A:3, I as inserted by section 1 of the bill by replacing it with the following:

I. There shall be a board of mental health practice composed of the following members: one licensed pastoral psychotherapist, one licensed clinical social worker, one licensed marriage and family therapist, one licensed clinical mental health counselor, one member from a community mental health center, one member from a community health center, and 3 public members, ***one of whom shall be a certified peer support specialist***. The members shall be appointed to a term of 3 years by the governor with the approval of the council. The members of the board shall elect a chairperson on an annual basis. No discipline's representative and no individual public member shall serve as chairperson for more than 2 years consecutively.

2020-0331h

AMENDED ANALYSIS

This bill requires one of the public members of the board of licensing for alcohol and other drug use professionals to be a certified peer support specialist.

Amendment to HB 1522 (2020-0877h)

Proposed by the Committee on Education - c

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

AN ACT requiring colleges and universities to establish a memorandum of understanding governing issues related to sexual assault.

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

1 Higher Education Commission; Sexual Assault Reporting Policy. Amend RSA 21-N:8-a, II(e)(10) to read as follows:

(10) *Require all institutions of higher education over which the commission has regulatory authority to establish a memorandum of understanding or other similar agreement between the institution's campus security or police department and the local law enforcement agency having jurisdiction over the area where the campus is located for the purpose of providing a safe and healthy environment for area residents, students, employees, and visitors in matters related to RSA 632-A.*

(11) Assume other responsibilities as may be provided in state or federal law. 2 Effective Date. This act shall take effect July 1, 2021.

2020-0877h

AMENDED ANALYSIS

This bill requires institutions of higher education to develop a memorandum of understanding governing issues related to sexual assault.

Amendment to HB 1524

(2020-0999h)

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 relative to post-arrest photo distribution by law enforcement officers.

Amend the bill by replacing section 1 with the following:

1 Law Enforcement; Information Sharing. New Subdivision; Post-Arrest Photo Distribution. Amend RSA 105 by inserting after section 18 the following new subdivision:

Post-Arrest Photo Distribution

105:19 Law Enforcement; Post-Arrest Photo Distribution. Post-arrest photos taken by law enforcement officers of arrested persons shall be considered records compiled for investigatory purposes and shall not be subject to RSA 91-A unless the subject of the photo is convicted of a charge arising out of the arrest that led to the taking of the photo. Law enforcement officers shall not publicly disseminate the post-arrest photos unless the subject of the photo is a fugitive from justice who poses an immediate and ongoing danger to public safety. Law enforcement officers may release such applicable post-arrest photos to the subject of the photo upon written request of the person. Law enforcement officers shall maintain a record of all applicable photos released or disseminated and shall include with whom the photos were shared and for what purpose. Nothing in this subdivision shall prohibit the ability of law enforcement agencies from disseminating such post-arrest photos to witnesses or to other law enforcement agencies in the performance of any valid law enforcement function. Nothing in this subdivision shall alter the ability of law enforcement agencies to take or use the photos of convicted, registered sex offenders under the provisions in RSA 651-B:5.

2020-0999h

AMENDED ANALYSIS

This bill prohibits law enforcement from distributing post-arrest photos of suspects except in certain circumstances.

Amendment to HB 1532

(2020-0673h)

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 a committee to review and propose initiatives to implement the recommendations of the 2020 forest resources plan.

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

1 Committee Established. There is established a committee to review and propose initiatives to implement the recommendations of the 2020 forest resources plan developed pursuant to RSA 227-I:6-8.

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) Two members of the senate, appointed by the president of the senate.

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

3 Duties. The committee shall consult with the Forest Advisory Board established in RSA 227-I:5 to review the 2020 forest resources plan and develop recommendations for implementation of its findings including the following:

- I. The future of forest resources in the short and long term.
- II. The management of forest resources for public benefits such as recreation, clean air and water, wildlife habitat, and climate change.
- III. The future development of the forest products industry to optimize technological and market advancements and employment opportunities.
- IV. The opportunities for northeast regional cooperation.

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.

2020-0673h

AMENDED ANALYSIS

This bill establishes a committee to review and propose initiatives to implement the recommendations of the 2020 forest resources plan.

Amendment to HB 1534

(2020-0783h)

Proposed by the Majority of the Committee on Election Law - r

Amend RSA 654:47, II-V as inserted by section 1 of the bill by replacing them with the following:

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

- (a) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) Two members of the house of representatives, appointed by the leader of the largest minority party in the house of representatives.
- (c) One member of the senate, appointed by the president of the senate.
- (d) One member of the senate, appointed by the leader of the largest minority party in the senate.
- (e) One town clerk and one city clerk, appointed by the New Hampshire City and Town Clerks' Association.
- (f) Two supervisors of the checklist, appointed by the secretary of state.

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

IV. The commission shall identify:

- (a) Media with which to accept online voter registration, such as mobile apps, web sites, and social media platforms.
- (b) Costs associated with implementation of online voter registration.
- (c) Measures to ensure the security of the online voter registration system.
- (d) Processes that enhance the accuracy of information and reduce time for supervisors of the checklist and city and town clerks.
- (e) The impact of an online voter registration system on voter registration and participation rate.
- (f) Any other matters regarding online voter registration deemed relevant by the commission.

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

Amendment to HB 1535

(2020-0900h)

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 relative to installation of solar photovoltaic energy systems by owners subject to deed restrictions in a homeowners association.

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

1 New Section; Interests in Realty; Solar Photovoltaic Systems. Amend RSA 477 by inserting after section 22-a the following new section:

477:22-b Solar Photovoltaic Systems; Enforcement of Restrictions; Homeowners' Associations.

I. Any covenant, condition, or restriction contained in any deed, contract, mortgage, security instrument, or other instrument pertaining to a conveyance, sale, or transfer of real property or interest therein which prohibits or unreasonably limits the installation or use of a solar photovoltaic system by an owner on the real property controlled by such owner, and not in any shared or common area, shall be void and unenforceable.

II. A covenant, condition, or restriction shall be considered unreasonable for the purposes of this section if it significantly increases the cost and expense of the solar photovoltaic system to its owner or user, or significantly decreases its efficiency, or otherwise effectively discourages the installation or use of a solar photovoltaic system.

III. This section shall apply to the installation and use of a solar photovoltaic system by an owner in a homeowners' association on and after the effective date of this section.

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

2020-0900h

AMENDED ANALYSIS

This bill prohibits deed restrictions or covenants of homeowners' associations from prohibiting or restricting the installation and use of a solar photovoltaic energy system.

Amendment to HB 1537

(2020-0433h)

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

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

AN ACT relative to standards for per and polyfluoroalkyl substances (PFAS) in drinking water and ambient groundwater.

Amend the bill by replacing section 1 with the following:

1 Per and Polyfluoroalkyl Substances; Rulemaking Required. Amend RSA 485:16-e to read as follows:

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

Amendment to HB 1539

(2020-0029h)

Proposed by the Majority of the Committee on Judiciary - r

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

1 Lead Paint Poisoning Prevention and Control; Relocation of Tenants. RSA 130-A:8-a, I is repealed and reenacted to read as follows:

I. Within 45 days of receiving an order for lead hazard reduction from the commissioner pursuant to RSA 130-A:5, I(c) the owner shall make an unconditional written offer to facilitate relocation of the tenant until such time as the department approves the premises for re-occupancy. The offer shall include the following:

(a) An offer to prorate the tenant's rent for the month in which the tenant temporarily vacates the premises, and to return the portion paid by the tenant for the days after the tenant has left the premises.

(b) An offer to relocate the tenant to an adequate temporary dwelling that does not contain lead hazards, and to pay the difference between the tenant's rent for the temporary dwelling, and the tenant's rent at the time the landlord received the order from the department, until the department approves the dwelling for re-occupancy. The offer shall inform the tenant that if the tenant independently locates a temporary replacement dwelling the maximum monthly payment for which an owner shall be liable is the difference between the tenant's current rent and the fair market rent established annually by the United States Department of Housing and Urban Development, for a unit with the same number of bedrooms in the tenant's current apartment.

(c) An offer to pay reasonable moving and/or storage costs, including moving costs incurred by the tenant in re-occupying the premises.

(d) An offer to give the tenant a right to resume his or her tenancy when the dwelling is approved for re-occupancy.

(e) An offer to immediately rescind the existing lease if the tenant chooses not to re-occupy the premises.

I-a. Within 15 days of receiving an order for lead hazard reduction from the commissioner pursuant to RSA 130-A:5, I(c), the owner shall provide written notice to the tenant that within no more than 45 days from the date of the order, and prior to commencing any lead hazard reduction measures, the tenant shall receive an offer to help with temporary relocation for the duration of time that lead hazard reduction measures are being carried out at the premises, and that such offer shall, if necessary, include:

- (a) Moving assistance.
- (b) Storage costs.
- (c) The additional cost of the temporary dwelling.

2 New Paragraph; Lead Paint Poisoning Prevention and Control; Lump Sum Payment. Amend RSA 130-A:8-a by inserting after paragraph III the following new paragraph:

III-a. As an alternative to the measures and payments required by paragraph RSA 130-A:8, I, I-a, and II, and notwithstanding provisions of RSA 540:28, the parties may agree to a lump sum payment for the tenant to permanently vacate the premises. Each such agreement shall be in writing and shall provide as follows:

(a) One half of the sum agreed to by parties shall be paid within 72 hours of the parties reaching the agreement.

(b) The remainder of the sum agreed to shall be paid within 48 hours of tenant vacating the property along with tenant's full security deposit regardless of any damage to the property or rental arrears, provided that the tenant vacates by the date stipulated in the agreement.

3 New Paragraph; Prohibited Practices and Security Deposits; Certain Specific Acts Prohibited. Amend RSA 540-A:3 by inserting after paragraph VII the following new paragraph:

VIII. No landlord shall willfully violate the requirements of RSA 130-A:8, I. It shall be a defense to any action brought under this paragraph that:

(a) The tenant unreasonably failed to accept an offer from the owner that complied with the requirements of RSA 130-A:8-a, I; or

(b) That, notwithstanding the owner's good faith efforts, the owner was unable to locate an adequate temporary dwelling as set forth in RSA 130-A:8-a, I(c), and that the owner did not unreasonably refuse to provide the assistance required by RSA 130-A:8, I for a dwelling that the tenant located independently.

4 New Subparagraph; Prohibited Practices and Security Deposits; Remedies. Amend RSA 540-A:4, IX by inserting after subparagraph (e) the following new subparagraph:

(f) For a violation of RSA 540-A:4, VIII, the provisions of RSA 540-A:4, IX(a) shall apply provided however that each 10-day period that a violation continues after the issuance of a temporary order shall constitute a separate violation.

5 New Subparagraph; Action Against Tenants; Termination of Tenancy. Amend RSA 540:2, II by inserting after subparagraph (g) the following new subparagraph:

(h) Failure of the tenant to vacate the premises as required by an agreement made pursuant to RSA 130-A:8-a.

6 Action Against Tenants; Eviction Notice. Amend RSA 540:3, II to read as follows:

II. For all residential tenancies, 30 days' notice shall be sufficient in all cases; provided, however, that 7 days' notice shall be sufficient if the reason for the termination is as set forth in RSA 540:2, II(a), (b), ~~(c)~~ (d), **or h**.

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

Amendment to HB 1541

(2020-1016h)

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

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

AN ACT relative to including electrical storage facilities in the definition of energy facility.

Amend the bill by replacing section 1 with the following:

1 Energy Facility; Definition; Electrical Storage Facility. Amend RSA 162-H:2, VII(g) to read as follows:

(g) *An electrical storage facility with a peak storage capacity of 30 megawatt-hours or greater.*

(h) Any other facility and associated equipment that the committee determines requires a certificate, consistent with the findings and purposes of RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

2020-1016h

AMENDED ANALYSIS

This bill adds certain electrical storage facilities to the definition of energy facility.

Amendment to HB 1548

(2020-0461h)

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

Amend RSA 622:52-a, I as inserted by section 1 of the bill by deleting subparagraph (l) and renumbering the original subparagraphs (m)-(o) to read as (l)-(n), respectively.

**Amendment to HB 1551-FN
(2020-0886h)**

Proposed by the Committee on Transportation - c

Amend RSA 263:64, V-a(c) as inserted by section 1 of the bill by replacing it with the following:

(c) A person violating this section whose license or driving privilege has been suspended pursuant to the provisions of RSA 265-A:30, or pursuant to a reasonably equivalent law in any other jurisdiction, shall be guilty of a misdemeanor and fined \$500 plus penalty assessment.

**Amendment to HB 1552-FN
(2020-0875h)**

Proposed by the Majority of the Committee on Transportation - r

Amend RSA 263:22-a as inserted by section 3 of the bill by replacing it with the following:

263:22-a Learner's Permit Required. Any person who intends to drive a motor vehicle in this state pursuant to RSA 263:25 shall first obtain a learner's permit issued by the director. The director shall issue a learner's permit to any applicant who is at least 15-1/2 years of age and who satisfactorily passes the driving knowledge exam prescribed by the director pursuant to RSA 263:6. The fee for a learner's permit shall be \$5. Permits issued pursuant to this section shall be valid for one year from the date of issuance. No applicant for a learner's permit shall be required to pass any road skill portion of any examination prescribed by the director for regular driver's licenses. The director shall adopt rules pursuant to RSA 541-A implementing the requirements of this section.

Amend the bill by replacing section 5 with the following:

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

**Amendment to HB 1559
(2020-0580h)**

Proposed by the Committee on Judiciary - r

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

1 New Subparagraph; Right-to-Know-Law; Nonpublic Sessions. Amend RSA 91-A:3, II by inserting after subparagraph (l) the following new subparagraph:

(m) Consideration of whether to unseal minutes after one year due to a change in circumstances under paragraph III.

2 Right-to-Know Law; Nonpublic Minutes. Amend RSA 91-A:3, III to read as follows:

III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes of such sessions shall record all actions in such a manner that the vote of each member is ascertained and recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members **voting in nonpublic session**, the aforesaid circumstances no longer apply. **An exception shall apply to those minutes generated from subparagraph II(d), which may be unsealed at any time but which will automatically be unsealed after one year unless a majority of the members vote that the minutes should remain sealed.**

3 Effective Date. This act shall take effect January 1, 2021.

2020-0580h

AMENDED ANALYSIS

This bill declares that sealed minutes in nonpublic sessions under the right-to-know law may be unsealed if in the opinion of a majority of members voting in nonpublic session determine that circumstances have changed. The minutes sealed pursuant to RSA 91-A:3, II(d) would become public after one year.

**Amendment to HB 1560-FN
(2020-0857h)**

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 defining "serious harm" to an animal as a result of animal cruelty and relative to the criminal penalties for certain negligent actions which cause serious harm to or the death of an animal.

