

# Bill as Introduced

HB 1503 - AS INTRODUCED

2016 SESSION

16-2636  
03/01

HOUSE BILL            **1503**

AN ACT                relative to distributing campaign materials at the polling place.

SPONSORS:            Rep. Fields, Belk. 4

COMMITTEE:          Election Law

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ANALYSIS

This bill expands the prohibition on distributing campaign materials at the polling place.

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Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Sixteen*

AN ACT                   relative to distributing campaign materials at the polling place.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1           1 Distributing Campaign Materials at Polling Place. Amend RSA 659:43, I to read as follows:  
2           I. No person [~~who is a candidate for office or who is representing or working for a~~  
3 ~~candidate~~] shall distribute or post at a polling place any campaign material in the form of a poster,  
4 card, handbill, placard, picture, or circular **or articles of clothing** which is intended to influence  
5 the action of the voter within the building where the election is being held.  
6           2 Effective Date. This act shall take effect January 1, 2017.

HB 1503 - AS AMENDED BY THE SENATE

05/12/2016 1850s  
05/12/2016 1972s  
05/12/2016 1973s

2016 SESSION

16-2636  
03/01

HOUSE BILL **1503**

AN ACT relative to distributing campaign materials at the polling place, relative to health and dental benefits for temporary, seasonal, and part-time state employees, and relative to administration of the tobacco tax.

SPONSORS: Rep. Fields, Belk. 4

COMMITTEE: Election Law

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AMENDED ANALYSIS

This bill:

- I. Expands the prohibition on distributing campaign materials at the polling place.
- II. Clarifies health and dental benefits for temporary, seasonal, and part-time state employees.
- III. Makes a variety of changes to the tobacco tax laws, including changing and adding certain definitions and removing references to metering machines.
- IV. Clarifies activities which constitute unauthorized sales of tobacco products. The bill also adds records of tobacco stamps sold and tobacco products distributed to required taxpayer records.

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1           1 Distributing Campaign Materials at Polling Place. Amend RSA 659:43, I to read as follows:

2           I. No person [~~who is a candidate for office or who is representing or working for a~~  
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4 poster, card, handbill, placard, picture, *pin, sticker*, or circular *or articles of clothing* which is  
5 intended to influence the action of the voter within the building where the election is being held.

6           2 New Section; Health and Dental Benefits for Temporary, Seasonal, and Part-Time  
7 Employees. Amend RSA 98-A by inserting after section 6-c the following new section:

8           98-A:6-d Health and Dental Benefits. Any individual employed in state service under a  
9 temporary or seasonal appointment, as defined in this chapter, who has not been deemed  
10 permanent and whose employment calls for 30 hours or more work in a normal calendar week, but  
11 whose position is not anticipated to have a duration of 6 months or more, shall be entitled to elect to  
12 participate at his or her own expense in the group health and dental insurance plans afforded full-  
13 time state employees. The costs of health and dental benefits which any such individual elects to  
14 receive pursuant to this section shall be withheld from such individual's salary as a payroll  
15 deduction. The department of administrative services shall be authorized to invoice the individual  
16 for any amounts not paid through a payroll deduction.

17           3 Definitions. Amend RSA 78:1 to read as follows:

18           78:1 Definitions. Whenever used in this chapter the following words shall have the meanings  
19 set opposite them below:

20           I. "Commissioner", the commissioner of revenue administration.

21           II. "Person," any individual, firm, fiduciary, partnership, corporation, trust, or association,  
22 however formed.

23           III. "Manufacturer" means any person engaged in the business of importing, exporting,  
24 producing, or manufacturing tobacco products [~~who sells his product only to licensed wholesalers~~].

25           III-a. "Wholesale sales price" means the established price for which a manufacturer sells  
26 tobacco products other than cigarettes to a wholesaler, exclusive of any discount or other reduction.

27           IV. "Licensed manufacturer," a manufacturer licensed hereunder.

28           V. "Wholesaler" means any person [~~doing~~] *engaged in the* business [~~in this state who shall~~]

1 purchase all of his unstamped tobacco products directly from a licensed manufacturer, and who  
 2 shall sell all of his products to licensed wholesalers, sub-jobbers, vending machine operators,  
 3 retailers, and] *of receiving, storing, purchasing, and selling tobacco products from a*  
 4 *manufacturer or wholesaler for distribution to other wholesalers, sub-jobbers, vending*  
 5 *machine operators, or retailers, but not directly to the consumer, except* those persons  
 6 exempted from the tobacco tax under RSA 78:7-b.

7 VI. "Licensed wholesaler," a wholesaler licensed hereunder.

8 VII. "Sub-jobber" means any person [~~doing~~] *engaged in the* business [~~in this state who~~  
 9 ~~buys stamped~~] *of purchasing* tobacco products from a [~~licensed~~] wholesaler and [~~who sells all of~~  
 10 ~~his~~] *selling* tobacco products to other [~~licensed~~] sub-jobbers, vending machine operators, and  
 11 retailers.

12 VIII. "Licensed sub-jobber," a sub-jobber licensed hereunder.

13 IX. "Vending machine operator" means any person operating one or more tobacco product  
 14 vending machines on property or premises other than his own.

15 X. "Licensed vending machine operator," a vending machine operator licensed [~~hereunder~~]  
 16 *under RSA 178.*

17 XI. "Retailer" means any person who sells tobacco products to consumers, and any vending  
 18 machine in which tobacco products are sold.

