

May 23, 2013  
No. 22

# STATE OF NEW HAMPSHIRE

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**First Year of the 163<sup>rd</sup> Session of the  
New Hampshire General Court  
Legislative**

## SENATE CALENDAR

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**THE SENATE WILL MEET IN SESSION ON  
THURSDAY, MAY 30, 2013 AT 1:00 P.M.**

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**LAID ON THE TABLE**

**SB 4-FN-A**, establishing a scholarship program for New Hampshire residents to attend any New Hampshire public postsecondary education institution. **03/28/13, pending motion OT3rdg, Finance, SJ 9, pg. 237**

**SB 63-FN**, allowing historical racing. **03/07/13, pending motion Inexpedient to Legislate, Ways & Means, SJ 6, pg. 95**

**SB 77**, instituting a state minimum hourly rate. **03/07/13, pending motion Inexpedient to Legislate, Commerce, SJ 6, pg. 95**

**SB 79**, relative to an oath of city officers concerning appraisals of taxable property. **03/21/13, pending motion Inexpedient to Legislate, Public & Municipal Affairs, SJ 8, pg. 206**

**SB 86**, relative to unclassified state employees. **03/07/13, pending motion Ought to Pass, Executive Departments & Administration, SJ 6, pg. 99**

**SB 103**, relative to beaching, grounding, or tying a boat to shore. **03/28/13, pending motion Ought to Pass, Finance, SJ 9, pg. 237**

**SB 130-FN-A-L**, exempting special hospitals for rehabilitation from the Medicaid enhancement tax. **03/14/13, pending motion OT3rdg, Ways & Means, SJ 7, pg. 173**

**SB 145-FN**, allowing publication by electronic means by the probate division. **03/07/13, pending motion Committee Amendment (0507s), Judiciary, SJ 6, pg. 107**

**SB 150-FN-A-L**, making an appropriation to the department of revenue administration for the purpose of reimbursing cities and towns for certain flood control payments. **03/07/13, pending motion OT3rdg, Finance, SJ 6, pg. 100**

**SB 168-FN-A-L**, appropriating funds to the department of environmental services for the purpose of funding eligible and completed drinking water, wastewater, and landfill closure projects under the state aid grant program. **03/28/13, pending motion OT3rdg, Finance, SJ 9, pg. 238**

**SB 174-FN-A**, making an appropriation for the purpose of reimbursing the spouse of a law enforcement officer who died in the line of duty. **03/07/13, pending motion OT3rdg, Finance, SJ 6, pg. 101**

**SB 177-FN**, relative to the procurement process for state services and establishing a state contracting standards board. **03/07/13, pending motion Re-refer to committee, Finance, SJ 6, pg. 101**

**SB 182-FN**, relative to implementation of voter identification requirements. **03/21/13, pending motion Inexpedient to Legislate, Public & Municipal Affairs, SJ 8, pg. 208**

**SB 195**, relative to wind-powered renewable energy facilities. **03/28/13, pending motion Ought to Pass with Amendment, Energy & Natural Resources, SJ 9, pg. 246**

**HB 135**, relative to physical force in defense of a person and relative to the definition of non-deadly force. **05/23/13, pending motion Inexpedient to Legislate, Judiciary, SJ 12**

**HB 301**, relative to notice of sale in foreclosure proceedings. **04/18/13, pending motion Committee Amendment 1231s, Commerce, SJ 10, pg. 272**

**HB 370-FN**, repealing the education tax credit program. **04/18/13, pending motion Inexpedient to Legislate, Health, Education & Human Services, SJ 10, pg. 264**

**HB 373**, establishing a right of discovery to a carrier's investigation of claims in workers' compensation cases. **05/23/13, pending motion Inexpedient to Legislate, Commerce SJ 12**

**HB 559**, relative to the general banking laws of the state. **05/23/13, pending motion Committee Amendment 1591s, Judiciary SJ 12**

Amendment 2013-0759s to SB 190-FN, 03/21/13, SJ 8, pg. 211

## CONSENT CALENDAR REPORTS

### **JUDICIARY**

**HB 388**, relative to the storage of firearms.

Inexpedient to Legislate, Vote 5-0.

Senator Carson for the committee.

This bill sought to establish immunity if a firearm were stolen from a person's premises and subsequently used in a felony or misdemeanor. However, it is more restrictive than current case law and would actually create confusion and statutory limitations rather than protection for the firearm's owner and therefore should not be enacted.

### **TRANSPORTATION**

**HB 137**, relative to special number plates for members of the national guard.

Ought to Pass with Amendment, Vote 5-0.

Senator Boutin for the committee.

This bill clarifies that special number plates may be issued to members of the National Guard of any state, as long as they are residents of the state of New Hampshire. The Transportation Committee amended the bill in order to include retired members of the National Guard as well.

**HB 163**, relative to special number plates for disabled veterans.

Ought to Pass, Vote 5-0.

Senator Stiles for the committee.