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

1 New Paragraph; Serious Harm to Animal as a Result of Animal Cruelty; Definition. Amend RSA 644:8 by inserting after paragraph II-a the following new paragraph:

II-b. In this section, "serious harm" means any harm to the animal's body which causes severe, permanent, or protracted loss of or impairment to the health or the function of any part of the animal's body.

2 New Paragraphs; Serious Harm to or Death of Animal as a Result of Animal Cruelty; Penalties. Amend RSA 644:8 by inserting after paragraph III-a the following new paragraphs:

III-b. A person is guilty of a class B felony if such person purposely, knowingly, or recklessly commits one of the following acts and such conduct causes serious harm to or the death of the animal:

(a) Without lawful authority deprives or causes to be deprived any animal in his possession or custody necessary care, sustenance or shelter;

(b) Beats, cruelly whips, tortures, mutilates or in any other manner mistreats or causes to be mistreated any animal;

(c) Overdrives, overworks, drives when overloaded, or otherwise abuses or misuses any animal intended for or used for labor;

(d) Transports any animal in his possession or custody in a manner injurious to the health, safety or physical well-being of such animal;

(e) Abandons any animal previously in his or her possession or custody by causing such animal to be left without supervision or adequate provision for its care, sustenance, or shelter;

(f) Has in his or her possession an equine colt that is less than 90 days old that is not being nursed by its dam, unless the colt was born in this state, and its dam has died within this state before the colt became 90 days old;

(g) Sells an equine colt that is less than 90 days old that is not being nursed by its dam; or

(h) Otherwise permits or causes any animal in his or her possession or custody to be subjected to cruelty, inhumane treatment, or unnecessary suffering of any kind.

III-c. This section shall not apply to customarily accepted animal husbandry practices, or humane slaughter under RSA 427, or accepted methods of euthanasia as determined by the American Veterinary Medical Association to alleviate the suffering of an injured or ill animal.

3 Effective Date. This act shall take effect January 1, 2021.

2020-0857h

AMENDED ANALYSIS

This bill defines "serious harm" to an animal which occurs as a result of animal cruelty.

This bill makes it a felony if an animal that is a victim of animal cruelty is seriously harmed or dies as a result of that cruelty.

This bill also exempts certain husbandry, slaughter, and euthanasia practices from the laws regarding animal cruelty.

Amendment to HB 1562 (2020-0915h)

Proposed by the Committee on Environment and Agriculture - c

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

1 State Plan; Implementation of the Federal Soil Conservation. Amend RSA 432:3 to read as follows:

432:3 State Plan. The department is hereby authorized, empowered and directed to formulate and submit to the Secretary of Agriculture, in conformity with the provisions of said Soil Conservation and Domestic Allotment Act, a state plan for each year. It shall be the purpose of each such plan and each such plan shall be designed to promote such utilization of land and such farming practices as the department finds will tend, in conjunction with the operation of such other plans as may be approved for other states by the Secretary of Agriculture, to preserve and improve soil fertility **and soil health; to promote mitigation of and adaptation to climate change and environmental change**; to promote the economic use and conservation of land; to diminish exploitation and wasteful and unscientific use of natural soil resources; to protect rivers and waterways against the results of soil erosion and aid in flood control; and to reestablish and maintain the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms, as defined in subsection (a) of section 7 of the Soil Conservation and Domestic Allotment Act. Each such plan shall provide for adjustments in utilization of land, and in farming practices through agreements with producers or through other voluntary methods, and for benefit payments in connection therewith, and for such methods of administration not in conflict with any law of the state, and for such reports as the Secretary of Agriculture finds necessary for the effective administration of the plan, and for ascertaining whether the plan is being carried out according to its terms.

2 Declaration of Policy; Conservation Districts; Soil Conservation. Amend RSA 432:8 to read as follows:

432:8 Declaration of Policy. It is hereby declared to be the policy of the state to provide for the establishment of conservation districts under the supervision of a state conservation committee, said districts to be

composed of landowners and land occupiers within the district, who may join together in the interest of the **health**, conservation, and development of the soil, water, and related natural resources; [and] preventing soil erosion, floodwater and sediment damages; **promoting soil health practices, and the mitigation of and adaption to climate change and environmental change**. It is the intent of this subdivision to facilitate the joint effort of landowners, land occupiers, and units of government in carrying out measures for the conservation and development of lands within the district, voluntarily and with such assistance as may be available for this purpose from local, state, or federal governmental agencies.

3 Soil Conservation; Conservation Districts. Amend RSA 432:9 to read as follows:

432:9 Definitions. As used in this subdivision the following words shall have the following meanings:

I. "Adaptation" means the process of adjustment to actual or expected climate and environmental change and its effects.

[F] **II.** "District" or "conservation district" means the territory included within the boundaries of a county, organized in accordance with the provisions of this subdivision.

[H] **III.** "Land occupier" or "occupier of land" includes any person who shall hold title to, or shall be in lawful possession of, any parcel of land lying within a district organized under the provisions of this subdivision.

[H] **IV.** "District supervisor" or "supervisor" shall mean a member of the governing body appointed in accordance with the provisions of this subdivision.

V. "Soil health" means the overall composition of the soil, including the amount of organic matter in and water holding capacity of the soil, and the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans.

VI. "Healthy soils practices" mean agricultural practices that improve the health of soils, including but not limited to consideration of depth of topsoil horizons, water infiltration rate, organic carbon content, nutrient content, bulk density, biological activity, biological and microbiological diversity, and minimization of bare ground.

VII. "Mitigation" means a human intervention to reduce the sources or enhance the sinks of greenhouse gasses and reduce, prevent, or reverse other causes of climate and environmental change.

4 Creation of Conservation Districts; Soil Health. Amend RSA 432:12 to read as follows:

432:12 Creation of Conservation Districts. There are hereby established, as governmental subdivisions of this state and public bodies corporate and politic, 10 conservation districts as follows: (1) each of the 10 counties within the state is hereby incorporated into a conservation district; (2) each of the 10 districts shall be known by the name of the county to which its boundaries conform. Upon the appointment of the district supervisors as hereinafter provided the districts shall become duly organized and thereafter the districts and the supervisors thereof shall have all powers and duties conferred upon them by this subdivision; provided, however, that no such district shall exercise any of the powers conferred on districts or the supervisors thereof under this subdivision until after the state conservation committee shall adopt a resolution determining that there is a need, in the interest of public health, safety and welfare, for such district to function and that a substantial proportion of the land occupiers of such districts are in favor of its operation. In making such determinations the committee may accept petitions and conduct such public meetings and referenda as it deems necessary, and shall give due consideration to the distribution and intensity of erosion, floodwaters and sediment damages, need for land drainage, [and] changes in land use and the conservation, and development of the natural resources, **the impact of climate and environmental change, and the promotion of practices to mitigate and adapt to a changing climate and environment** on land within the said district, and to other relevant factors. From and after the date of adoption by the committee of a resolution in favor of the operation of a particular district, such district shall be deemed to be duly organized, and the supervisors of such district shall thereupon be entitled to exercise the powers conferred on them by this subdivision. A certified copy of such resolution shall be evidence of the due organization of such districts. All districts heretofore organized under RSA 430 or 430-B shall be identified as "conservation districts" and shall have all the powers and duties provided in this subdivision for conservation districts.

5 Conservation Districts; Powers of Districts an Supervisors; Soil Conservation. Amend RSA 432:16 to read as follows:

432:16 Powers of Districts and Supervisors. A conservation district organized under the provisions of this subdivision, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this subdivision:

I. To conduct surveys, investigations and research relating to the character of soil erosion; floodwater and sediment damages; land drainage; the **health**, conservation, and development of the soil, water, and related natural resources; **the impact of climate and environmental change and the promotion of practices to mitigate and adapt to a changing climate and environment**; and the preventive and control measures and works of improvement needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures and works of

improvement; provided, however, that in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies, or with the United States or any of its agencies;

II. To conduct demonstrational projects within the district on lands owned or controlled by this state or any of its agencies, with the cooperation and consent of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate by example the means, methods, and measures by which soil and soil resources may be conserved **and soil health improved**, and how soil erosion in the form of soil blowing and soil washing may be prevented and controlled, and how land may be drained and floodwater and sediment damages may be prevented; and how other works of improvement for the **health**, conservation, and development of the soil, water, and related natural resources may be carried out; **and how healthy soils practices can aid in mitigation of and adaptation to climate and environmental change**;

III. To carry out preventive and control measures and works of improvement for the **health**, conservation, and development of the soil, water, and related natural resources within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, the drainage of land and changes in use of land, and measures for the prevention of floodwater and sediment damages, on lands owned or controlled by this state or any of its agencies, with the cooperation and consent of the agency administering and having jurisdiction thereof, and on any other land within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands;

IV. To cooperate, or enter into agreements with and to furnish financial or other aid to, any agency, governmental or otherwise, or any occupier of lands within the district, in carrying out the erosion control, flood prevention, drainage, watershed protection, and resource conservation and development projects or other works of improvement for the **health**, conservation, and development of the soil, water, and related natural resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this subdivision;

V. To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired; to receive income from such properties and to expend such income in carrying out the purposes and provisions of this subdivision; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this subdivision;

VI. To make available, on such terms as it shall prescribe, to land occupiers within the district, **incentives, education, technical assistance**, agricultural and engineering machinery, equipment, fertilizer, seeds, seedlings, and such other material or equipment as will assist such land occupiers to carry on operations upon their lands for the **health**, conservation, and development of soil, water, and related natural resources, **for the promotion of practices to mitigate and adapt to a changing climate and environment**, for the drainage of land, for the prevention and control of soil erosion, and for the prevention of floodwater and sediment damages;

VII. To construct, improve, operate and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this subdivision;

VIII. To develop comprehensive plans for changes in land use and for the **health**, conservation, and development of the soil, water, and related natural resources, for the control and prevention of soil erosion, for land drainage, [and] for the prevention of floodwater and sediment damages within the district **and for mitigation of and adaptation to climate and environmental change**, which plans shall specify in such detail as may be possible the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of lands; and to publish such plans and information and bring them to the attention of occupiers of lands within the district;

IX. To take over by purchase, lease, or otherwise, and to administer any **soil health**, soil conservation, drainage, **drought resilience**, flood prevention, erosion control, erosion prevention, watershed protection, or resource conservation and development project, or other works of improvement for the **health**, conservation, and development of soil, water, and related natural resources or combinations thereof, located within its boundaries undertaken by the United States or any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States or any of its agencies, or of this state or any of its agencies, any **soil health**, soil conservation, **drought resilience**, drainage, flood prevention, erosion control, erosion prevention, watershed protection, or resource conservation and development project, or other works of improvement for the **health**, conservation, and development of soil, water, and related natural resources or combinations thereof within its boundaries; to act as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, or administration of any **soil health**, soil conservation, drainage, **drought resilience**, flood prevention, erosion control, erosion preven-

tion, watershed protection, or resource conservation and development project or other works of improvement for the **health**, conservation, and development of soil, water, and related natural resources or combinations thereof within its boundaries; to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies or from this state or any of its agencies, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations;

X. As a condition to the extending of any benefits under this subdivision to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the supervisors may require contributions in money, services, materials, or otherwise to any operations conferring such benefits, and may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to provide drainage, prevent or control erosion, prevent floodwater and sediment damages, and otherwise provide for the conservation and development of the resources thereon.

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

2020-0915h

AMENDED ANALYSIS

This bill amends current provisions relative to soil conservation to include soil health and climate and environmental change mitigation and adaptation.

Amendment to HB 1564-FN (2020-0176h)

Proposed by the Committee on Commerce and Consumer Affairs - r

Amend RSA 149-M:61, II as inserted by section 1 of the bill by replacing it with the following:

II. "Disposable food service container" means service ware designed for one-time use. "Disposable food service container" includes service ware for beverages, take-out foods, bakery products, and leftovers from partially consumed meals prepared by food vendors.

Amend RSA 149-M:62, II as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) Eggs.

Amendment to HB 1575-FN (2020-0646h)

Proposed by the Committee on Transportation - c

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

AN ACT relative to official cover plates for justices of New Hampshire circuit, superior, and supreme courts.

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

1 Official Cover Plates. Amend RSA 260:90 to read as follows:

261:90 Official Cover Plates. Upon payment of a fee, the director may issue and shall designate official cover plates with the reproduction of the state seal thereon to be affixed to a vehicle of United States senators from this state, representatives to congress from this state, the governor, members of the governor's council, the president of the senate, members of the senate, the speaker of the house of representatives, members of the house of representatives, the attorney general, the secretary of state, the state treasurer, the President of the United States and members of his or her executive staff, [and] any ambassador or member of the foreign diplomatic corps, **and justices of New Hampshire circuit, superior, and supreme courts**. The fee for official cover plates shall be \$1 in addition to any other number plate manufacturing fee otherwise required. The official cover plates, exclusive of the seal, shall be white with green lettering, which shall alternate with red lettering every other biennium. Official cover plates shall have the title of the person requesting the plates, except for members of the governor's council whose plates shall have their council district numbers embossed on them, and members of the general court, whose plates shall have their house seat numbers or their senate district numbers embossed on them unless the president of the senate, for members of the senate, or the speaker of the house of representatives, for members of the house of representatives, shall designate a title for their plates. The president of the senate, or a designee, and the speaker of the house of representatives, or a designee, shall provide the director with input as needed on the cover plate design for members of the general court. The director shall not issue more than 2 sets of official cover plates to any person. Official cover plates may be attached only to vehicles registered in the name of the person issued the plates or the name of the spouse of a member of the general court, or any vehicle being operated by a member of the general court. Nothing herein shall be construed as affecting the issuance of regular motor vehicle plates and the payment of the registration fee therefor. Official cover plates shall be manufactured at the state prison and the prison shall provide the plates to the department at the prison's cost.

2 Special Number Plates. Amend RSA 261:91 to read as follows:

261:91 Special Number Plates. Upon payment of the motor vehicle registration fee, if any, the director shall issue and shall designate a special plate, to be affixed to the vehicle of the county sheriffs, deputy sheriffs, members or retired members of the national guard of any state, active duty members of the armed forces, ~~[justices of the supreme and superior courts,]~~ and vehicles of state police and motor vehicle divisions and municipal police departments. The special plates shall have the state motto, "Live Free or Die," written on them and shall be issued with no number plate fee being charged to the state other than for those plates furnished to the state police and motor vehicle divisions. Special number plates issued to members or retired members of the national guard of any state, active duty members of the armed forces, and justices of the supreme and superior courts may be attached only to vehicles registered in the name of the person issued the plates. Special plates for active duty members of the armed forces shall be distinct from special number plates for veterans.

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

2020-0646h

AMENDED ANALYSIS

This bill removes justices of the supreme and superior courts from special number plate program and permits the director of the division of motor vehicles to issue official cover plates to justices of New Hampshire circuit, superior, and supreme courts.