19 XII. "Licensed retailer," a retailer licensed [~~hereunder~~] *under RSA 178.*

20 XIII. "Sale" or "sell," any transfer, whether by bargain, gift, exchange, barter or otherwise.

21 XIV. "Tobacco products" means cigarettes, loose tobacco, smokeless tobacco, [~~snuff,~~] and  
 22 cigars, but shall not include premium cigars.

23 XIV-a. [Repealed.]

24 XV. [Repealed.]

25 XVI. [Repealed.]

26 XVII.(a) In conformity with RSA 541-C:2, IV, "cigarette" means any product that contains  
 27 nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or  
 28 contains:

29 (1) Any roll of tobacco wrapped in paper or in any substance not containing tobacco;

30 or

31 (2) Tobacco, in any form, that is functional in the product, which, because of its  
 32 appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be  
 33 offered to, or purchased by, consumers as a cigarette; or

34 (3) Any roll of tobacco wrapped in any substance containing tobacco which, because  
 35 of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be  
 36 offered to, or purchased by, consumers as a cigarette described in subparagraph (a)(1).

37 (b) The term "cigarette" includes "roll-your-own" (i.e., any tobacco which, because of its  
 38 appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased

1 by, consumers as tobacco for making cigarettes). For purposes of this definition of "cigarette," 0.09  
2 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette."

3 XVIII. "Licensee" means the person in whose name the license is issued.

4 XIX. "Sampler" means any person who distributes free tobacco products to consumers for  
5 promotional purposes.

6 XX. "Vending machine" means any self-service device which, upon insertion of money,  
7 tokens, or any other form of payment, dispenses tobacco, cigarettes, or any other tobacco product.

8 XXI. "Premium cigars" means cigars which ~~[are made entirely by hand of all natural~~  
9 ~~tobacco leaf, hand constructed and hand wrapped, wholesaling for \$2 or more, and weighing more~~  
10 ~~than 3 pounds per 1000 cigars. These cigars shall be kept in a humidor at the proper humidity.]:~~

11 (a) *Are made entirely by hand of all natural tobacco leaf;*

12 (b) *Are hand constructed and hand wrapped;*

13 (c) *Weigh more than 3 pounds per 1,000 cigars; and*

14 (d) *Are kept in a humidor.*

15 XXII. "*Humidor*" means a container or room specifically designed to store and age  
16 cigars within the optimal humidity range of 65 percent to 72 percent at room temperature,  
17 containing a humidification device or system designed to add or remove moisture from its  
18 interior space to maintain the desired level of humidity.

19 XXIII. "*Consumer*" means a person who purchases, imports, receives, or otherwise  
20 acquires any tobacco products subject to the tax imposed by this chapter for his or her own  
21 use.

22 XXIV. "*Licensed sampler*" means a sampler licensed under RSA 178.

23 4 Denial of License Application. Amend the introductory paragraph of RSA 78:6-a, I to read as  
24 follows:

25 I. The commissioner shall deny a license application for tobacco manufacturer, wholesaler,  
26 ~~or sub-jobber[, vending machine operator, retailer, or sampler]~~ for any one of the following reasons:

27 5 Nature of Tax. Amend RSA 78:7-a to read as follows:

28 78:7-a Nature of Tax. All taxes upon tobacco products under this chapter are declared to be a  
29 direct tax upon the consumer at retail and shall conclusively be presumed to be pre-collected for the  
30 purpose of convenience and facility only *by the affixing of tax stamps for cigarettes and the*  
31 *filing of returns and payment of tax for other tobacco products under RSA 78:12.*  
32 Accordingly, the commissioner may collect the tax directly from consumers who purchase  
33 ~~[unstamped]~~ tobacco products *without documentation to evidence tax paid.*

34 6 New Section; Consumer Reporting and Payment. Amend RSA 78 by inserting after section 7-  
35 c the following new section:

36 78:7-d Consumer Reporting and Payment.

37 I. A consumer who purchases, imports, receives, or otherwise acquires tobacco products  
38 from other than a licensed retailer or licensed vending machine operator and without

1 documentation to evidence tax paid under this chapter shall file, on or before the last day of the  
2 month following each month in which such tobacco products were acquired, a return on a form  
3 prescribed by the commissioner together with payment of the tax imposed by this chapter at the  
4 rate provided in RSA 78:7 and RSA 78:7-c. The return shall report the number of tobacco products  
5 purchased, imported, received, or otherwise acquired during the previous calendar month and any  
6 additional information the commissioner may require.

7 II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such  
8 return and the data which it must contain for the correct computation of tobacco tax attributable to  
9 this state. All returns shall be signed by the consumer subject to the pains and penalties of perjury.

10 III. Any consumer who fails to pay any amount owing to the purchase of tobacco products  
11 within the time required shall pay, in addition to the amount, interest as prescribed in RSA 21-J:28  
12 and a penalty as prescribed in RSA 21-J:33.

13 IV. Any consumer who fails to timely file a return when required shall pay a penalty as  
14 prescribed in RSA 21-J:31.

15 7 Stamps. Amend RSA 78:9, II to read as follows:

16 II. Any wholesaler who fails to pay any amount owing to the purchase of stamps [~~or meter-~~  
17 ~~registered settings~~] within the time required shall pay, in addition to the amount, interest as  
18 prescribed in RSA 21-J:28.