This bill was requested by the Department of Safety and it permits disabled veterans to receive veteran plates without charge in lieu of disabled veteran plates. Under this bill, disabled veterans will be given the opportunity to decide whether they would prefer to have a standard veteran plate or a disabled veteran plate.

## REGULAR CALENDAR REPORTS

### **COMMERCE**

**HB 246**, relative to falsity by employer.

Ought to Pass with Amendment, Vote 4-0.

Senator Pierce for the committee.

**HB 357**, prohibiting an employer from using credit history in employment decisions.

Re-refer to committee, Vote 3-2.

Senator Bradley for the committee.

**HB 414**, relative to privacy in the workplace.

Ought to Pass with Amendment, Vote 5-0.

Senator Bradley for the committee.

**HB 664-FN**, relative to the New Hampshire vaccine association.

Ought to Pass with Amendment, Vote 3-2.

Senator Bradley for the committee.

### **ENERGY AND NATURAL RESOURCES**

**HB 233**, relative to the care of the war memorial in Franconia Notch state park.

Ought to Pass, Vote 4-0.

Senator Woodburn for the committee.

**HB 542**, relative to electric renewable portfolio standards.

Ought to Pass with Amendment, Vote 5-0.

Senator Bradley for the committee.

### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 477-FN**, relative to differential pay for certain state employees providing direct care to inmates and patients.

Ought to Pass, Vote 5-0.

Senator Reagan for the committee.

**FINANCE**

**HB 261-FN**, relative to the assistance program for 2-parent families with dependent children.  
Ought to Pass, Vote 6-0.  
Senator D'Allesandro for the committee.

**HB 394-FN**, relative to transfer of funds by the liquor commission.  
Inexpedient to Legislate, Vote 6-0.  
Senator Odell for the committee.

**HB 481-FN**, limiting the state's authority to seek reimbursement for public assistance.  
Ought to Pass, Vote 6-0.  
Senator Morse for the committee.

**RULES, ENROLLED BILLS AND INTERNAL AFFAIRS**

**HB 140**, relative to the committee on legislator orientation.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Kelly for the committee.

**WAYS AND MEANS**

**HB 314**, raising limits on single wagers in games of chance and relative to gross revenues received by charitable organizations participating in games of chance.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Odell for the committee.

**HB 520**, establishing a committee to study implementing Keno in New Hampshire.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Odell for the committee.

**AMENDMENTS**

**Senate Transportation**  
**March 15, 2013**  
**2013-0937s**  
**03/10**

**Amendment to HB 137**

Amend the bill by replacing section 1 with the following:

1 Special Number Plates; Members of the National Guard. 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.

**2013-0937s**

**AMENDED ANALYSIS**

This bill specifies that special number plates may be issued to members or retired members of the national guard of any state.

**Rules, Enrolled Bills and Internal Affairs**  
**April 29, 2013**  
**2013-1424s**  
**09/04**

**Amendment to HB 140**

Amend the bill by replacing section 1 with the following:

1 Committee on Legislator Orientation. RSA 17-C:2 is repealed and reenacted to read as follows:

17-C:2 Membership.

I. The committee shall be composed of:

- (a) The speaker of the house of representatives.
- (b) Three members of the house of representatives appointed by the speaker of the house, at least one of whom shall be a member of the minority party appointed in consultation with the minority leader of the house.
- (c) The senate president.
- (d) Three members of the senate appointed by the senate president, at least one of whom shall be a member of the minority party appointed in consultation with the minority leader of the senate.

II. The first meeting of the committee shall be called by the speaker of the house of representatives. The members of the committee shall elect a chairman.

III. In performance of its duties, the committee shall solicit input from the clerks of the house of representatives and senate, the director of legislative services, the director of house committee services, and any other legislative employees who may be involved in the orientation process.

**2013-1424s**

AMENDED ANALYSIS

This bill changes the membership of the committee on legislator orientation.

**Commerce**  
**May 8, 2013**  
**2013-1601s**  
**08/04**

**Amendment to HB 246**

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

AN ACT relative to falsity of reports by employers and unemployment benefits recipients.

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

2 Disqualification from Receiving Benefits. Amend RSA 282-A:163-164 to read as follows:

282-A:163 Disqualification, ***Restitution, and Penalty.***

***I.*** Any individual who is convicted under RSA 282-A:161 shall be deemed disqualified from receiving benefits for one year from the date of such conviction.