Amendment to HB 1577-FN

(2020-0301h)

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

Amend RSA 5-C:87, V(e) as inserted by section 1 of the bill by replacing it with the following:

(e) If a New Hampshire resident, who was born in another state, seeks a birth record gender designation change, the individual shall petition the circuit court probate division for a hearing regarding the birth record change and shall submit to the court a notarized certification by a licensed and qualified health care provider affirming the individual's gender designation. After a court order authorizing the change has been issued, the individual shall submit the order to the individual's birth state for issuance of the revised birth record.

(f) In this paragraph, "licensed and qualified health care provider" means a treating and licensed physician, physician assistant, psychologist, advanced practice registered nurse, clinical social worker, or clinical mental health counselor.

Amendment to HB 1582-FN

(2020-0896h)

Proposed by the Committee on Education - c

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

1 State College and University System; Tuition Waived. Amend RSA 187-A:20 to read as follows:
187-A:20 Tuition Waived.

I. If a person is domiciled in this state while serving in or with the armed forces of the United States and is, after February 28, 1961, reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, ~~[besieged]~~ **besieged**, or captured by the enemy during the South East Asian conflict, any child of such person, enrolled after August 16, 1981, in the university of New Hampshire, Plymouth state university, or Keene state college shall, so long as said person is so reported, listed, interned, beleaguered, ~~[besieged]~~ **besieged**, or captured, not be required to pay tuition for attendance at such institutions. Any person entitled to free tuition under this ~~[section]~~ **paragraph** shall apply to the board of trustees of the university system, and said board may require such proof as they may deem necessary in order for a person to qualify for free tuition under this ~~[section]~~ **paragraph**.

II.(a) If a person, while serving in or with the armed forces of the United States, has received a discharge other than dishonorable from service, and is totally and permanently disabled from such service-connected disability, and was domiciled in the state of New Hampshire at the time they entered military service or when he or she was determined by the U.S. Department of Veterans Affairs to be so disabled, whether on original decision or appeal, and is currently a resident of New Hampshire, any child of such person enrolled in an institution that is part of the university system of New Hampshire shall not be required to pay tuition for attendance at such institution. For the purpose of this paragraph, "child" shall mean a biological, adopted, or step-child from marriage who meets the university system's residency requirements, provided in the case of a step-child that the parents are still married at the time of application and remain so during the entire time of matriculation under this paragraph.

(b) Any person entitled to free tuition under this paragraph shall apply to the board of trustees of the university system. The board shall, for proof of disability, only require a determination of disability letter from the U.S. Department of Veterans Affairs indicating that the disability of the spon-

soring parent is 100 percent total, permanent, service connected and that the character of discharge was other than dishonorable, in order for a person to qualify for free tuition under this paragraph. The board may also require such evidence as it deems necessary to establish residence at the time of service entry or the time of disability determination and proof of relation to sponsoring veteran. The child of a veteran shall remain eligible for free tuition under this paragraph through the end of the semester in which he or she attains the age of 27, provided that the child shall be financially liable for the cost of any studies continuing in the semester following his or her 27th birthday.

(c) All applicants shall complete the Free Application for Federal Student Aid (FAFSA) and shall cooperate with the institution in filling out such applications for grants and other financial assistance as the institution may request in order to offset the tuition waiver cost to the institution. This shall not include any benefits provided directly to the student by the U.S. Department of Veterans Affairs under 38 U.S.C. sections 3500-3566, et seq. Failure to cooperate shall be considered grounds to deny a tuition waiver under this paragraph, provided that the applicant shall not be required to apply for loans or other funding that will cause the applicant to incur future debt. Non-eligibility for grants or other funding shall not be grounds to deny a tuition waiver under this paragraph.

2 New Paragraph; Community College System of New Hampshire; Tuition Waived. Amend RSA 188-F:15 by inserting after paragraph I the following new paragraph:

I-a.(a) If a person, while serving in or with the armed forces of the United States, has received a discharge other than dishonorable from service, and is totally and permanently disabled from such service-connected disability, and was domiciled in the state of New Hampshire at the time they entered military service or when he or she is determined by the U.S. Department of Veterans Affairs to be so disabled, whether on original decision or appeal, and is currently a resident of New Hampshire, any child of such person enrolled in an institution that is part of the community college system of New Hampshire shall not be required to pay tuition for attendance at such institution. For the purpose of this paragraph, "child" shall mean a biological, adopted, or step-child from marriage who meets the community college system's residency requirements, provided in the case of a step-child that the parents are still married at the time of application and remain so during the entire time of matriculation under this paragraph.

(b) Any person entitled to free tuition under this paragraph shall apply to the board of trustees of the community college system. The board shall, for proof of disability, only require a determination of disability letter from the U.S. Department of Veterans Affairs indicating that the disability of the sponsoring parent is 100 percent total, permanent, service connected and that the character of discharge was other than dishonorable, in order for a person to qualify for free tuition under this paragraph. The board may also require such evidence as it deems necessary to establish residence at the time of service entry or the time of disability determination and proof of relation to sponsoring veteran. The child of a veteran shall remain eligible for free tuition under this paragraph through the end of the semester in which he or she attains the age of 27, provided that the child shall be financially liable for the cost of any studies continuing in the semester following his or her 27th birthday.

(c) All applicants shall complete the Free Application for Federal Student Aid (FAFSA) and shall cooperate with the institution in filling out such applications for grants and other financial assistance as the institution may request in order to offset the tuition waiver cost to the institution. This shall not include any benefits provided directly to the student by the U.S. Department of Veterans Affairs under 38 U.S.C. sections 3500-3566, et seq. Failure to cooperate shall be considered grounds to deny a tuition waiver under this paragraph, provided that the applicant shall not be required to apply for loans or other funding that will cause the applicant to incur future debt. Non-eligibility for grants or other funding shall not be grounds to deny a tuition waiver under this paragraph.

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

Amendment to HB 1592-FN (2020-0942h)

Proposed by the Committee on Environment and Agriculture - c

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

1 License Required; Exemptions. Amend RSA 184:84, V to read as follows:

V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter, ***ice cream, frozen yogurt, [or] kefir, or any other product containing raw milk*** shall not require a milk producer-distributor license, provided these products are offered as direct sales from the producer-distributor's own farm, farm stand, or at a farmers' market to the food consumer within the state of New Hampshire only. ***Ice cream, frozen yogurt, and frozen desserts produced and sold under this paragraph shall be packaged in containers no larger than 6 fluid ounces and shall be marked with an expiration date 30 days from the date of manufacture.***

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

**Amendment to HB 1597-FN
(2020-0543h)**

Proposed by the Committee on Children and Family Law - r

Amend RSA 169-B:19, I(j) as inserted by section 2 of the bill by replacing it with the following:

(j) Commit the minor to the custody of the department of health and human services for the remainder of minority. Commitment under this subparagraph may only be made following written findings of fact by the court, supported by clear and convincing evidence, that commitment is necessary to protect the safety of the minor or of the community, and may only be made if the minor has not waived the right to counsel at any stage of the proceedings. ***If there is a diagnosis or other evidence that a minor committed under this subparagraph may have a serious emotional disturbance or other behavioral health disorder, the minor shall, with the consent of the minor and the minor's family, be referred to a care management entity pursuant to RSA 135-F:4, III. The care management entity shall develop and oversee the implementation of a care plan for the minor, intended to reduce the period of commitment.*** Commitment may not be based on a finding of contempt of court if the minor has waived counsel in the contempt proceeding or at any stage of the proceedings from which the contempt arises. Commitment may include, but is not limited to, placement by the department of health and human services at a facility certified for the commitment of minors pursuant to RSA 169-B:19, VI, administrative release to parole pursuant to RSA 621:19, or administrative release consistent with the cap on youth development center population under RSA 621:10, provided that the appropriate juvenile probation and parole officer is notified. Commitment under this subparagraph shall not be ordered as a disposition for a violation of RSA 262 or 637, possession of a controlled drug without intent to sell under RSA 318-B, or violations of RSA 634, 635, 641, or 644, which would be a misdemeanor if committed by an adult. However, commitment may be ordered under this subparagraph for any offense which would be a felony or class A misdemeanor if committed by an adult if the minor has previously been adjudicated under this chapter for at least 3 offenses which would be felonies or class A misdemeanors if committed by an adult. A court shall only commit a minor based on previous adjudications if it finds by clear and convincing evidence that each of the prior offenses relied upon was not part of a common scheme or factual transaction with any of the other offenses relied upon, that the adjudications of all of the prior offenses occurred before the date of the offense for which the minor is before the court, and that the minor was represented by counsel at each stage of the prior proceedings following arraignment.

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

4 Release and Discharge from the Youth Services Center. Amend RSA 621:19, III-a to read as follows:

III-a. In every case in which there is a diagnosis or other evidence that a minor at the center may have a serious emotional disturbance or other behavioral health disorder, the center shall, with the consent of the minor and the minor's family, refer the minor to a care management entity, as defined in RSA 135-F:4, III, for evaluation and recommendations for behavioral health services to be coordinated and supervised by that entity before and after discharge from the facility. ***Such referral shall be made upon the minor's confinement at the center and, in no event, later than 7 days after the confinement begins.*** Discharge plans shall incorporate the recommendations of the care management entity whenever appropriate. In any case where the recommendations of the care management entity are not incorporated into the discharge planning process, the minor, the minor's family, and counsel for the minor shall be notified in writing of the decision and of the basis for the decision.

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

2020-0543h

AMENDED ANALYSIS

This bill provides that, if a minor diagnosed with a serious emotional disturbance or other behavioral health issues is committed to the department of health and human services for the remainder of their minority, the minor shall be referred to a care management entity under RSA 135-F for a care plan intended to reduce the period of commitment.

**Amendment to HB 1608-FN
(2020-1037h)**

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

Amend RSA 159-E:2, III(c)(5)-(6) as inserted by section 1 of the bill by replacing them with the following:

(5) Manufactured, imported, transferred, or possessed by a manufacturer or importer licensed under 18 U.S.C. Section 923, et seq.

(A) For the purposes of testing or experimentation authorized by the United States Attorney General, or for product development;

(B) For repair and return to the person from whom it was received;

(C) For transfer in foreign or domestic commerce for delivery and possession outside the state;

(6) Transported by a resident of another state into this state for the exclusive purpose of use in an established shooting competition if the device is lawfully possessed under the laws of another state; or

(7) Purchased for possession and use by a lawfully permitted shooting range as defined in RSA 159-B:8, II.

**Amendment to HB 1609
(2020-0897h)**

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

Amend RSA 270:72-c and RSA 270:72-d as inserted by section 1 of the bill by replacing them with the following:
270:72-c Anchored Seasonal Platform; Limitations.

I. No person shall erect, install, maintain, or exercise control over an anchored seasonal platform on the public waters of the state who is not the legal owner of the adjacent shorefront property.

II. Any person erecting, installing, maintaining, or exercising control over an anchored seasonal platform on any public body of water shall attach his or her name and contact information to any such seasonal platform as provided in this subdivision.

270:72-d Anchored Seasonal Platform Prohibited.

I. No anchored seasonal platform shall be located:

(a) In such a manner that it constitutes a hazard to the public safety because it interferes with or impedes, or could potentially interfere with or impede, navigation; or

(b) In such proximity to moorings or to other anchored seasonal platforms as to constitute a hazard to public safety; or

(c) In such a manner that it presents an unreasonable adverse effect on the environment, including but not limited to water quality, wildlife habitats, or natural areas; or

(d) In such a manner that it unreasonably interferes with other recreational uses of the water and adjacent land.

II. The director shall develop rules for the purposes of this subdivision pursuant to RSA 541-A and 270:72-g.

Amend section 1 of the bill by inserting after RSA 270:72-h the following new section:

270:72-i Exemptions. This subdivision and any rules implemented under RSA 270:72-g shall not apply to any local, state, or federal government agency, such as an agency's sub-contractors, or to any conservation groups engaged in the non-recreational execution of their duties including, but not limited to, work related to law enforcement, bridge and road work, pollution control, the protection of fish and wildlife, or environmental studies.

**Amendment to HB 1617-FN
(2020-0890h)**

Proposed by the Majority of the Committee on Transportation - r

Amend RSA 265:79-c, III as inserted by section 2 of the bill by replacing it with the following:

III. Any person who violates this section shall be guilty of a violation and shall be fined \$100 plus penalty assessment for a first offense, [~~\$250 plus penalty assessment~~] **and \$300 plus penalty assessment** for a second offense[~~; and \$500 plus penalty assessment for any subsequent offense within a 24-month period~~]. ***The director shall suspend a person's license to drive for 30 days for any third or subsequent offense.***

Amend the bill by replacing section 4 with the following:

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

**Amendment to HB 1622-FN-LOCAL
(2020-0532h)**

Proposed by the Majority of the Committee on Transportation - r

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

1 Motor Vehicles; Original and Youth Operators' Licenses. Amend RSA 263:14, IV to read as follows:

IV. A driver who is under 18 years of age shall not be subject to license suspension for a first violation of RSA 265:107-a, [~~I-a~~] **I.**

2 Rules of the Road; Passenger Restraints Required. RSA 265:107-a is repealed and reenacted to read as follows:
265:107-a Passenger Restraints Required.

I. Any person operating a motor vehicle with a gross domestic vehicle weight of 8,000 pounds or less on a public way, and any passenger therein, shall wear a properly fastened safety belt that meets all applicable federal standards unless exempted in this section.

II. No person shall drive any motor vehicle on any way while carrying as a passenger a person less than 8 years of age unless such passenger is properly fastened and secured by a child restraint system which is in accordance with the safety standards approved by the United States Department of Transportation in 49 C.F.R. section 517.213. If the passenger is 56 inches or more in height, the provisions of this paragraph shall not apply.

III. A person shall not be guilty of a violation of this section if the motor vehicle the person is driving is a motorcycle as defined in RSA 259:63, is being operated in a parade authorized by law or ordinance, provided that the parade vehicle is traveling at a speed of no more than 15 miles per hour, or is a vehicle that makes frequent stops, such as a United States Postal Service carrier or delivery carrier.

IV. A person shall not be guilty of a violation of this section if the person is a passenger in a motor vehicle for hire, such as a taxi or livery, that is regularly used for such purpose, is a passenger of an authorized emergency vehicle, or is a person with a mental or physical handicap which prevents the use of approved restraints, provided that such restriction is certified by a licensed physician or nurse practitioner.

V. Any driver who violates the provisions of this section shall be guilty of a violation and shall be subject to the following fines:

(a) \$50 per offense.

(b) \$25 per offense for each passenger not properly restrained in accordance with this section.

VI. The provisions of this section shall be enforceable only as a secondary offense when the police officer detains the driver for a suspected violation of another provision of Title XXI. A conviction for violating the provisions of this section shall not preclude any other offense for which violation of this section might constitute an element.