19 8 Resale of Stamps; Redemption. Amend RSA 78:10 to read as follows:

20 78:10 Resale of Stamps; Redemption. No wholesaler shall sell or transfer any stamps issued  
21 under RSA 78:9. The commissioner shall redeem any unused, uncanceled stamps presented by any  
22 licensed wholesaler at a price equal to the amount paid by such licensee. In case such stamps are  
23 destroyed before they are affixed, the commissioner shall refund the purchase price upon  
24 presentation of evidence of such destruction satisfactory to the commissioner. The commissioner  
25 shall refund the purchase price for stamps [~~and metered impressions~~] which are destroyed after  
26 affixing to outdated, damaged, or unsaleable tobacco products. The commissioner also shall refund  
27 or provide a credit for future tax payments on outdated, damaged, or unsaleable tobacco products  
28 exempted from bearing stamps by the commissioner under rules adopted under RSA 541-A. The  
29 state treasurer shall provide, out of money collected under this chapter, the funds necessary for  
30 redemption or refund.

31 9 Unauthorized Sales. Amend RSA 78:12-a to read as follows:

32 78:12-a Unauthorized Sales.

33 I. Manufacturers, wholesalers, [~~and~~] sub-jobbers, **and retailers** shall not sell tobacco  
34 products *in this state* to any [licensee] **manufacturer, wholesaler, sub-jobber, vending**  
35 **machine operator, sampler, or retailer** who does not possess a valid or current license issued by  
36 the commissioner **under this chapter** or issued by the liquor commission under RSA 178. [~~Any~~  
37 ~~person who violates the provisions of this section shall be subject to the penalty provisions of RSA~~  
38 ~~21-J:39.~~]



1           **II. Manufacturers shall only sell tobacco products, without documentation to**  
2 **evidence tax paid under this chapter in this state to licensed wholesalers.**

3  
4           **III. Wholesalers shall only purchase tobacco products without documentation to**  
5 **evidence tax paid under this chapter from licensed manufacturers, and shall only sell**  
6 **tobacco products with documentation to evidence tax paid under this chapter to other**  
7 **licensed wholesalers, licensed sub-jobbers, licensed vending machine operators, licensed**  
8 **retailers, and those persons exempted from the tobacco tax under RSA 78:7-b.**

9           **IV. Sub-jobbers shall only purchase tobacco products with documentation to**  
10 **evidence tax paid under this chapter from licensed wholesalers and other licensed sub-**  
11 **jobbers, and shall only sell tobacco products with documentation to evidence tax paid**  
12 **under this chapter to other licensed sub-jobbers, licensed vending machine operators,**  
13 **licensed retailers, and those persons exempted from the tobacco tax under RSA 78:7-b.**

14           **V. Retailers shall only purchase tobacco products with documentation to evidence**  
15 **tax paid from a licensed wholesaler or licensed sub-jobber, and shall only sell in this state**  
16 **tobacco products with documentation to evidence tax paid to consumers.**

17           **VI. Any person who violates the provisions of this section shall be subject to the**  
18 **penalty provisions of RSA 21-J:39.**

19           10 Authorization to Affix Stamps. Amend RSA 78:13 to read as follows:

20           78:13 Authorization to Affix Stamps [~~or Use Metering Machine~~]. The commissioner may adopt  
21 rules, pursuant to RSA 541-A, relative to authorizing any person resident or located outside this  
22 state and engaged in a business which would make such person if he carried it on in this state a  
23 wholesaler as defined in this chapter, to affix the stamps required by this chapter on behalf of the  
24 purchasers of such tobacco products. The commissioner may sell stamps to such person [~~or the~~  
25 ~~commissioner may authorize the use of a metering machine as provided in this chapter~~]. No stamps  
26 shall be sold or no such authorization shall issue, however, until such nonresident person shall have  
27 appointed the secretary of state his attorney for the service of process in this state in the same  
28 manner as provided in RSA 300. Service shall be made on the secretary of state as agent of such  
29 person in the same manner as is provided in RSA 300. The commissioner may adopt rules pursuant  
30 to RSA 541-A relative to the conditions which must be met upon a grant of authorization to a  
31 nonresident to affix stamps. Such conditions shall include the right to inspect the books of the  
32 nonresident and the posting of a bond by the nonresident conditioned upon the payment of all taxes  
33 imposed under this chapter.

34           11 Required Taxpayer Records. Amend RSA 78:18, I to read as follows:

35           I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form for  
36 records of **tobacco stamps and of** all tobacco products manufactured, produced, purchased,  
37 **distributed**, and sold. Each manufacturer, wholesaler, sub-jobber, vending machine operator, and  
38 retailer shall keep complete and accurate records of all **tobacco stamps and all** such tobacco

1 products *manufactured, produced, distributed, and sold*. Such records shall be safely  
 2 preserved for 3 years in such manner as to insure permanency and accessibility for inspection by  
 3 the commissioner and the commissioner's authorized agents. Retailers of tobacco products exempt  
 4 from the requirement of affixing stamps in RSA 78:12, II shall keep such records with such exempt  
 5 tobacco products, as determined by the commissioner, that document the tax imposed by this  
 6 chapter on the tobacco products has been paid in full.

7 12 Additions to Tax. Amend RSA 78:18-a to read as follows:

8 78:18-a Additions to Tax. If after any examination as provided in RSA 78:18, the commissioner  
 9 or his agent determines that there is a deficiency with respect to the ~~[purchase-of]~~ tax ~~[indicia]~~ *due*  
 10 *under this chapter*, the commissioner shall assess the tax and all applicable additions due the  
 11 state. At the time such additional assessment is made, the commissioner shall give notice of the  
 12 assessment to the person liable and make demand upon him for immediate payment.

13 13 New Paragraph; Liquor Commission; Definitions. Amend RSA 175:1 by inserting after  
 14 paragraph XXXVII the following new paragraph:

15 XXXVII-a. "Humidor" means a container or room specifically designed to store and age  
 16 cigars within the optimal humidity range of 65 percent to 72 percent at room temperature,  
 17 containing a humidification device or system designed to add or remove moisture from its interior  
 18 space to maintain the desired level of humidity.

19 14 Repeal. RSA 78:11, relative to metering machines, is repealed.

20 15 Effective Date:

21 I. Section 1 of this act shall take effect January 1, 2017.

22 II. Section 2 of this act shall take effect 60 days after its passage.

23 III. The remainder of this act shall take effect July 1, 2016.

**HB 1503- FISCAL NOTE**

**AN ACT** relative to distributing campaign materials at the polling place, relative to health and dental benefits for temporary, seasonal, and part-time state employees, and relative to administration of the tobacco tax.

**FISCAL IMPACT:**

The Department of Revenue Administration and Department of Administrative Services state this bill, as amended by the Senate (Amendments #2016-1972s and #2016-1973s), may reduce state revenue by an indeterminable amount in FY 2017 and each year thereafter, and may reduce state expenditures by an indeterminable amount in FY 2016 and each year thereafter. There will be no fiscal impact to county and local expenditures and revenue.

**METHODOLOGY:**

The Department of Revenue Administration states this bill amends the definition of "premium cigar" by removing the clause specifying premium cigars wholesale for \$2 or more. Cigars that meet the entire criterion within the definition of premium cigar except that they wholesale for less than \$2 are currently taxable under RSA 78. Under the proposed bill, such cigars would meet the definition of premium cigar and would be exempt from taxation under RSA 78. In FY 2015 revenue from taxable non-premium cigars, on a cash basis, was approximately \$3.2 million. The Department does not have specific data or information relating to cigar products and cannot estimate how many taxable non-premium cigars would be exempt from taxation with the criterion change included in the bill. The Department states the removal of the dollar criterion may reduce state revenue by an indeterminable amount.

The Department of Administrative Services states this bill permits certain short-term duration state employees to participate in the health care benefit at their own cost and allows the state to offer coverage to such employees. Under the Affordable Care Act the state is subject to a penalty tax if it does not offer health care coverage to 95 percent of full-time employees and their dependents. Federal law defines full-time employment as 30 or more hours per week whereas State law defines full-time employment for temporary and seasonal employees as 37.5 hours or more per week. This bill allows the State to offer coverage to employees that work 30 or more per week when their position is not expected to last more than 6 months. For each month the state does not meet this benchmark the state can incur a \$1.8 million federal penalty. The Department of Administrative Services states the State is likely to fall below the 95 percent requirement in the months of June, July, and August when it employs hundreds of seasonal employees who today are not offered health coverage. Therefore, the Department

estimates this bill will likely avoid a federal penalty of \$5.4 million ( $\$1.8 * 3 = \$5.4$ ).

The Liquor Commission states this bill will not have a fiscal impact on its operations.

CHAPTER 320  
HB 1503 - FINAL VERSION

05/12/2016 1850s  
05/12/2016 1972s  
05/12/2016 1973s  
1June2016... 2015CofC  
1June2016... 2163EBA

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SPONSORS: Rep. Fields, Belk. 4

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AMENDED ANALYSIS

This bill:

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6 intended to influence the action of the voter within the building where the election is being held.

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17 for any amounts not paid through a payroll deduction.

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CHAPTER 320  
HB 1503 - FINAL VERSION

- Page 2 -

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4 ~~purchase all of his unstamped tobacco products directly from a licensed manufacturer, and who~~  
5 ~~shall sell all of his products to licensed wholesalers, sub-jobbers, vending machine operators,~~  
6 ~~retailers, and]~~ **of receiving, storing, purchasing, and selling tobacco products from a**  
7 **manufacturer or wholesaler for distribution to other wholesalers, sub-jobbers, vending**  
8 **machine operators, or retailers, but not directly to the consumer, except** those persons  
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19 **under RSA 178.**

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31 contains:

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25 use.

26 XXIV. "*Licensed sampler*" means a sampler licensed under RSA 178.

27 320:4 Denial of License Application. Amend the introductory paragraph of RSA 78:6-a, I to  
28 read as follows:

29 I. The commissioner shall deny a license application for tobacco manufacturer, wholesaler,  
30 or sub-jobber~~[- vending machine operator, retailer, or sampler]~~ for any one of the following reasons:

31 320:5 Nature of Tax. Amend RSA 78:7-a to read as follows:

32 78:7-a Nature of Tax. All taxes upon tobacco products under this chapter are declared to be a  
33 direct tax upon the consumer at retail and shall conclusively be presumed to be pre-collected for the  
34 purpose of convenience and facility only *by the affixing of tax stamps for cigarettes and the*  
35 *filing of returns and payment of tax for other tobacco products under RSA 78:12.*  
36 Accordingly, the commissioner may collect the tax directly from consumers who purchase  
37 ~~[unstamped]~~ tobacco products *without documentation to evidence tax paid.*



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1 320:6 New Section; Consumer Reporting and Payment. Amend RSA 78 by inserting after  
2 section 7-c the following new section:

3 78:7-d Consumer Reporting and Payment.

4 I. A consumer who purchases, imports, receives, or otherwise acquires tobacco products  
5 from other than a licensed retailer or licensed vending machine operator and without  
6 documentation to evidence tax paid under this chapter shall file, on or before the last day of the  
7 month following each month in which such tobacco products were acquired, a return on a form  
8 prescribed by the commissioner together with payment of the tax imposed by this chapter at the  
9 rate provided in RSA 78:7 and RSA 78:7-c. The return shall report the number of tobacco products  
10 purchased, imported, received, or otherwise acquired during the previous calendar month and any  
11 additional information the commissioner may require.