3 New Section; Equipment of Vehicles; Inspections; Passenger Restraints. Amend RSA 266 by inserting after section 3-a the following new section:

266:3-b Passenger Restraints.

I. Any motor vehicle with a gross vehicle weight of 8,000 pounds or less operating on a public way shall be equipped with passenger restraints and shall be able to accommodate child safety restraint systems meeting all federal motor vehicle safety standards unless such vehicle was manufactured prior to January 1, 1968.

II. The director shall establish a procedure for the examination of passenger restraints on motor vehicles during the inspection required pursuant to RSA 266:1. The procedure shall confirm that passenger restraints meeting applicable federal motor vehicle safety standards are properly installed for the driver and each passenger of the vehicle being inspected.

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

Amendment to HB 1623-FN

(2020-0509h)

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 Statement of Intent.

I. The general court hereby recognizes that:

(a) Recent medical research indicates that substance use treatment can be safely done utilizing telemedicine (Rubin R., Using Telemedicine to Treat Opioid Use Disorder in Rural Areas. JAMA. Published online August 28, 2019); and

(b) Recent court decisions (*Smith v. Aroostook County*, No. 19-1340 (1st Cir. 2019)) require the increased availability of substance use treatment in correctional facilities; and

(c) Recent changes in federal law allow the registration of certain individuals to prescribe opioid drugs to be used in substance use disorder without first conducting an in person examination (21 U.S.C. section 831(h)), which registration regulations are pending.

II. Therefore, the general court hereby enacts the following legislation.

2 Medicaid Coverage of Telehealth Services. Amend RSA 167:4-d, II(c)-(e) to read as follows:

(c) ***“Doorways” means the statewide points of entry for the delivery of substance use services.***

(d) ***“Originating site” means the location of the patient, whether or not accompanied by a health care provider, at the time services are provided by a health care provider through telemedicine, including, but not limited to, a health care provider’s office, a hospital, or a health care facility, or the patient’s home or another nonmedical environment such as a school-based health center, a university-based health center, or the patient’s workplace.***

[(d)] (e) “Remote patient monitoring” means the use of electronic technology to remotely monitor a patient’s health status through the collection and interpretation of clinical data while the patient remains at an originating site. Remote patient monitoring may or may not take place in real time. Remote patient monitoring shall include assessment, observation, education and virtual visits provided by all covered providers including licensed home health care providers.

[(e)] (f) “Store and forward,” as it pertains to telemedicine and as an exception to 42 C.F.R. section 410.78, means the use of asynchronous electronic communications between a patient at an originating site and a health care service provider at a distant site for the purpose of diagnostic and therapeutic assistance in the care of patients. This includes the forwarding and/or transfer of stored medical data from the originating site to the distant site through the use of any electronic device that records data in its own storage and forwards its data to the distant site via telecommunication for the purpose of diagnostic and therapeutic assistance.

3 Medicaid Coverage of Telehealth Services. Amend RSA 167:4-d, III(a)(2) to read as follows:

(2) By which telemedicine services for primary care, remote patient monitoring, and substance use disorder services shall only be covered in the event that the patient has already established care at an originating site via face-to-face in-person service. ***A provider shall not be required to establish care via face-to-face in-person service when:***

(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);

(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;

(C) The patient is being treated by, and is physically located in a doorway as defined in RSA 167:4-d, II(c);

(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or

(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f); and

4 New Paragraph; Medicaid Coverage of Telehealth Services. Amend RSA 167:4-d by inserting after paragraph V the following new paragraph:

VI. With written consent of the patient receiving medication assisted treatment through telehealth services provided under this section, the health care provider shall provide notification of the patient's medication assisted treatment to the doorway, as defined in RSA 167:4-d, II(c), within the region where the patient resides.

5 Controlled Drug Act; Prohibited Acts. Amend RSA 318-B:2, XVI to read as follows:

XVI.(a)(1) The prescribing of a non-opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a), who are treating a patient with whom the prescriber has an in-person practitioner-patient relationship, for purposes of monitoring or follow-up care~~], or who are treating patients at a state designated community mental health center pursuant to RSA 135-C or at a Substance Abuse and Mental Health Services Administration (SAMHSA)-certified state opioid treatment program, and shall require an initial in-person exam by a practitioner licensed to prescribe the drug].~~ ***A provider shall not be required to establish care via face-to-face in-person service when:***

(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);

(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;

(C) The patient is being treated by, and is physically located in a doorway as defined in RSA 167:4-d, II(c);

(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or

(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f).

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually.

(b)(1) The prescribing of an opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a)~~], who are treating patients at a SAMHSA-certified state opioid treatment program. Such prescription authority shall require an initial in-person exam by a practitioner licensed to prescribe the drug and].~~ ***A provider shall not be required to establish care via face-to-face in-person service when:***

(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);

(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;

(C) The patient is being treated by, and is physically located in a Doorway as defined in RSA 167:4-d, II(c);

(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or

(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f).

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and opioid, but not less than annually.

6 New Paragraph; Nurse Practice Act; Rulemaking Added. Amend RSA 326-B:9 by inserting after paragraph XII the following new paragraph:

XIII. A process for registering practitioners who have been granted a special registration to prescribe controlled substances via telemedicine pursuant to 21 U.S.C. section 831(h).

7 Physicians and Surgeons; Telemedicine. Amend RSA 329:1-d, III and IV to read as follows:

III. It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV, ***except substance use disorder (SUD) treatment as permitted in locations enumerated in paragraph IV. Methadone hydrochloride, as defined in RSA 318-B:10, VII(d)(2) shall not be included in the exemption.***

IV.(a)(1) The prescribing of a non-opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a), who are treating a patient with whom the prescriber has an in-person practitioner-patient relationship, for purposes of monitoring or follow-up care, ~~or who are treating patients at a state designated community mental health center pursuant to RSA 135-C or at a Substance Abuse and Mental Health Services Administration (SAMHSA)-certified state opioid treatment program, and shall require an initial in-person exam by a practitioner licensed to prescribe the drug.~~ ***A provider shall not be required to establish care via face-to-face in-person service when:***

(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h);

(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;

(C) The patient is being treated by, and is physically located in a Doorway as defined in RSA 167:4-d, II(c);

(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or

(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f).

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually.

(b)(1) The prescribing of an opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a), ~~who are treating patients at a SAMHSA-certified state opioid treatment program. Such prescription authority shall require an initial in-person exam by a practitioner licensed to prescribe the drug and.~~ ***A provider shall not be required to establish care via face-to-face in-person service when:***

(A) The provider is a Department of Veteran Affairs (VA) practitioner or VA-contracted practitioner not required to obtain a special registration pursuant to 21 U.S.C. section 831(h) ;

(B) The patient is being treated by, and is physically located in a correctional facility administered by the state of New Hampshire or a New Hampshire county;

(C) The patient is being treated by, and is physically located in a Doorway as defined in RSA 167:4-d, II(c);

(D) The patient is being treated by and is physically located in a state designated community mental health center pursuant to RSA 135; or

(E) The patient is being treated by, and physically located in, a hospital or clinic registered in a manner fully consistent with 21 U.S.C. section 823(f).

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and opioid, but not less than annually.

8 New Paragraph; Physicians and Surgeons; Rulemaking. Amend RSA 329:9 by inserting after paragraph XX the following new paragraph:

XXI. A process for registering practitioners who have been granted a special registration to prescribe controlled substances via telemedicine pursuant to 21 U.S.C. section 831(h).

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

Amendment to HB 1630-FN

(2020-0952h)

Proposed by the Committee on Environment and Agriculture - c

Amend RSA 437:7, I as inserted by section 2 of the bill by replacing it with the following:

I. The license provisions of this subdivision shall not apply to breeders of dogs that do not meet the definition of pet vendor in RSA 437:1, veterinarians, or the transfer of livestock or poultry.

Amendment to HB 1633-FN

(2020-0846h)

Proposed by the Committee on Commerce and Consumer Affairs - r

Amend RSA 415:6-y as inserted by section 1 of the bill by replacing it with the following:

415:6-y Coverage for Tick-Borne Illness. 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 further blood testing, including PCR testing as medically necessary, for persons who are symptomatic after a first blood test for tick-borne illness. 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.

Amend RSA 415:18-cc as inserted by section 2 of the bill by replacing it with the following:

415:18-cc Coverage for Tick-Borne Illness. 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 further blood testing, including PCR testing as medically necessary, for persons who are symptomatic after a first blood test for tick-borne illness. 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.

2020-0846h

AMENDED ANALYSIS

This bill requires insurance coverage for further blood testing for persons who are symptomatic after a first blood test for tick-borne illness.

Amendment to HB 1639-FN

(2020-0956h)

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 Department of Health and Human Services; Income Eligibility for “In and Out Medical Assistance.” The commissioner of the department of health and human services shall amend the income eligibility requirement for “in and out medical assistance” defined in section 625 of the department’s medical assistance manual as less than or equal to 133 1/3 percent of the section 1931 income limit or using methodology as described in section 1902(r)(2) of the federal Social Security Act.

2 Effective Date. This act shall take effect June 30, 2021.

Amendment to HB 1646-FN

(2020-1053h)

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

Amend RSA 284:6-a, VII as inserted by section 2 of the bill by replacing it with the following:

VII. Notwithstanding paragraph VI, the lottery commission shall authorize wagers on historic horse racing, whether on an electronic gaming device or otherwise, provided such wagers meet the requirements of this chapter. Historic racing machines shall be programmed and operated for pari-mutuel wagering only. Historic racing machines shall either not have an autoplay feature or shall have the autoplay feature disabled. For the purpose of this paragraph, “autoplay” means the racing machine software chooses the horse the player wagers on for the player.

Amend RSA 284:22-b, V as inserted by section 7 of the bill by replacing it with the following:

V. The licensee commission on all historic horse race pari-mutuel pools shall be at a rate of not greater than 12 percent. In addition to the above commission, 100 percent of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as breakage, shall be paid to the lottery commission and used in accordance with RSA 338-B:7.

Amend the bill by replacing all after section 9 with the following:

10 Unclaimed Ticket Money. Amend RSA 284:31 to read as follows:

284:31 Unclaimed Ticket Money. On or before January 31 of each year every person, association, or corporation conducting a race or race meet, whether live racing, [or] simulcast racing, ***or historic horse racing*** hereunder shall pay to the state treasurer all moneys collected during the previous year of pari-mutuel pool tickets and vouchers which have not been redeemed. The books or records of said person, association, or corporation, which clearly show the tickets entitled to reimbursement in any given race, live, [or] simulcast, ***or historic***, shall be forwarded to the lottery commission. Such moneys shall become a part of the special fund established in RSA 284:21-j. The state treasurer shall pay the amount due on any ticket or voucher to the holder thereof from funds not otherwise appropriated upon an order from the lottery commission. Pari-mutuel tickets and vouchers which remain unclaimed after 11 months shall not be paid. Vouchers shall be remitted to the state treasurer on January 31 of the calendar year, 24 months after the year of the unclaimed voucher.

11 Licensed Facilities; Eligible in 2023. RSA 284:22-b, II is repealed and reenacted to read as follows:

II. A game operator employee licensed under RSA 287-D may sell pari-mutuel pools on historic horse races provided such sales are within the enclosure of the facility at which the licensee holds its licensed activities under RSA 287-D.

12 Effective Date.

I. Section 11 of this act shall take effect July 1, 2023.

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

Amendment to HB 1651-FN

(2020-0790h)

Proposed by the Committee on Election Law - r

Amend the bill by deleting section 2 and renumbering the original sections 3-4 to read as 2-3, respectively.

2020-0790h

AMENDED ANALYSIS

This bill amends the absentee voting affidavits to make clear that certain persons confined to penal institutions may vote by absentee ballot.

Amendment to HB 1655-FN

(2020-1001h)

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

Amend RSA 126-Q:1, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "Assessment" means the assessable entity's liability with respect to [childhood] vaccines determined in accordance with this chapter. [~~For purposes of rate setting and medical loss ratio calculations, all association assessments are considered pharmaceutical or medical benefit costs and not regulatory costs.~~] In the event of any insolvency or similar proceeding affecting any payer, assessments shall be included in the highest priority of obligations to be paid by or on behalf of such payer.

Amend RSA 126-Q:1, XI as inserted by section 3 of the bill by replacing it with the following:

XI. "Vaccine" means any preparations of killed microorganisms, living attenuated organisms, or living fully virulent organisms that are approved by the federal Food and Drug Administration and recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention and have been authorized by the commissioner of the department of health and human services for administration to children *and adults* of the state of New Hampshire [~~under the age of 19 years~~] for the purposes of producing or artificially increasing immunity to particular life-threatening and disabling diseases. ***"Vaccine" shall not include pneumococcal polysaccharide vaccine or herpes zoster vaccine.***

Amend RSA 126-Q:4, I as inserted by section 6 of the bill by replacing it with the following:

I. The board shall determine an assessment for each assessable entity in accordance with this section, except that no assessment shall be made based on children excluded from assessable lives whose vaccines are paid for under the federal Vaccines for Children program, established under 42 U.S.C. section 1396s[~~An assessment determination made pursuant to this section is a pharmaceutical cost and not a regulatory cost for purposes of calculating the carrier's medical loss ratio~~] ***or adults whose vaccines are paid for under Medicare.***

Amend the bill by replacing section 9 with the following:

9 Effective Date. This act shall take effect July 1, 2021.

Amendment to HB 1658-FN

(2020-0796h)

Proposed by the Committee on Environment and Agriculture - c

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

AN ACT relative to the growth of hemp.

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

1 Hemp Permitted. Amend RSA 439-A:3 to read as follows:

439-A:3 Hemp Permitted. Hemp is an agricultural product which may be grown as a crop, processed, possessed, and commercially traded in New Hampshire. Any grower[~~, processor, or commercial trader~~] of hemp shall be licensed by the United States Department of Agriculture.

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

2020-0796h

AMENDED ANALYSIS

This bill removes processors and commercial traders from the licensing requirements of the United States Department of Agriculture.

Amendment to HB 1665-FN-A

(2020-0899h)

Proposed by the Majority of the Committee on Election Law - r

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

AN ACT establishing an independent advisory commission on redistricting.

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

1 New Chapter; Independent Advisory Commission on Redistricting. Amend RSA by inserting after chapter 662-A the following new chapter:

CHAPTER 662-B

INDEPENDENT ADVISORY COMMISSION ON REDISTRICTING

662-B:1 Independent Advisory Commission on Redistricting Established. There is hereby established a New Hampshire independent advisory commission on redistricting ("commission"), that shall convene no later than July 1, 2021, and every 10 years thereafter, in order to:

I. Conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines.

II. Draw district lines according to the redistricting criteria specified in this chapter.

III. Conduct its business with integrity and fairness.

662-B:2 Eligibility to Serve on the Commission. A person shall be eligible for appointment to the commission if the person is eligible to register to vote in New Hampshire and if the person does not currently hold office in the United States House of Representatives, New Hampshire senate, New Hampshire house of representatives, or executive council, or a county commission.