12 II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such  
13 return and the data which it must contain for the correct computation of tobacco tax attributable to  
14 this state. All returns shall be signed by the consumer subject to the pains and penalties of perjury.

15 III. Any consumer who fails to pay any amount owing to the purchase of tobacco products  
16 within the time required shall pay, in addition to the amount, interest as prescribed in RSA 21-J:28  
17 and a penalty as prescribed in RSA 21-J:33.

18 IV. Any consumer who fails to timely file a return when required shall pay a penalty as  
19 prescribed in RSA 21-J:31.

20 320:7 Stamps. Amend RSA 78:9, II to read as follows:

21 II. Any wholesaler who fails to pay any amount owing to the purchase of stamps [~~or meter-~~  
22 ~~registered settings~~] within the time required shall pay, in addition to the amount, interest as  
23 prescribed in RSA 21-J:28.

24 320:8 Resale of Stamps; Redemption. Amend RSA 78:10 to read as follows:

25 78:10 Resale of Stamps; Redemption. No wholesaler shall sell or transfer any stamps issued  
26 under RSA 78:9. The commissioner shall redeem any unused, uncanceled stamps presented by any  
27 licensed wholesaler at a price equal to the amount paid by such licensee. In case such stamps are  
28 destroyed before they are affixed, the commissioner shall refund the purchase price upon  
29 presentation of evidence of such destruction satisfactory to the commissioner. The commissioner  
30 shall refund the purchase price for stamps [~~and metered impressions~~] which are destroyed after  
31 affixing to outdated, damaged, or unsaleable tobacco products. The commissioner also shall refund  
32 or provide a credit for future tax payments on outdated, damaged, or unsaleable tobacco products  
33 exempted from bearing stamps by the commissioner under rules adopted under RSA 541-A. The  
34 state treasurer shall provide, out of money collected under this chapter, the funds necessary for  
35 redemption or refund.

36 320:9 Unauthorized Sales. Amend RSA 78:12-a to read as follows:

37 78:12-a Unauthorized Sales.

1 I. Manufacturers, wholesalers, [and] sub-jobbers, *and retailers* shall not sell tobacco  
2 products *in this state* to any [licensee] *manufacturer, wholesaler, sub-jobber, vending*  
3 *machine operator, sampler, or retailer* who does not possess a valid or current license issued by  
4 the commissioner *under this chapter* or issued by the liquor commission under RSA 178. [~~Any~~  
5 ~~person who violates the provisions of this section shall be subject to the penalty provisions of RSA~~  
6 ~~21-J:39.~~]

7 II. *Manufacturers shall only sell tobacco products, without documentation to*  
8 *evidence tax paid under this chapter in this state to licensed wholesalers.*

9 III. *Wholesalers shall only purchase tobacco products without documentation to*  
10 *evidence tax paid under this chapter from licensed manufacturers, and shall only sell*  
11 *tobacco products with documentation to evidence tax paid under this chapter to other*  
12 *licensed wholesalers, licensed sub-jobbers, licensed vending machine operators, licensed*  
13 *retailers, and those persons exempted from the tobacco tax under RSA 78:7-b.*

14 IV. *Sub-jobbers shall only purchase tobacco products with documentation to*  
15 *evidence tax paid under this chapter from licensed wholesalers and other licensed sub-*  
16 *jobbers, and shall only sell tobacco products with documentation to evidence tax paid*  
17 *under this chapter to other licensed sub-jobbers, licensed vending machine operators,*  
18 *licensed retailers, and those persons exempted from the tobacco tax under RSA 78:7-b.*

19 V. *Retailers shall only purchase tobacco products with documentation to evidence*  
20 *tax paid from a licensed wholesaler or licensed sub-jobber, and shall only sell in this state*  
21 *tobacco products with documentation to evidence tax paid to consumers.*

22 VI. *Any person who violates the provisions of this section shall be subject to the*  
23 *penalty provisions of RSA 21-J:39.*

24 320:10 Authorization to Affix Stamps. Amend RSA 78:13 to read as follows:

25 78:13 Authorization to Affix Stamps [~~or Use Metering Machine~~]. The commissioner may adopt  
26 rules, pursuant to RSA 541-A, relative to authorizing any person resident or located outside this  
27 state and engaged in a business which would make such person if he carried it on in this state a  
28 wholesaler as defined in this chapter, to affix the stamps required by this chapter on behalf of the  
29 purchasers of such tobacco products. The commissioner may sell stamps to such person [~~or the~~  
30 ~~commissioner may authorize the use of a metering machine as provided in this chapter~~]. No stamps  
31 shall be sold or no such authorization shall issue, however, until such nonresident person shall have  
32 appointed the secretary of state his attorney for the service of process in this state in the same  
33 manner as provided in RSA 300. Service shall be made on the secretary of state as agent of such  
34 person in the same manner as is provided in RSA 300. The commissioner may adopt rules pursuant  
35 to RSA 541-A relative to the conditions which must be met upon a grant of authorization to a  
36 nonresident to affix stamps. Such conditions shall include the right to inspect the books of the  
37 nonresident and the posting of a bond by the nonresident conditioned upon the payment of all taxes

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1 imposed under this chapter.

2 320:11 Required Taxpayer Records. Amend RSA 78:18, I to read as follows:

3 I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form for  
4 records of **tobacco stamps and of** all tobacco products manufactured, produced, purchased,  
5 **distributed**, and sold. Each manufacturer, wholesaler, sub-jobber, vending machine operator, and  
6 retailer shall keep complete and accurate records of all **tobacco stamps and all** such tobacco  
7 products **manufactured, produced, distributed, and sold**. Such records shall be safely  
8 preserved for 3 years in such manner as to insure permanency and accessibility for inspection by  
9 the commissioner and the commissioner's authorized agents. Retailers of tobacco products exempt  
10 from the requirement of affixing stamps in RSA 78:12, II shall keep such records with such exempt  
11 tobacco products, as determined by the commissioner, that document the tax imposed by this  
12 chapter on the tobacco products has been paid in full.

13 320:12 Additions to Tax. Amend RSA 78:18-a to read as follows:

14 78:18-a Additions to Tax. If after any examination as provided in RSA 78:18, the commissioner  
15 or his agent determines that there is a deficiency with respect to the ~~[purchase of]~~ tax ~~[indicia]~~ **due**  
16 **under this chapter**, the commissioner shall assess the tax and all applicable additions due the  
17 state. At the time such additional assessment is made, the commissioner shall give notice of the  
18 assessment to the person liable and make demand upon him for immediate payment.

19 320:13 New Paragraph; Liquor Commission; Definitions. Amend RSA 175:1 by inserting after  
20 paragraph XXXVII the following new paragraph:

21 XXXVII-a. "Humidor" means a container or room specifically designed to store and age  
22 cigars within the optimal humidity range of 65 percent to 72 percent at room temperature,  
23 containing a humidification device or system designed to add or remove moisture from its interior  
24 space to maintain the desired level of humidity.

25 320:14 Repeal. RSA 78:11, relative to metering machines, is repealed.

26 320:15 Effective Date.

27 I. Sections 3-14 of this act shall take effect July 1, 2016.

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

29 Approved: June 24, 2016

30 Effective Date: I. Sections 3-14 shall take effect July 1, 2016

31 II. Remainder shall take effect June 24, 2016

32

**CHAPTER 320**  
**HB 1503 - FINAL VERSION**

# Amendments



Amendment to HB 1503

1 Amend RSA 659:43, I as inserted by section 1 of the bill by replacing it with the following:

2

3 I. No person [~~who is a candidate for office or who is representing or working for a~~  
4 ~~candidate]~~ shall distribute, *wear*, or post at a polling place any campaign material in the form of a  
5 poster, card, handbill, placard, picture, *pin, sticker*, or circular *or articles of clothing* which is  
6 intended to influence the action of the voter within the building where the election is being held.

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Public and Municipal Affairs**

Sen Regina Birdsell, Chair  
Sen David Boutin, Vice Chair  
Sen Nancy Stiles, Member  
Sen Bette Lasky, Member  
Sen Molly Kelly, Member

Date: April 27, 2016

**HEARINGS**

Wednesday	05/04/2016	
(Day)	(Date)	
Public and Municipal Affairs	LOB 102	9:00 a.m.
(Name of Committee)	(Place)	(Time)

**EXECUTIVE SESSION MAY FOLLOW**

9:00 a.m.	<b>HB 1503</b>	relative to distributing campaign materials at the polling place.
9:15 a.m.	<b>HB 1356</b>	(New Title) relative to construction of the terms "resident," "inhabitant," "residence," and "residency."

**Sponsors:**

**HB 1503**

Rep. Fields

**HB 1356**

Rep. Bates

Rep. Packard

Rep. Hogan

Rep. Flanagan

Rep. Hunt

Rep. D. Thomas

Rep. Hinch

Rep. Chandler

Rep. Hoelzel

Rep. Kurk

Jennifer Horgan 271-3092

Regina Birdsell  
Chairman



**Senate Public and Municipal Affairs Committee**  
*Jennifer Horgan 271-3092*

**HB 1503**, relative to distributing campaign materials at the polling place.

**Hearing Date:** May 4, 2016

**Time Opened:** 9:01 a.m.  
a.m.

**Time Closed:** 9:13

**Members of the Committee Present:** Senators Birdsell, Boutin, Stiles, Lasky and Kelly

**Members of the Committee Absent:** None

**Bill Analysis:** This bill expands the prohibition on distributing campaign materials at the polling place.

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**Sponsors:**  
Rep. Fields

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**Who supports the bill:** Representative Fields; Representative Hoelzel; Representative Cheney; Deputy Secretary Scanlan, Secretary of State's Office

**Who opposes the bill:** Cordell Johnson, NH Municipal Association

**Summary of testimony presented in support:**

**Representative Fields**

- This bill adds the words "articles of clothing" to this statute.
- Sometimes, when people go into the polls, they wear clothing that demonstrates who they are campaigning for.
- These articles should be removed before going into the polls.
- Wearing campaign articles inside the polls can influence people.
- Senator Stiles asked if this verbiage would include campaign pins.
  - Thinks it should if it has 'elect someone' on it. It is already in the law that people can't bring in or leave cards.
- Senator Lasky suggested adding campaign buttons or stickers.
  - Would not have a problem with that. Just wants to ensure that we are not influencing people inside the polls.

**Deputy Secretary Scanlan (Secretary of State)**

- When the Office puts on training for election officials, it is suggested that if people come in with those campaign articles on that the moderator ask them to remove it or cover it up.

- Hears that often times those individuals will challenge the moderator asking where it says that in law.
- This codifies that practice.
- Senator Lasky asked if pins should be added in.
  - Thinks that would be appropriate.
- Senator Kelly asked if all this is doing is putting into law what is already in practice.
  - Yes.
- Senator Kelly asked if there would be more education involved in this.
  - The Office will educate the poll workers but, there is no official effort to train voters and the workers will just ask them to cover it up.