662-B:3 Appointment of Commissioners.

I. The secretary of state shall identify the pool of eligible commissioners. He or she shall, to the extent practicable, notify all eligible persons and invite them to apply. These efforts may include:

- (a) Advertising the application period and criteria in daily newspapers in the state.
- (b) Advertising the application period and criteria on the home page of state agency websites.
- (c) Requesting media to publicize the commission's search for eligible members.
- (d) Publicizing the application period and criteria in the New Hampshire house and senate calendars.

II.(a) A person who is eligible to serve as a member of the commission may submit an application to the secretary of state no later than February 1 of each year ending in the number one. Such application shall include the following information:

- (1) Whether the applicant has registered as a lobbyist in the preceding 10 years.
- (2) What elective offices, if any, the applicant has held in New Hampshire in the preceding 10 years.
- (3) If the applicant has voted in a state primary election or presidential primary election in New Hampshire in the preceding 6 years, which political party's ballots the applicant has taken.

(b) From all eligible applications received, the senate and house leaders from the majority party in the house shall nominate 10 applicants from the majority party in the house, and the senate and house leaders from the largest minority party in the house shall nominate 10 applicants from the largest minority party in the house. The senate and house leaders from the majority party in the house shall choose 5 members from the 10 applicants so selected from largest minority party in the house to serve on the commission. The senate and house leaders from the largest minority party in the house shall choose 5 members from the 10 applicants so selected from the majority party in the house to serve on the commission.

(c) The 10 commissioners so selected shall together select 5 commissioners from the applicants who are not members of the majority party in the house or the largest minority party in the house. The 10 commissioners may not initiate communications or reply to communications about the selection process of the remaining 5 commissioners with outside persons attempting to influence commissioners or commission action.

III. In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission may, after being served written notice and given an opportunity for a response, be removed by a vote of 11 members of the commission. A finding of substantial neglect of duty or gross misconduct in office may result in referral to the New Hampshire attorney general for criminal prosecution.

IV. Vacancies on the commission shall be filled when they occur by the commission selecting, by a vote of 11 members, a new member from among the original pool of applicants of the same political party as the vacated commissioner seat still willing to serve or by seeking a replacement in the same manner as initial appointments.

V. The term of office of commission members expires 2 years after the final enactment of the redistricting plan into law.

662-B:4 Commission Meetings.

I. The commission shall act in public meetings by the affirmative vote of at least 9 members.

II. All meetings of the commission shall be open to the public. The commission shall publicly post notice of its meetings on the commission website and other appropriate outlets at least 7 days prior to such meetings. All records of the commission, including all communications to or from the commission regarding the work of the commission, shall be made available for public inspection.

III. The commission shall hold at least one public meeting in each county prior to drawing any maps and at least one public meeting in each county after releasing any proposed maps.

IV. The commission shall create a website that shall provide, at a minimum, a description of the role of the commission in the redistricting process, timely information to the public about the time, place, and purpose of each meeting of the commission, reports, minutes, and such other information that will support an open and transparent process.

V. The commission shall provide a meaningful opportunity for all persons to participate in the public meetings. Meetings shall be held only in spaces that are accessible under the Americans with Disabilities Act of 1990, as amended.

VI. Commission meetings shall be adequately advertised and planned so as to encourage attendance and participation across the state. This includes scheduling meetings outside of regular work hours.

VII. The commission shall be considered a public body subject to RSA 91-A. No documents created or received by the commissioners or staff as part of official duties, including emails and text messages, shall be exempt from disclosure for any privilege other than attorney-client privilege.

VIII. Commissioners and staff may not initiate communications or reply to communications about commission business with outside persons attempting to influence commissioners or commission action outside of public meetings. To the extent that commissioners and staff receive such communications, the identity of the person or group and the subject of the communication shall be publicly disclosed on the commission website.

662-B:5 Developing Redistricting Maps.

I. During the map drawing process, any member of the public may submit maps or portion of maps for consideration by the commission in a portable document format suitable for archiving (PDF/A) format, or other format approved by the secretary of state. These submissions shall be made publicly available and shall include the name of the person making the submission. Electronically submitted maps may be posted on the commission website.

II.(a) The commission shall post proposed maps in a manner determined by the commission, provided that such display shall include posting on the commission website for a minimum of 7 days for public comment and by distribution to the news media in a manner designed to achieve the widest public access reasonably possible before establishing a final plan. Additionally, the efforts to achieve access may include but not be limited to:

- (1) Advertising the availability of the proposed maps in daily newspapers in the state.
- (2) Advertising the availability of the proposed maps on the home page of state agency websites.
- (3) Requesting media to publicize the availability of the proposed maps.

(b) When releasing a proposed map, the commission shall also release the data used to create the plan, such as population data, geographic data, and election data.

III. The commission shall issue with the proposed and final maps written evaluations that measure the maps against external metrics, and may include efficiency gap and compactness. These metrics shall cover all criteria set forth in RSA 662-B:6.

IV. No later than December 20 of any year ending in one, the commission shall submit final advisory plans for New Hampshire county commission, house, senate, executive council, and congressional districts to the senate president, speaker of the house of representatives, and senate and house minority leaders for their consideration and action pursuant to pertinent sections of the New Hampshire Constitution, including part II, articles 9, 11, and 26.

662-B:6 Redistricting Criteria.

I. The commission shall establish single or multi-member districts for the New Hampshire county commissions, house of representatives, and single member districts for the New Hampshire senate, executive council, and United States representative, using the following criteria as set forth in the following order of priority:

(a) Districts shall comply with the United States Constitution and all applicable federal laws. Districts shall be drawn on the basis of total population.

(b) Districts shall comply with the New Hampshire constitution and all applicable state laws.

(c) Districts shall form single boundaries and shall not be bisected or otherwise divided by other districts, and shall respect the geographic integrity of political boundaries to the extent practicable without violating the requirements of state law or any preceding subdivisions.

(d) Districts shall be drawn in compact shapes and shall avoid jagged edges and extensions.

(e) Commissioners shall consider the integrity of communities of interest to the extent practicable. For purposes of this section a community of interest is defined as an area with recognized similarities of interests, including but not limited to economic, social, cultural, geographic, racial, ethnic, or historic identities. Communities of interest shall not include common relationships with political parties or political candidates.

II.(a) The plan as a whole shall not have the intent or the effect of unduly favoring or disfavoring any political party, incumbent, or candidate for political office.

(b) Districts shall not have the intent or the effect of unduly favoring or disfavoring any racial or language group.

662-B:7 Compensation. Members of the commission shall receive mileage reimbursement at the federal rate for expenses incurred in connection with the duties performed pursuant to this chapter.

662-B:8 Financial Independence.

I. For the fiscal year ending June 30, 2021, the governor may draw a warrant out of sums not otherwise appropriated to fund expenses of the commission established pursuant to this chapter.

II. For each subsequent biennium preceding the decennial census, the governor shall include in his or her budget recommendation appropriations sufficient to meet the estimated expenses of the commission, including but not limited to adequate funding for a statewide outreach program to solicit broad public participation in the redistricting process and adequate office space available for the operation of the commission.

662-B:9 Secretary of State to Provide Support. The secretary of state shall provide such administrative and staff support as is necessary for the commission to perform its duties.

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

2020-0899h

AMENDED ANALYSIS

This bill establishes an independent advisory commission on redistricting.

Amendment to HB 1666-FN

(2020-0656h)

Proposed by the Minority 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 requiring the office of the medical examiner to submit a report in cases of Sudden Undetermined Infant Deaths (SUID).

Amend the bill by replacing section 1 with the following:

1 New Section; Office of the Chief Medical Examiner; Reporting to Vaccine Adverse Events Reporting System (VAERS) of Sudden Undetermined Infant Deaths (SUID). Amend RSA 611-B by inserting after section 22 the following new section:

611-B:22-a Reporting to Vaccine Adverse Events Reporting System (VAERS) of Sudden Undetermined Infant Deaths (SUID). Recognizing that the Vaccine Adverse Events Reporting System (VAERS) maintained by the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC) desires to collect data about adverse events irrespective of causality, in cases of sudden undetermined infant deaths (SUID) with vaccine administration within 30 days, the medical examiner shall submit a report to the VAERS.

2020-0656h

AMENDED ANALYSIS

This bill requires the office of the medical examiner to submit a report to the Vaccine Adverse Events Reporting System (VAERS) in cases of Sudden Undetermined Infant Deaths (SUID).

Amendment to HB 1670-FN

(2020-1071h)

Proposed by the Committee on Judiciary - c

Amend the bill by replacing section 1 with the following:

1 New Section; Grand Juries; Recording Testimony Given to Grand Juries. Amend RSA 600 by inserting after section 5 the following new section:

600:6 Recording the Proceedings.

I. Except while the grand jury is deliberating or voting, all grand jury proceedings shall be audio recorded by a suitable recording device. The unintentional failure to make a recording shall not affect the validity of a prosecution or indictment. Unless the court orders otherwise, the court having jurisdiction over the proceedings shall retain control of the recording, the reporter's notes, and any transcript prepared from those notes. Upon application to the court made no later than 30 days before trial, or later for good cause shown, and by order of the court, a party may obtain a copy of the recording or transcript when:

(a)(1) The party can show that grounds may exist to dismiss the indictment; or

(2) The material is needed to avoid a possible injustice in another judicial proceeding; and

(b) The need for disclosure outweighs the need for secrecy; and

(c) The request for disclosure is structured to cover only the material needed.

II. Nothing in this section shall alter the provisions of rule 8 of the New Hampshire rules of criminal procedure or New Hampshire supreme court rule 52.

2020-1071h

AMENDED ANALYSIS

This bill requires grand jury proceedings to be audio recorded and authorizes a party to obtain a copy of such recording under certain circumstances.

**Amendment to HB 1673-FN
(2020-0685h)**

Proposed by the Minority of the Committee on Judiciary - r

Amend RSA 91-A:1-a, VI(f) as inserted by section 1 of the bill by replacing it with the following:

(f) Any private for profit or not-for-profit corporation, limited liability company, partnership, or other entity or organization for whom state funding is a material portion of its budget. For the purposes of this paragraph, a “material portion” shall mean 50 percent or more of the entity’s income.

2020-0685h

AMENDED ANALYSIS

This bill adds certain entities which receive state funding to the definition of “public body” under the right-to-know law.

**Amendment to HB 1686-FN-LOCAL
(2020-0667h)**

Proposed by the Committee on Education - r

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

1 Statement of Purpose and Intent. The general court acknowledges the critical importance of ensuring the quality, accessibility, and sustainability of Medicaid services provided in the school setting, as well as ensuring that billing under the program meets all state and federal requirements. The purpose of this act is to strengthen the state’s Medicaid to schools and Medicaid to schools for Medical services programs consistent with the Social Security Act. Accordingly, this act shall provide the department of health and human services with the additional authority to adopt administrative rules that maximize the availability of federal financial aid to schools under New Hampshire’s Medicaid program. This act also provides a more efficient pathway to allow qualified professionals certified and credentialed by the department of education who are currently providing medical services in public schools to be licensed by medical and health care boards. Finally, this act further facilitates the provision of medical services in the school setting to students who are enrolled in participating public schools and Medicaid, thereby furthering the education and health of New Hampshire’s students.

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.

3 Medicaid to Schools for Medical Services Program. RSA 167:3-k is 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 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.

4 Nurse Practice Act; Scope of Practice; Licensed Nursing Assistant. Amend RSA 326-B:14, II-a(b) to read as follows:

(b) A licensed nurse delegates the task of medication administration to the LNA who is employed in the home care, hospice, residential care, **public school**, or adult day care setting. The board, in consultation with the commissioner of health and human services or a designee, shall adopt rules under RSA 541-A establishing standards for such delegation of medication administration which include, but are not limited to, limitations on the number of delegations per assistive personnel, training and competency requirements, documentation requirements, and medication administration error reporting requirements.

5 New Section; Licensed School Psychologist-Doctoral and Licensed School Psychologist-Specialist. Amend RSA 329-B by inserting after section 15 the following new section:

329-B:15-a Licensed School Psychologist-Doctoral and Licensed School Psychologist-Specialist.

I. The board shall issue a license for the title of licensed school psychologist-doctoral to any person who has a doctoral degree in psychology and:

(a) Is certified as a school psychologist by the New Hampshire department of education, bureau of credentialing; and

(b) Has completed all of the following requirements:

(1) Has passed a satisfactory examination in psychology as determined by the board including a national school psychologists’ examination.

(2) Has met education and other requirements determined by the board.

(3) Is of good professional character.

(4) Has submitted a complete set of fingerprints and a criminal history records release form in accordance with RSA 329-B:14-a.

(5) Has paid all fees established by the office of professional licensure and certification established under RSA 310-A:1-a and collected by the board.

II. The board shall issue a license for the title of licensed school psychologist-specialist to any person who does not have a doctoral degree and:

(a) Is certified as a school psychologist by the New Hampshire department of education, bureau of credentialing; and

(b) Has completed all of the following requirements:

(1) Has passed a satisfactory examination in psychology as determined by the board including a national school psychologists' examination.

(2) Has met education and other requirements determined by the board.

(3) Is of good professional character.

(4) Has submitted a complete set of fingerprints and a criminal history records release form in accordance with RSA 329-B:14-a.

(5) Has paid all fees established by the office of professional licensure and certification established under RSA 310-A:1-a and collected by the board.

III. The following shall apply to those school psychologists who are certified by the department of education on the effective date of this section:

(a) Each certified school psychologist in good standing who holds a doctoral degree in psychology shall be licensed as licensed school psychologist-doctoral.

(b) Each certified school psychologist in good standing who does not hold a doctoral degree in psychology shall be licensed as licensed school psychologist-specialist.

(c) Those certified school psychologists who are subject to discipline or are under review, or who are under investigation shall be reviewed by the board which shall grant, deny, or issue a license with conditions as determined by the board.

(d) Those school psychologists granted licenses under this paragraph shall be exempt from fees for the initial license period which shall extend beyond that individual's certification in school psychology by 3 months and shall include an additional year for those whose certifications from the department of education would expire in June of 2020. Following that time, such individual shall be eligible for renewal under the rules established by the board and upon payment of the applicable fee.

IV. Examinations for applicants under this section shall be held by the board at least once each year. The board shall determine the subject and scope of the examination, which may be written, oral, or both. If an applicant fails the examination, the board shall deny the license or specify conditions under which the applicant may be admitted to a future examination according to board rules.

V. Unless otherwise licensed under another provision, a licensed school psychologist-doctoral or licensed school psychologist-specialist licensure is for services provided in those settings that are provided in an educational institution. No persons licensed under this section may provide services outside such settings if the services are directly related to the client's improvement of school functioning including but not limited to learning, development, social and emotional functioning, and behavior, but any services provided outside of the school shall relate to such person's students and his or her employment in a school. No persons licensed under this section shall hold themselves out as psychologists, psychological examiners, or by any business name incorporating variations of those titles other than school psychologists or nationally certified school psychologists unless they are otherwise licensed under another provision.

VI. The board shall provide materials and information concerning licensed school psychologists-doctoral and licensed school psychologists-specialist to the department of education bureau of credentialing that will further the proper administration of the credentials of each department.

6 New Paragraphs; psychologists; definitions; Licensed School Psychologist-Doctoral and Licensed School Psychologist-Specialist. Amend RSA 329-B:2 by inserting after paragraph IV the following new paragraphs:

IV-a. "Licensed school psychologist-doctoral" means any person licensed as a licensed school psychologist-doctoral under RSA 329-B:15-a.

IV-b. "Licensed school psychologist-specialist" means any person licensed as a licensed school psychologist-specialist under RSA 329-B:15-a.

7 Psychologists; Board; Definitions. Amend RSA 329-B:2, VI-XI to read as follows:

VI. "Professional conduct investigator" means a trained psychologist, ***licensed school psychologist-doctoral, or licensed school psychologist-specialist*** licensed by the board who acts as the agent of the board under the guidance of the board investigator and is authorized to discover facts and make reports to the board.

VII. "Psychology practice *by a licensed psychologist*" means:

(a) The observation, description, evaluation, interpretation, prediction, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purposes of:

(1) Preventing, eliminating, evaluating, assessing, or predicting symptomatic, maladaptive, or undesired behavior;

(2) Evaluating, assessing, or facilitating the enhancement of individual, group, or organizational effectiveness, including personal effectiveness, adaptive behavior, interpersonal relationships, work and life adjustment, health, and individual, group, or organizational performance; or

(3) Assisting in legal decision-making.

(b) Psychological testing and the evaluation or assessment of personal characteristics, such as intelligence; personality; cognitive, physical, and emotional abilities; skills; interests; aptitudes; and neuropsychological functioning;

(c) Counseling, consultation, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy;

(d) Diagnosis, treatment, and management of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, and the psychological and behavioral aspects of medical/physical illness, accident, injury, or disability;

(e) Psycho-educational evaluation, therapy, and remediation;

(f) Consultation *and coordination* with other psychologists, physicians, other health care professionals, and patients regarding all available treatment options, including medication, with respect to provision of care for a specific client or patient or group;

(g) Provision of direct services to individuals or groups for the purpose of enhancing individual and organizational effectiveness, or using psychological principles, methods, or procedures to assess and evaluate individuals on personal characteristics for individual development or behavior change, or for making decisions about the individual, such as selection;

(h) Provision of any of these services or activities by any means, including electronic or telephonic; and

(i) The supervision, *ordering, referring, and prescribing* of any of these services or activities;

The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

VIII. "Psychology services *by a licensed psychologist*" means the observation, description, evaluation, interpretation, diagnosis, and modification of human behavior by the application of psychological and systems principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladapted, or undesirable behavior and of enhancing interpersonal relationships, work and life adjustments, personal effectiveness, behavioral health, and mental health, as well as the diagnosis and treatment of the psychological and social aspects of physical illness, accident, injury, or disability. Psychology services may include, but shall not be limited to, those services based on diagnosis and treatment of mental and emotional disorders and psycho-educational or consultative techniques integral to the treatment of such disorders when diagnosis is specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, The International Classification of Disease Manual (ICD), or an equivalent of such manual as determined by the board. Psychological services may be rendered to individuals, families, groups, systems, or organizations.

IX. "Psychologist" means any person licensed as a psychologist under *RSA 329-B:15*.

X. "Psychology intern, resident, or fellow" means a person in training as a psychologist, subject to the provisions of this chapter and regulation by the board.

XI. "Psychotherapist" means a psychologist, *licensed school psychologist-doctoral, or licensed school psychologist-specialist* licensed under this chapter who performs or purports to perform psychotherapy.

8 New Paragraphs; Psychologists; Board; Definitions. Amend RSA 329-B:2 by inserting after paragraph XII the following new paragraphs:

XII-a. "School psychology practice" by a licensed school psychologist-doctoral or licensed school psychologist-specialist" means:

(a) Practices that permeate all aspects of service delivery through:

(1) Data-based decision making and accountability; and

(2) Consultation, coordination, and collaboration;

(b) Direct and indirect services for children, families, and schools which include:

(1) Student-level services including;

(A) Conducting, interpreting, and communicating the findings of assessments of students, including but not limited to their:

(i) Intellectual ability.

(ii) Cognitive processing.

(iii) Academic achievement.

- (iv) Behavior.
- (v) Social and emotional functioning.
- (vi) Learning environments.
- (vii) Adaptive functioning.
- (B) Designing, implementing, monitoring, and adapting instructional and behavioral supports and interventions;
- (C) Creating, implementing, evaluating, ordering, referring, and prescribing mental health interventions and direct services to develop social/emotional and life skills;
- (2) Systems-level services including:
 - (A) Interacting effectively in a school setting by understanding systems, roles, curriculum, instruction, and assessment to promote socialization, learning, and mental health; and
 - (B) Implementing and evaluating school wide practices that promote learning; and
- (3) Preventative and responsive services including:
 - (A) Applying principles of resilience and risk factors in learning and mental health;
 - (B) Promoting multi-tiered systems of support; and
 - (C) Formulating evidence-based strategies for effective crisis preparation, response, and recovery; and
- (4) Foundations of professional school psychological services which include:
 - (A) Understanding and analyzing the diversity in human development and learning including culture, context and individual differences;
 - (B) Explaining typical and atypical psychological and educational development in children and youth;
 - (C) Synthesizing, evaluating and applying theories and models of research, empirical findings, and techniques related to student learning;
 - (D) Utilizing research design, statistics, measurement, and varied data collection and analysis techniques;
 - (E) Designing and implementing program evaluation to support evidence-based practices at the individual, group, and/or systems levels;
 - (F) Integrating the history and foundations of psychology into a professional identity and practice as a school psychologist; and
 - (G) Adhering to ethical, legal and professional standards including:
 - (i) Ethical and professional decision making; and
 - (ii) Professional work characteristics and disposition that reflect personal integrity.

XII-b. "School psychology services" by a licensed school psychologist-doctoral or licensed psychologist-specialist" means the provision of services related only to functioning at school and transition to post-secondary goals, including: the observation, description, evaluation, interpretation, diagnosis, and modification of human behavior by the application of psychological and systems principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladapted, or undesirable behavior and of enhancing interpersonal relationships, school and life adjustments, personal effectiveness, behavioral health, and mental health, as well as the diagnosis and treatment of the psychological and social aspects of physical illness, accident, injury, or disability. School psychology services may include, but shall not be limited to, those services based on diagnosis and treatment of mental and emotional disorders and psycho-educational or consultative techniques integral to the treatment of such disorders when diagnosis is specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, The International Classification of Disease Manual (ICD), or an equivalent of such manual as determined by the board. School psychological services may be rendered to individuals, families, groups, systems, or organizations within school settings and other locations as provided in RSA 329-B:15-a V.

9 Board of Psychologists. Amend RSA 329-B:3, I to read as follows:

I. There shall be a board of psychologists composed of 5 licensed psychologists, ***one licensed school psychologist-doctoral or licensed school psychologist-specialist***, and 3 public members. The members shall be appointed to a term of 3 years by the governor with the approval of the council. The members of the board shall elect a chairperson on an annual basis. Chairperson terms shall alternate between [psychologist] ***licensees*** and public members.

10 New Paragraph; Board of Psychologists. Amend RSA 329-B:3 by inserting after paragraph III the following new paragraph:

IV. On occasions when the licensed school psychologist board member is recused on a matter, inquiry, or case concerning a licensed school psychologist-doctoral, licensed school psychologist-specialist, or application for such before the board, then a licensed school psychologist-doctoral or licensed school psychologist-specialist from the school psychologist advisory committee shall be allowed to stand in to address the board business for the licensed school psychologist-doctoral or licensed school psychologist-specialist board member for that matter only.

11 Psychologists; Board; Committees Established, Duties. RSA 329-B:4, I-III are repealed and reenacted to read as follows:

I. The board shall create 2 advisory committees for the purpose of assisting the board in its responsibilities under this chapter, including rulemaking under RSA 329-B:10.

(a) The psychologists advisory committee shall be chaired by a psychologist board member appointed by the board which shall have a maximum of 12 members, including up to 9 psychologists and up to 3 consumers appointed by the board.

(b) Members of the licensed school psychology advisory committee shall be appointed by the board and shall include: A licensed school psychologist-doctoral board member who shall be the chairperson of the committee, up to 9 licensed school psychologist-doctoral or licensed school psychologist-specialist members, and up to 3 consumer members who shall be school administrative personnel and/or parents of students, and one representative from the department of education bureau of credentialing. There shall be a maximum of 13 members.

II. The board shall create 2 committees for professional conduct investigations, one for licensed psychologists, and one for licensed school psychologist-doctoral and licensed school psychologist-specialists, for the purpose of assisting the board in its responsibilities under RSA 329-B:22 and RSA 329-B:23. A board investigator, appointed by the chairperson of the board with the advice and consent of the board, shall chair the professional conduct investigation committees. The balance of the membership of the professional conduct investigation committees shall be composed of persons licensed by the board for the committee's respective profession to a maximum of 12 members.

III. The board shall create a professional's health committee to administer the professional's health program which shall address issues that may impinge on a practitioner's ability to practice. A board member, appointed by the chairperson of the board with the advice and consent of the board, shall chair the professional's health committee. The balance of the membership of the professional's health committee shall be composed of persons licensed by the board to a maximum of 12 members.

12 New Paragraph; Board of Psychologists; Qualifications; Administrative Members. Amend RSA 329-B:6 by inserting after paragraph III the following new paragraph:

IV. Each public member of the board and the advisory committees shall be a resident of this state.

13 Psychologists; Board; Organization and Meetings. Amend RSA 329-B:9, I-II to read as follows:

I. The board shall hold regular annual meetings. Other meetings of the board shall be held at such times and upon such notice as the rules of the board provide. ~~[Five members]~~ ***A majority of the members of the board who have been approved by the governor and council*** shall constitute a quorum.

II. When a quorum is not available for just and timely resolution of a specific matter, former board members ***or members of the advisory committees*** may be appointed by the board to serve as acting board members for purposes of obtaining the minimum quorum in the resolution of that specific matter or in an adjudicatory hearing. ***Advisory committee members shall have the same qualification as the missing or recused board member.***

14 Psychologists; Board; Responsibilities and Rulemaking Authority. Amend RSA 329-B:10, VII to read as follows:

VII.(a) Ethical standards, as promulgated by the American Psychological Association, required to be met by each psychologist licensed under this chapter, and how a ***psychologist*** license may be revoked for violation of these standards.

(b) ***Ethical standards, as promulgated by the National Association of School Psychologists, required to be met by each licensed school psychologist-doctoral and licensed school psychologist-specialist licensed under this chapter, and how a licensed school psychologist-doctoral or licensed school psychologist-specialist license may be revoked for violation of these standards.***

(c) ***Competence standards for licensees under this chapter.***

15 Psychologists; Board; Responsibilities and Rulemaking Authority. Amend RSA 329-B:10, IX-X to read as follows:

IX. Establishment of the scope of practice for psychologists, ***licensed school psychologist-doctoral, and licensed school psychologist-specialist.***

X. Procedures for assuring the continuing competence of psychologists, ***licensed school psychologists-doctoral, and licensed school psychologists-specialist*** licensed under this chapter including, but not limited to, continuing education requirements, and the professional's health program.

16 Psychologists; Board; Responsibilities and Rulemaking Authority. Amend RSA 329-B:10, XIV to read as follows:

XIV. Requirements to be met by licensees relative to the disclosure of information to ***clients***, patients and the general public concerning the nature of psychological ***and school psychological services*** and the responsibilities of psychologists, ***licensed school psychologists-doctoral, and licensed school psychologists-specialist*** to clients or patients in RSA 329-B:32.

17 Psychologists; Board; Unlawful Practice; Penalty. Amend RSA 329-B:17 to read as follows:
329-B:17 Unlawful Practice; Penalty.

I. Except as provided in RSA 329-B:20 and RSA 329-B:28, it shall be unlawful for any person to be engaged in psychology, ***licensed school psychology-doctoral, or licensed school psychology-specialist*** practice unless that person is licensed by the board or working under the direct supervision of a person licensed by the board. The license of such person shall be current and valid. It shall be unlawful for any person to practice as or to refer to oneself as a psychologist, ***licensed school psychology-doctoral, or licensed school psychology-specialist*** or use the word “psychology” or “psychological” in such person’s title or in the title of such person’s work products unless that person is licensed by the board or working under the direct supervision of a person licensed by the board.

II. Except as otherwise provided in this chapter, any person who violates paragraph I or paragraph III of this section or who violates any of the other provisions of this chapter relating to psychology, or, having had his or her license suspended or revoked, shall continue to represent himself or herself as a licensed psychologist, ***licensed school psychology-doctoral, or licensed school psychology-specialist***, shall be guilty of a class A misdemeanor if a natural person, and a felony if any other person, and each violation shall be deemed a separate offense.

III. Any person whose license under this chapter has been suspended or revoked by the board for disciplinary action under RSA 329-B:21 or sexual misconduct under RSA 329-B:30 shall not engage in psychology, ***licensed school psychology-doctoral, or licensed school psychology-specialist*** practice as defined in RSA 329-B:2, VII and VIII unless and until the suspension or revocation of the license has been lifted.

18 Psychologists; Board; Definitions. Amend RSA 329-B:18 to read as follows:

329-B:18 Injunction. The board may request the attorney general to commence an action to enjoin the operation of any person engaged in practicing unlicensed psychology, ***licensed school psychology-doctoral, or licensed school psychology-specialist*** in violation of this chapter. Said action shall be filed in the superior court.

19 Psychologists; Board; Civil Claims. Amend RSA 329-B:19 to read as follows:

329-B:19 Civil Claims. Any person injured by the actions of a person engaged in the practice of unlicensed psychology, ***licensed school psychology-doctoral, or licensed school psychology-specialist*** in violation of any of the provisions of this chapter may bring a civil action to recover damages suffered by reason of the violations.

20 Psychologists; Board; Temporary and Emergency Applicants from Other States. Amend RSA 329-B:20 to read as follows:

329-B:20 Temporary and Emergency Applicants From Other States.

Any psychologist, ***licensed school psychologist-doctoral, or licensed school psychologist-specialist*** practicing pursuant to this section shall conform his or her practice to the mandates of this chapter and the rules of the board. Any psychologist, ***licensed school psychologist-doctoral, or licensed school psychologist-specialist*** seeking to practice under this section shall register with the board in a manner determined by the board.