**Summary of testimony presented in opposition:**

**Cordell Johnson (NH Municipal Association)**

- The language in this bill does not make sense.
- The language says 'distribute or post...articles of clothing'.
- It does not say people can't wear stuff, just that they can't post it.
- Also, questions the policy because if an individual is wearing a hat that says 'Make America Great Again' that does not necessarily say a candidates name, which causes some uncertainty.
- Senator Kelly asked if he believes this policy is already in practice.
  - Knows it is practiced sporadically and agrees that there is nothing in the law about it but, not sure if it is something that should be put into law.

**Fiscal Note:** N/A

**Future Action:** Ought to Pass with Amendments

jch  
Date Hearing Report completed: May 6, 2016

Speakers





# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Wednesday, May 4, 2016

THE COMMITTEE ON Public and Municipal Affairs

to which was referred **HB 1503**

AN ACT

relative to distributing campaign materials at the  
polling place.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1850s

Senator Nancy Stiles  
For the Committee

Jennifer Horgan 271-3092

**PUBLIC AND MUNICIPAL AFFAIRS**

**HB 1503**, relative to distributing campaign materials at the polling place.

Ought to Pass with Amendment, Vote 5-0.

Senator Nancy Stiles for the committee.



## New Hampshire General Court - Bill Status System

**Docket of HB1503**

Docket Abbreviations

**Bill Title:** (Second New Title) relative to distributing campaign materials at the polling place, relative to health and dental benefits for temporary, seasonal, and part-time state employees, and relative to administration of the tobacco tax.

**Official Docket of HB1503:**

<b>Date</b>	<b>Body</b>	<b>Description</b>
2/11/2016	H	<b>Introduced</b> 01/06/2016 and referred to Election Law <b>HJ 4 P. 16</b>
1/15/2016	H	Public Hearing: 01/26/2016 10:20 AM LOB308
2/16/2016	H	==CANCELLED== Executive Session: 02/16/2016 09:30 AM LOB 308
2/18/2016	H	==RESCHEDULED== Executive Session: 03/01/2016 09:30 AM LOB 308
3/3/2016	H	Committee Report: Ought to Pass for 03/09/2016 (Vote 15-2; CC) <b>HC 14 P. 13</b>
3/9/2016	H	<b>Ought to Pass:</b> MA VV 03/09/2016 <b>HJ 23 P. 22</b>
3/15/2016	S	Introduced 03/10/2016 and Referred to Public and Municipal Affairs; <b>SJ 9</b>
4/27/2016	S	Hearing: 05/04/2016, Room 102, LOB, 09:00 am; <b>SC 17</b>
5/4/2016	S	Committee Report: Ought to Pass with Amendment #2016-1850s, 05/12/2016; <b>SC 18</b>
5/12/2016	S	Special Order HB 1503 to the end of the Regular Calendar, Without Objection, MA; <b>SJ 17</b>
5/12/2016	S	Committee Amendment 1850s, AA, VV; 05/12/2016 <b>SJ 17</b>
5/12/2016	S	Sen. Bradley Floor Amendment #2016-1972s, NT, AA, VV; 05/12/2016; <b>SJ 17</b>
5/12/2016	S	Special Order HB 1503 to the end of the Regular Calendar, Without Objection, MA; <b>SJ 17</b>
5/12/2016	S	Special Order HB 1503 to the present time, Without Objection, MA; <b>SJ 17</b>
5/12/2016	S	<b>Ought to Pass with Amendments</b> 1850s and 1972s, NT, MA, VV; OT3rdg; 05/12/2016; <b>SJ 17</b>
5/12/2016	S	Sen. Bradley Moved to Reconsider HB 1503: Rescind OT3rdg and Vote on <b>Ought to Pass with Amendment</b> , MA, VV; 05/12/2016; <b>SJ 17</b>
5/12/2016	S	Sen. Bradley Floor Amendment #2016-1973s, NT, AA, VV; 05/12/2016; <b>SJ 17</b>
5/12/2016	S	<b>Ought to Pass with Amendments</b> #1850s, and #1972s, NT and #1973s, NT; MA, VV, OT3rdg; 05/12/2016; <b>SJ 17</b>
5/19/2016	H	House Non-Concurs with Senate Amendment 1850s and 1972s and 1973s and Requests CofC (Rep. Hoelzel): MA DV 289-26 05/19/2016 <b>HJ 39 P. 3</b>
5/19/2016	H	Speaker Appoints: Reps. Gray, Jasper, Abrami, Rosenwald 05/19/2016 <b>HJ 39 P. 3</b>
5/19/2016	S	Sen. Birdsell Accedes to House Request for Committee of Conference, MA, VV; 05/19/2016; <b>SJ 18</b>
5/19/2016	S	President Appoints: Senators Forrester, Little, D'Allesandro; 05/19/2016; <b>SJ 18</b>
5/23/2016	H	Conferee Change: Rep. Ames Replaces Rep. Rosenwald 05/19/2016 <b>HJ 39 P. 29</b>
5/23/2016	H	Conferee Change: Rep. Lovejoy Replaces Rep. Ames 05/19/2016 <b>HJ 39 P. 29</b>
5/23/2016	S	Conferee Change; Senator Morse Replaces Senator Little <b>SJ 19</b>