I. An individual licensed to practice psychology ***or school psychology*** in another jurisdiction may practice psychology, ***licensed school psychology-doctoral, or licensed school psychology-specialist*** in accordance with this chapter in New Hampshire [without] by applying for a license, if:

- (a) The psychologist, ***licensed school psychologist-doctoral, or licensed school psychologist-specialist*** limits her or his practice in New Hampshire to no more than 30 days per year; and
- (b) The psychologist, ***licensed school psychologist-doctoral, or licensed school psychologist-specialist*** is not the subject of a past or pending disciplinary action in another jurisdiction; and
- (c) At least one of the following is true:

(1) ~~[The requirements for a license in the former jurisdiction are equal to, or exceed, the requirements for licensure in New Hampshire; or~~

(2) The psychologist is the holder of one of the following credentials:

- (A) The Association of State and Provincial Psychology Boards (ASPPB) Certificate of Professional Qualification in Psychology (CPQ);
- (B) The ASPPB Interjurisdictional Practice Certificate (IPC);
- (C) The American Board of Professional Psychology (ABPP) certification;
- (D) The National Register of Health Providers in Psychology certification; or
- (E) Other equivalent qualifications determined by the board.

(2) ***The school psychologist is:***

(A) ***The holder of the Nationally Certified School Psychologist (NCSP), credentialed by the National Association of School Psychologists, or other equivalent qualifications determined by the board; and***

(B) ***Approved by the board to be knowledgeable in state practice as determined by the board.***

(d) An individual licensed to practice psychology in another jurisdiction seeking to perform an evaluation under a court order may be allowed a temporary license for no more than 30 days which may be non-consecutive during a 12 month period, providing he or she qualifies under sub-paragraphs (b) and (c)(1).

(e) An individual seeking temporary licensure shall submit the application and pay the fee determined by the office of professional licensure and certification.

II. An individual licensed to practice psychology ***or school psychology*** in another jurisdiction who is providing services in response to a declared disaster, under the American Red Cross or the American Psychological Association's Disaster Response Network, or other such agency so designated by the board, may practice psychology in New Hampshire for no more than 60 days per year without applying for a state license. Any psychologist practicing pursuant to this paragraph shall conform his or her practice to the mandates of this chapter and rules of the board. Any psychologist seeking to practice under this paragraph shall register with the board or cause said organization to make such registration in a manner determined by the board.

III. The board may issue a temporary license to practice for not more than 90 days in a 12-month period to a psychologist who is licensed in another jurisdiction and who has applied for a temporary license to practice psychology in New Hampshire, provided that:

(a) The requirements for licensure in the licensing jurisdiction are equal to or exceed the requirements for licensure in New Hampshire; ~~and~~

(b) The applying psychologist meets the requirements for admission to the examination process in New Hampshire; ~~and~~

(c) The psychologist is not the subject of a past or pending disciplinary action in another jurisdiction~~[-]~~ ***and***

(d) The individual submits an application and pays the fee determined by the office of professional licensure and certification.

21 Psychologists; Board; Investigations and Complaints. Amend RSA 329-B:22, III to read as follows:

III. After determining the nature and scope of an investigation or hearing, the board may employ or retain hearing officers, legal counsel, medical advisors, psychologist ***or school psychology*** advisors, or investigators through the office of professional licensure and certification to assist with that investigation or hearing. Members of the board are not eligible for retention.

22 Psychologists; Board; Expirations, Renewals, Reinstatements, and Inactive Status. RSA 329-B:25 is repealed and reenacted to read as follows:

I. It shall be the duty of the board to notify every person licensed by the board under this chapter of the date of expiration of the license and the amount of the fee that shall be required for its renewal period. Such notice shall be mailed at least 2 months in advance of the date of expiration of such license. Renewal shall be conditional upon filing a timely and complete renewal application and payment of the renewal fee.

(a) Psychologist licenses shall be valid for a period of 2 years and shall become invalid on the expiration date unless renewed or reinstated, which shall be for a 2 year period.

(b) Licensed school psychologist-doctoral and licensed school psychologist-specialist licenses shall be valid for a period of 3 years and shall become invalid on the expiration date unless renewed or reinstated, which shall be for a 3 year period.

II. If a license is not renewed it may be reinstated not later than 6 months after the date of license expiration upon compliance with rules adopted by the board and payment of the reinstatement fee. A license may be placed on inactive status pursuant to rules adopted by the board.

III. Upon the request of a person licensed by the board who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the board shall place such person's license on inactive status. The license may be reactivated, after notification to the board, within one year of the person's release from active duty by application to the board of psychologists providing that no more than 4 years has passed since the change to inactive status.

23 Psychologists; Board; Expirations, Renewals, Reinstatements, and Inactive Status. Amend RSA 329-B:27, IV to read as follows:

IV. Except for administrative rules relating to establishing and collecting fees for psychologists, administrative rules pertaining to psychologists adopted under RSA 330-A that are in effect on June 30, 2012, shall remain in effect and be administered by the board of psychologists under RSA 329-B until such rules are amended, repealed, superseded, or expired. ~~[The board of mental health practice shall continue to have responsibility to establish and collect fees for psychologists.]~~

24 New Paragraphs; Psychologists; Board; Expirations, Renewals, Reinstatements, and Inactive Status. Amend RSA 329-B:27 by inserting after paragraph V the following new paragraphs:

VI. All complaints in process pertaining to school psychologists or their trainees under certificate consideration, investigation, supervision, discipline, settlement, consent decree, and all other like matters under RSA 21-N on the effective date of this paragraph shall be communicated to the board under this chapter.

VII. All corrective supervision agreements pertaining to school psychologists, associate school psychologists, and school psychology students in effect or under consideration under RSA 21-N on the effective date of this paragraph shall be communicated to the board under this chapter.

VIII. Any doctoral level school psychologist who served on the board established under RSA 21-N prior to the effective date of this paragraph shall be considered a former member of the board established under this chapter.

25 Psychologists; Board; Persons Exempted. Amend RSA 329-B:28, II to read as follows:

II. Nothing in this chapter shall be construed to prevent the New Hampshire department of education from credentialing individuals with the title ***certified*** school psychologist or ***certified*** associate school psychologists to provide school psychological services in those settings that are under the purview of the New Hampshire department of education. In addition, nothing in this chapter shall be construed to limit the ability of an educator in the field of psychology in a duly chartered educational institution to use his or her appropriate title.

26 Psychologists; Board; Psychology Client-Patient Bill of Rights. Amend RSA 329-B:32 to read as follows:

329-B:32 Psychology Client-Patient Bill of Rights. The board shall provide guidance for the provision of informed consent for client or patient rights, based on the professional codes of ethics as they apply in the variety of settings in which psychologists, ***licensed school psychologist-doctoral, or licensed school psychologist-specialists*** practice. When addressing the patient or client rights, reasonable accommodations shall be made for those persons who cannot read or who have communication impairments and those who do not understand English.

27 New Subparagraph; Department of Education; Division of Educator Support and Higher Education. Amend RSA 21-N:8-a, I by inserting after subparagraph (c) the following new subparagraph:

(d) Provide materials and information concerning certificate holders to boards providing licenses relative to Medicaid to schools.

28 New Section; School Social Workers. Amend RSA 330-A by inserting after section 18 the following new section:

330-A:18-a School Social Workers.

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

(b) Has completed all of the following requirements or their equivalent:

(1) Has received a college undergraduate degree.

(2) Has received a 2-year master's degree or doctorate degree in social work from a school approved by the Council on Social Work Education.

(3) Has completed a minimum of 2 years of post-masters experience including completion of a minimum of 3,000 hours of post-masters, supervised school social work experience by a board approved licensed independent school social worker or licensed clinical mental health counselor supervisor, or any other supervisor based on reasonable and specific criteria established in rules adopted under RSA 330-A:10.

(4) Has passed a national proctored examination approved by the board.

II. Any school social worker who chooses to seek licensure under paragraph I, shall notify the office of licensure and certification in writing of his or her intent to be licensed. The office of licensure and certification shall grant licenses under paragraph I, within 10 days of receipt of notification.

III. The office of licensure and certification shall exempt licensees licensed in accordance with paragraph II from fees for the initial license period which shall extend beyond that individual's certification as a school social worker by 3 months and shall include an additional year for those whose certifications from the department of education would expire prior to July 1, 2020. Following that time, that individual shall be eligible for renewal under the rules established by the board and upon payment of the applicable fee.

29 Mental Health Practice; Board; Responsibilities and Rulemaking Authority. Amend RSA 330-A:10, II to read as follows:

II. The qualifications of applicants in addition to those requirements set by statute. ***This provision shall not apply to applicants under RSA 330-A:18-a, I.***

30 Mental Health Practice; Definitions; Mental Health Discipline. Amend RSA 330-A:2, V to read as follows:

V. "Mental health discipline" means the disciplines of those licensed as pastoral psychotherapists, clinical social workers, ***school social workers***, clinical mental health counselors, and marriage and family therapists.

31 Mental Health Practice; Definitions; Mental Health Practitioner. Amend RSA 330-A:2, VII to read as follows:

VII. "Mental health practitioner" means persons licensed under this chapter as pastoral psychotherapists, clinical social workers, ***school social workers***, clinical mental health counselors, or marriage and family therapists. For purposes of this chapter, the term clinical social worker shall include independent clinical social worker.

32 Mental Health Practice; Definitions; Psychotherapist. Amend RSA 330-A:2, VIII to read as follows:

VIII. "Psychotherapist" means a clinical social worker, ***school social worker***, pastoral psychotherapist, clinical mental health counselor, or marriage and family therapist licensed under this chapter who performs or purports to perform psychotherapy. This definition shall include psychiatrists licensed as physicians under RSA 329 and advanced registered nurse practitioners licensed under RSA 326-B:18 as psychiatric nurse practitioners.

33 Mental Health Practice; Board. Amend RSA 330-A:3, I to read as follows:

I. There shall be a board of mental health practice composed of the following members: one licensed pastoral psychotherapist, one licensed clinical social worker, ***one licensed school social worker***, one licensed marriage and family therapist, one licensed clinical mental health counselor, one member from a community mental health center, one member from a community health center, and 3 public members. The members shall be appointed to a term of 3 years by the governor with the approval of the council. The members of the board shall elect a chairperson on an annual basis. No discipline's representative and no individual public member shall serve as chairperson for more than 2 years consecutively.

34 New Paragraph; Mental Health Practice; Board; Responsibilities and Rulemaking Authority. Amend RSA 330-A:10 by inserting after paragraph X the following new paragraph:

X-a. Ethical standards, as promulgated by the School Social Work Association of America, required to be met by each licensed school social worker, and how a license may be revoked for violation of these standards.

35 Mental Health Practice; Fees. Amend RSA 330-A:12, I to read as follows:

I. The board shall establish fees pursuant to RSA 541-A for [~~review of applicants for licensure;~~] supervisory agreements; applications for licensed pastoral psychotherapist, independent clinical social worker, ***school social worker***, clinical mental health counselor, and marriage and family therapist; renewal of license; renewal of dual license; reinstatement of license; inactive license status; reactivation of an inactive license; examination of applicants; transcribing and transferring records; and other services, including investigations and hearings conducted under this chapter.

36 New Section; Speech Language Specialist Eligibility for Licensure. Amend RSA 326-F by inserting after section 3 the following new section:

326-F:3-a Speech Language Specialist Eligibility for Initial Licensure.

I. The board shall issue a speech-language pathologist license to any person who:

(a) Is currently certified as a speech-language specialist by the department of education, bureau of credentialing, on the effective date of this section; and

(b) Possesses a master's degree or higher academic degree in speech-language pathology, communications sciences and disorders, or communications disorders.

II. Any speech-language pathologist who chooses to seek licensure under this section shall notify the office of professional licensure in writing of his or her intent to be licensed. The office of professional licensure and certification shall grant licenses under this section within 10 days of receipt of notification.

III. The office of licensure and certification shall exempt licensees licensed in accordance with paragraph II from fees for the initial license period which shall extend beyond that individual's certification as a speech-language pathologist by 3 months and shall include an additional year for those whose certifications from the department of education would expire prior to July 1, 2020. Following that time, that individual shall be eligible for renewal under the rules established by the board and upon payment of the applicable fee.

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

Amendment to HB 1687-FN

(2020-0676h)

Proposed by the Majority of the Committee on Education - r

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

AN ACT relative to the installation of audio and video surveillance equipment in special education school buses.

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

1 Equipment of Vehicles; School Buses; Audio/Video Surveillance Equipment. Amend the subdivision heading following RSA 266:30 to read as follows:

Lights, Signals, Flashers, Reflectors, [~~and~~] Flags, ***and Audio/Video Surveillance Equipment***

2 School Bus Equipment; Audio/Video Surveillance Equipment. Amend the section heading of RSA 266:39 to read as follows:

266:39 School Bus Stop Signals, [~~and~~] Strobe Lights, ***and Audio/Video Surveillance Equipment***.

3 New Paragraph; School Bus Equipment; Audio/Video Surveillance Equipment. Amend RSA 266:39 by inserting after paragraph II the following new paragraph:

III. The director shall require the installation and operation of audio/video surveillance equipment on any vehicle, including a school bus, mixed use bus, or passenger vehicle provided by or on behalf of a school district, which is used to transport a child with a disability to or from school, or school function, or to or from a service provided as part of the child's individualized education program (IEP) or 504 plan. This requirement shall not apply to transportation provided by the child's parent or legal guardian.

4 Transportation of Pupils; Surveillance Privacy Policy. Amend RSA 189:6 to read as follows:
189:6 Transportation of Pupils.

I. The local school district shall furnish transportation to pupils in kindergarten through grade 8 who live more than 2 miles from the school to which they are assigned. The local school district may furnish transportation to pupils in kindergarten through grade 8 who live 2 miles or less from the school to which they are assigned, and to pupils in grades 9 through 12, when it finds that this is appropriate, and shall furnish it when so directed by the commissioner of education.

II. Each school district and chartered public school shall develop a policy pertaining to the operation of audio and video surveillance equipment required under RSA 266:39 and access to any resulting recordings. The policy shall include, but may not be limited to, the following provisions:

(a) The school's policy on student privacy as it pertains to audio and video surveillance.

(b) Whether video will be viewed live, and if so, by whom.

(c) Who will have access to any resulting recordings, including whether and when parents may view any resulting recordings.

(d) Under what conditions schools would show or turn over recordings to law enforcement.

(e) How long audio and video recordings will be retained and the method for disposal.

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

2020-0676h

AMENDED ANALYSIS

This bill requires audio and video surveillance equipment to be installed and operated on all vehicles provided through services related to a student's IEP. The bill also requires school districts to develop a privacy policy for resulting recordings.