5/24/2016	H	Conferee Change: Replaces Rep. Lovejoy 05/19/2016 <b>HJ 39</b> P. 29
5/20/2016	H	Conference Committee Meeting: 05/23/2016 01:00 PM LOB 308
5/25/2016	S	Conference Committee Report Filed, <b>#2016-2015c</b> ; 05/25/2016
6/1/2016	S	Conference Committee Report 2015c; <b>RC 23Y-1N</b> , Adopted; 06/01/2016 <b>SJ 19</b>
6/1/2016	H	Conference Committee Report 2015c: Adopted, VV 06/01/2016 <b>HJ 42</b> P. 47
6/10/2016	S	Enrolled Bill Amendment <b>#2016-2163e</b> Adopted, VV, (In recess of 06/01/2016); <b>SJ 20</b>
6/14/2016	H	Enrolled Bill Amendment <b>#2016-2163e</b> : AA VV 06/01/2016
6/16/2016	S	Enrolled (In recess 06/16/2016); <b>SJ 20</b>
6/16/2016	H	Enrolled 06/16/2016
6/28/2016	H	Signed by Governor Hassan 06/24/2016; Chapter 320; I. Sec. 3-14 eff. 7/1/2016 ; II. Rem. eff. 6/24/2016

NH House

NH Senate

# Other Referrals

**HB 1503 FISCAL NOTE**

AN ACT relative to distributing campaign materials at the polling place, relative to health and dental benefits for temporary, seasonal, and part-time state employees, and relative to administration of the tobacco tax.

**FISCAL IMPACT:**

The Department of Revenue Administration and Department of Administrative Services state this bill, as amended by the Senate (Amendments #2016-1972s and #2016-1973s), may reduce state revenue by an indeterminable amount in FY 2017 and each year thereafter, and may reduce state expenditures by an indeterminable amount in FY 2016 and each year thereafter. There will be no fiscal impact to county and local expenditures and revenue.

**METHODOLOGY:**

The Department of Revenue Administration states this bill amends the definition of "premium cigar" by removing the clause specifying premium cigars wholesale for \$2 or more. Cigars that meet the entire criterion within the definition of premium cigar except that they wholsale for less than \$2 are currently taxable under RSA 78. Under the proposed bill, such cigars would meet the definition of premium cigar and would be exempt from taxation under RSA 78. In FY 2015 revenue from taxable non-premium cigars, on a cash basis, was approximately \$3.2 million. The Department does not have specific data or information relating to cigar products and cannot estimate how many taxable non-premium cigars would be exempt from taxation with the criterion change included in the bill. The Department states the removal of the dollar criterion may reduce state revenue by an indeterminable amount.

The Department of Administrative Services states this bill permits certain short-term duration state employees to participate in the health care benefit at their own cost and allows the state to offer coverage to such employees. Under the Affordable Care Act the state is subject to a penalty tax if it does not offer health care coverage to 95 percent of full-time employees and their dependents. Federal law defines full-time employment as 30 or more hours per week whereas State law defines full-time employment for temporary and seasonal employees as 37.5 hours or more per week. This bill allows the State to offer coverage to employees that work 30 or more per week when their position is not expected to last more than 6 months. For each month the state does not meet this benchmark the state can incur a \$1.8 million federal

penalty. The Department of Administrative Services states the State is likely to fall below the 95 percent requirement in the months of June, July, and August when it employs hundreds of seasonal employees who today are not offered health coverage. Therefore, the Department estimates this bill will likely avoid a federal penalty of \$5.4 million ( $\$1.8 * 3 = \$5.4$ ).

The Liquor Commission states this bill will not have a fiscal impact on its operations.

May 23, 2016  
2016-2015-CofC  
03/10

1 Committee of Conference Report on HB 1503, relative to distributing campaign materials at the  
2 polling place.

3

4 Recommendation:

5 That the House recede from its position of nonconcurrence with the Senate amendment, and  
6 concur with the Senate amendment, and

7 That the Senate and House adopt the following new amendment to the bill as amended by the  
8 Senate, and pass the bill as so amended:

9

10 Amend the bill by replacing section 15 with the following:

11

12 15 Effective Date.

13 I. Sections 3-14 of this act shall take effect July 1, 2016.

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

15

The signatures below attest to the authenticity of this Report on HB 1503, relative to distributing  
campaign materials at the polling place.

Conferees on the Part of the Senate

Conferees on the Part of the House

\_\_\_\_\_  
Sen. Forrester, Dist. 2

\_\_\_\_\_  
Rep. Gray, Straf. 8

\_\_\_\_\_  
Sen. Morse, Dist. 22

\_\_\_\_\_  
Rep. Jasper, Hills. 37

\_\_\_\_\_  
Sen. D'Allesandro, Dist. 20

\_\_\_\_\_  
Rep. Abrami, Rock. 19

\_\_\_\_\_  
Rep. Major, Rock. 14

# COMMITTEE REPORT FILE INVENTORY

HB1503 ORIGINAL REFERRAL \_\_\_\_\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

\_\_\_\_ PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 1850s \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_  
\_\_\_\_ - AMENDMENT # \_\_\_\_\_ \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED \_\_\_\_\_ AS AMENDED BY THE HOUSE  
 FINAL VERSION  AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

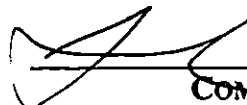
Amended Fiscal Note 5/19/16; Committee of Conference Report

PLEASE INCLUDE THE COMMITTEE OF CONFERENCE REPORT HERE IF IT IS SIGNED BY ALL.

DATE DELIVERED TO SENATE CLERK

9/30/16

By:



COMMITTEE AIDE