Amendment to HB 1694

(2020-1058h)

Proposed by the Committee on Legislative Administration - r

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 6:

4 Legislative Ethics; Definition; Conflict of Interest. Amend RSA 14-B:1, I to read as follows:

I. "Conflict of interest" means the condition in which a legislator has a [special] *financial* interest or a non-financial personal interest in any matter which could directly or indirectly affect or influence the performance of the legislator's official activities. For this definition:

(a) A financial interest exists where a legislator or household member could stand to gain or lose anything of material value as a result of the official activity.

(b) A non-financial personal interest exists where a legislator or household member has a responsibility for the welfare of an organization by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.

5 Legislative Ethics; Definition; Special Interest. Amend RSA 14-B:1, V to read as follows:

V. "Special interest" means any financial or non-financial personal interest in the outcome of a matter that is the subject of official *legislative* activity, [distinct from and greater than the interests of the public at-large] *which could reasonably be expected to produce a direct benefit or detriment to the legislator or a legislator's household member or to produce a benefit or detriment to a business, client, or organization, by whom the legislator or a legislator's household member is employed or holds a position of authority, which is materially greater than the benefit or detriment which would accrue to businesses, clients, or organizations in general.*

2020-1058h

AMENDED ANALYSIS

This bill requires a legislator to recuse himself or herself from participation in a legislative activity when the legislator or the legislator's household member has a conflict of interest in an official legislative activity. The bill also amends certain applicable definitions.

Amendment to HB 1695-FN

(2020-0861h)

Proposed by the Committee on Commerce and Consumer Affairs - r

Amend RSA 383-C:6-601 as inserted by section 2 of the bill by replacing it with the following:

383-C:6-601 [Number of] Directors.

(a) The board of directors of a trust company shall be composed of at least 5 directors. A director need not be a resident of New Hampshire or a citizen of the United States, unless otherwise required by the commissioner in consideration of the trust company's safety and soundness.

(b) Every new director shall submit to a background investigation and criminal history records check, to include submission of financial and other information in accordance with RSA 383-A:3-305(e). A trust company shall submit notice of any material change related to the background investigation and criminal history records check of any director or any new information related to the experience, ability, standing, competence, trustworthiness, and integrity of a director that could jeopardize the safe and sound operation of the trust company within 30 days of learning of such change. The cost of any examination or investigation of the background information and criminal history shall be paid by the trust company.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Family Trust Company Act; Directors and Officers. Amend RSA 383-D:8-801(a) to read as follows:

(a) A family trust company shall have a board of directors, and that board of directors must have not less than three members. A director need not be a resident of New Hampshire or a citizen of the United States, unless otherwise required by the commissioner in consideration of the family trust company's safety and soundness. ~~[RSA 383-C:6-601]~~ **RSA 383-C:6-601(a)** shall not apply to family trust companies.

**Floor Amendment to HB 1698-FN
(2020-1082h)**

Proposed by Rep. Lang

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

AN ACT relative to equal access and opportunity for students with disabilities to participate in co-curricular activities.

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

2020-1082h
AMENDED ANALYSIS

This bill requires the department of education to review the consolidated state plan biennially to ensure that school districts establish unified co-curricular activities.

**Amendment to HB 1701-FN
(2020-0974h)**

Proposed by the Committee on Commerce and Consumer Affairs - r

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

AN ACT relative to the recycling of film plastics.

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

1 Purpose and Findings. The general court finds plastic is a major, problematic component of New Hampshire's waste stream. Too much is disposed in our landfills and litters our landscape harming wildlife and the public health. It does not decompose. Plastic use should be reduced and plastic products reused, but when this is not possible, it should be recycled. Many retailers provide plastic carry out bags and sell products packaged in film plastic, resulting in too much plastic in the waste stream. Film plastics are virtually impossible to recycle because municipalities do not accept them for recycling. Film plastics mistakenly placed in recycling bins cost municipalities money because they contaminate other recyclable materials decreasing their value and recyclability. They clog recycling sorting machinery at materials recovery facilities, require physical removal from the recycling stream, and cause expensive delays. Increased film plastics recycling will benefit the public's health and the economy.

2 New Subdivision; Recycling of Film Plastics. Amend RSA 149-M by inserting after section 60 the following new subdivision:

Recycling of Film Plastics

149-M:61 Definitions. In this subdivision:

I. "Film plastic" means uncontaminated non-rigid film plastic packaging products composed of plastic resins, which include plastic carryout bags, food storage bags, bubble wrap, dry cleaning bags, and shrink-wrap.

II. "Operator" means a person in control of, or having daily responsibility for, the daily operation of a store which may include but is not limited to the owner of the store.

III. "Plastic carryout bag" means a plastic carryout bag provided by a store to a customer at the point of sale made from film plastic and not specifically designed and manufactured to be reusable.

IV. "Recycler" means an entity accepting film plastics for recycling.

V. "Reusable bag" means:

(a) A bag made of cloth or other machine washable fabric that has handles; or

(b) A durable plastic bag with handles that is specifically designed and manufactured for multiple reuse.

VI. "Store" means a retail establishment, excluding food service establishments licensed under RSA 143-A or by a municipality, that provides plastic carryout bags to its customers as the result of the sale of a product, or sells products packaged in film plastic; and

(a) Has over 15,000 square feet of retail space; or

(b) Is part of a chain engaged in the same general field of business, which operates 3 or more units of over 5,000 square feet each of retail space in this state under common ownership and management, or over 6,000 square feet each of retail space, if the unit operated by the chain covered by this paragraph is occupied by 2 or more businesses.

149-M:62 Store Operator Duties.

I. The operator of a store shall establish a film plastics recycling program at its store pursuant to this subdivision, which provides an opportunity for a customer of the store to return to the store film plastics.

II. A retail establishment that does not meet the definition of a store and that provides plastic carryout bags to customers or sells products packaged in film plastic may adopt a film plastics recycling program at its location.

III. Store operators that have over 15,000 square feet of retail space shall have 18 months from the effective date of this subdivision to establish a film plastics recycling program. All other store operators shall have one year from the effective date of this subdivision to establish a film plastics recycling program.

IV. Retail establishments providing plastic carry-out or other film plastic bags to customers, for free or for purchase, are encouraged to provide such bags with at least 20 percent post-consumer recycled plastic content to help promote the development of plastic recycling markets.

149-M:63 Film Plastic Recycling Program Requirements. A film plastics recycling program provided by the operator of a store shall:

I. Provide a collection bin that is visible, easily accessible to the consumer, and clearly marked that the collection bin is available for the purpose of collecting and recycling film plastics, including examples of recyclable film plastics that may be deposited in the bins. This subdivision shall not apply to stores within an enclosed shopping mall unless such stores contain at least 50,000 square feet within an enclosed shopping mall. In the case of an enclosed shopping mall, the owner of the enclosed shopping mall shall place bins at reasonable intervals throughout the enclosed mall area.

II. Collect, transport, and recycle all film plastics collected by the store along with any other in-store plastic recycling, except for film plastic bags that are not sufficiently free of foreign material to enter the recycling stream. Film plastics collected by the store or a recycler pursuant to a film plastics recycling program shall be recycled and shall not be disposed of in any solid waste disposal facility.

III. Maintain, for a minimum of 2 years, records describing the collection, transport, and recycling of film plastics collected by weight, provided however, that a store or its agents may weigh such plastics and any other in-store plastic recycling at a regional collection center. Such records shall be made available to the department upon request, to demonstrate compliance with this subdivision.

IV. Make reusable bags available to customers within the store for purchase, and allow the use of a reusable bag in lieu of a plastic carryout bag or paper bag.

V. Register with the department of environmental services upon the start of a film plastics recycling program or a change in ownership of the store where a film plastics recycling program is already in place.

149-M:64 Recycler Responsibilities. When a recycler accepts film plastics for return, it or its agent shall maintain, for a minimum of 2 years, records describing the collection, transport, and recycling of film plastics collected by weight, provided that the recycler or its agents may weigh such plastics and any other plastic resins at a regional collection center. Such records shall be made available to the department of environmental services upon request, to demonstrate compliance with this subdivision.

149-M:65 Departmental Duties; Rulemaking.

I. The department of environmental services shall develop educational materials regarding film plastics that can be recycled in film plastics recycling programs for use by operators required to comply with this subdivision in their stores, including standardized signage for use at collection sites. Educational materials shall be available at least one month before an operator is required to comply with this subdivision.

II. The department shall provide information regarding film plastics recyclers including their addresses and phone numbers to stores required to comply with this subdivision, upon request.

III. The department shall adopt rules, pursuant to RSA 541-A, necessary to implement the provisions of this subdivision, including the information on registration forms required under RSA 149-M:63.

149-M:66 Penalties. Any person who violates the provisions of this subdivision shall be given a warning for the first violation and shall be subject to a fine for subsequent violations. The fine for a second violation shall be \$250 and the penalty for a third or subsequent violation shall be \$500.

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

**Amendment to HB 1703
(2020-0674h)**

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

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

AN ACT establishing a working group on food recovery.

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

1 Purpose and Findings. The general court finds that food waste represents a lost opportunity to feed the hungry, is an economic loss to purchasers, occupies needed space in our landfills, and generates greenhouse gases as it decomposes. Estimates indicate that approximately 20 percent of the solid waste disposed of is food waste. This working group is being created to review existing regulations and policies to reduce food waste by increasing food recovery, and to identify regulatory hurdles that impede the sharing of food with the hungry.

2 New Subdivision; Food Recovery Working Group. Amend RSA 143 by inserting after section 29 the following new subdivision:

Food Recovery Working Group

143:30 Food Recovery Working Group.

I. The food recovery working group shall be convened by the department of health and human services and shall have, at a minimum, the following members:

- (a) One member of the house, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) A member representing the public interest, appointed by the governor.
- (d) The commissioner of the department of health and human services, or designee.
- (e) The commissioner of the department environmental services, or designee.
- (f) A representative of the New Hampshire Grocers Association, appointed by that association.
- (g) A representative of the New Hampshire Lodging and Restaurant Association, appointed by that association.
- (h) A representative of the health department of a New Hampshire city.
- (i) A representative of the New Hampshire Food Bank, appointed by that organization.
- (j) A representative of the department of education office of nutrition programs and services school lunch program, appointed by the commissioner of the department of education.
- (k) A representative of the Food Recovery Network, appointed by that organization.
- (l) A school nurse or school dietician.
- (m) A representative of the university of New Hampshire sustainability institute, appointed by that institute.
- (n) A representative of a New Hampshire-based food manufacturer.
- (o) A representative of the Northeast Resource Recovery Association, appointed by that association.
- (p) A representative of the New Hampshire farm to school program, appointed by that program.
- (q) A representative of a company that provides food services to schools.

II. Unless otherwise indicated, members shall be appointed by the commissioner of the department of health and human services.

III. The food recovery working group shall:

- (a) Review state and federal laws, policies, and guidelines relative to food safety and food recovery.
- (b) Examine national and regional initiatives to increase food recovery and recommend changes to help promote food recovery in New Hampshire.
- (c) Assess New Hampshire's food industry including food manufacturers, restaurants, and retail food stores, to understand any regulatory barriers to food recovery.
- (d) Review policies in New Hampshire schools and universities and recommend changes to promote food recovery in New Hampshire.
- (e) Explore such other matters as the working group deems necessary and recommend related legislative, rule, or policy changes.

IV. The food recovery working group shall make a final report of its findings to the speaker of the house of representatives, president of the senate, the chairs of the house and senate standing committees with oversight of health and human services, the governor, the commissioner of the department of health and human services, and commissioner of the department of education by November 1, 2021 and shall file an initial proposal of any rule changes with the office of legislative services by November 1, 2021.

V. The working group shall meet no later than 60 days after the effective date of this section.

3 Repeal. RSA 143:30, relative to the food recovery working group, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2021.

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

2020-0674h

AMENDED ANALYSIS

This bill establishes a working group on food recovery.

This bill is a request of the study committee on recycling and solid waste, established pursuant to 2019, 265 (HB 617).

**Amendment to HCR 9
(2020-0853h)**

Proposed by the Majority of the Committee on State-Federal Relations and Veterans Affairs - r
Amend the resolution by replacing all after the title with the following:

Whereas, the New Hampshire legislature, acting with the best of intentions, has, at various times and during various sessions, previously made applications to the United States Congress to call one or more conventions to propose amendments concerning specific subjects to the United States Constitution, pursuant to Article V thereof; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That any and all requests by the New Hampshire legislature prior to January 1, 2020, for an Article V constitutional convention are hereby rescinded and deemed null and void; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, each member of the New Hampshire congressional delegation, and the Administrator of the United States General Services Administration.

**Floor Amendment to HR 11
(2020-0683h)**

Proposed by Rep. Adjutant

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

A RESOLUTION urging Congress to remove marijuana as a schedule I drug.

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

Whereas, Schedule I drugs, substances, or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse and include heroin, lysergic acid diethylamide (LSD), marijuana or cannabis, 3,4-methylenedioxymethamphetamine (ecstasy), methaqualone (Quaalude), and peyote; and

Whereas, the above mentioned directly contradicts New Hampshire state statutes, including RSA 126-X; and

Whereas, members of the New Hampshire house of representatives from both parties have previously supported legislation supporting the value of medical cannabis; and

Whereas, marijuana or cannabis and its congeners have been studied worldwide outside the United States for wasting syndrome, as an antinauseant in those taking chemotherapy or HIV medications, glaucoma (reduces intraocular pressure), epilepsy (anti-seizure properties), migraine headaches, Crohn's disease, addiction to opiates or opioid and other types of pain, and anxiety; and

Whereas, marijuana or cannabis is presently classified by the United States Drug Enforcement Agency as a Schedule I drug wherein the possession, sale, or utilization can trigger federal prosecution statutes, including federal forfeiture provisions; and

Whereas, concerns about the criminality and forfeiture provisions in federal law impede traditional banking institutions from doing business with potential clients cultivating, selling, or utilizing marijuana or cannabis and its derivatives; now therefore, be it

Resolved by the House of Representatives:

That the house of representatives urges the Congress of the United States to pass a law to reschedule marijuana or cannabis from a Schedule I drug to an alternative schedule, thereby allowing for the legal commerce of marijuana or cannabis so that businesses dealing with marijuana or cannabis can use traditional banks or financial institutions for their banking needs, which would result in providing a legal vehicle for those businesses to pay their taxes, including, but not limited to, payroll taxes, unsecured property taxes, and applicable taxes on the products sold in accordance with state and local laws; and

That the house of representatives urges the President of the United States to sign such legislation; and

That the house clerk transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to the Majority Leader of the United States Senate, and to the New Hampshire congressional delegation.

2020-0683h

AMENDED ANALYSIS

This resolution urges the United States Congress to reschedule marijuana from a Schedule I drug to an alternative Schedule.