***II.*** All benefits received for any week or weeks directly affected by such false statement or representation or failure to disclose a material fact shall be deemed overpaid, and ***the court in all such cases shall order*** restitution [~~shall be ordered by the court in all such cases~~] in an amount equal to such overpayment, ***plus a penalty equal to 15 percent of such amount.***

***III. Payments of the 15 percent penalty on convictions made under this section on or before October 20, 2013 shall be deposited into the fund established in RSA 282-A:140.***

***IV. Payments of the 15 percent penalty on convictions made under this section on or after October 21, 2013 shall be divided with 1/4 of such payments being deposited into the fund established in RSA 282-A:140 and 3/4 of such payments being deposited into the unemployment compensation fund established in RSA 282-A:103.***

282-A:164 Restitution. Any individual who willfully makes a false statement or representation or knowingly fails to disclose a material fact, whether before a representative of the department of employment security of the state of New Hampshire or in another state before a representative of the unemployment compensation agency of that state which is acting in the capacity of agent for the state of New Hampshire, to obtain or increase any benefit or other payment under this chapter, or under the laws of any other state or the federal government, either for such individual, or for any other person, may, in the discretion of the commissioner or his or her authorized representative, be determined to be disqualified for benefits for each week directly affected by the false statement or representation or failure to disclose a material fact. All benefits received for each week of such disqualification shall be deemed overpaid, and restitution in an amount equal to such overpayment plus a penalty equal to [20] **15** percent of the overpaid benefits shall be ordered by the commissioner or his or her authorized representative. In addition to such disqualification, such individual shall be deemed ineligible to receive benefits for not less than 4 nor more than 52 consecutive weeks, beginning with the week in which the

decision is made, as determined by the commissioner or his or her authorized representative. For each week of determined ineligibility, an amount equal to the individual's maximum weekly benefit rate during such week shall be deducted from the maximum benefits available to the individual during the benefit year in which such week falls; but no change shall be made in his or her weekly benefit amount because of this deduction. Payments of the 20 percent penalty on determinations made under this section on or before October 20, 2013 shall be deposited into the fund established by RSA 282-A:140. Payments of the 20 percent penalty on determinations made under this section on or after October 21, 2013 shall be divided with 1/4 of such payments being deposited into the fund established by RSA 282-A:140 and 3/4 of such payments being deposited into the unemployment compensation fund established in RSA 282-A:103. Any proceeding or action taken under this section shall be in lieu of and not in addition to any proceeding or action taken under RSA 282-A:161.

3 Garnishment; Court Change. Amend RSA 282-A:152-a, XII-XIX to read as follows:

XII. An individual debtor may file for suspension of the notice of garnishment at any time. If the individual debtor files for suspension of the notice of garnishment, the department may file a motion for periodic payments in the Merrimack county ~~[sixth circuit]~~ **superior** court seeking establishment of an order for payments.

XIII. If an individual debtor files for suspension of the notice of garnishment, the department shall suspend the notice of garnishment and advise any employer upon which the notice of garnishment was served to suspend garnishment of earnings paid not later than 8 days following receipt of notice to suspend.

XIV. If an individual debtor who filed for suspension of the notice of garnishment and the department reach an agreement as to the amount which may be garnished for any week, the department may issue a new notice of garnishment consistent with such agreement.

XV. Following the expiration of 90 days after the date a determination which finds an individual debtor overpaid under RSA 282-A:164 becomes final, such determination with interest under RSA 282-A:141, shall be for purposes of RSA 524:6-a the judgment of ~~[any circuit court district division]~~ **the Merrimack county superior court** in which the department files a motion for periodic payments.

XVI. Following the issuance of an order for payments by ~~[any circuit court district division]~~ **the Merrimack county superior court** on any overpayment due to the state under RSA 282-A:164 for more than 90 days, the department may serve a notice of court-ordered garnishment upon any employer that owes, or may owe in the future, earnings to such individual debtor. Any notice of court-ordered garnishment served upon any employer shall be simultaneously served upon the individual debtor by certified mail to his or her last known address. The amount which may be garnished for any week shall not exceed that amount, applied weekly, deemed appropriate by the ~~[circuit court district division]~~ **Merrimack county superior court** in its order for payments.

XVII. The notice of court-ordered garnishment shall advise the individual debtor and individual debtor's employer:

(a) Of the information required by III(a)-(d) and (f)-(l) of this section; and

(b) Of the individual debtor's right to file a motion with the Merrimack county ~~[sixth circuit]~~ **superior** court seeking a change in the amount of the payments based on a change in financial circumstances;

XVIII. With respect to the individual debtor's right to file a motion with the Merrimack county ~~[sixth circuit]~~ **superior** court, the notice of court-ordered garnishment shall state as follows, in at least 12-point type:

This notice of court-ordered garnishment requires your employer to garnish (take) some of your earnings for work and send them to the department of employment security to repay overpaid unemployment insurance benefits. The amount of the garnishment is based on an order of the Merrimack county ~~[sixth circuit]~~ **superior** court. Once earnings for a week have been garnished, you will not be able to get them back.

You have the right, at any time, to file a motion with the Merrimack county ~~[sixth circuit]~~ **superior** court asking for the amount of the garnishment to be changed based on a change in your financial circumstances. If you want to file a motion, you should contact the Merrimack county ~~[sixth circuit]~~ **superior** court. Nothing in this paragraph prevents you and the department of employment security from agreeing to a greater or lesser amount of garnishment and filing the agreement with the Merrimack county ~~[sixth circuit]~~ **superior** court. If the department of employment security does not agree, you still have the right to file a motion.

XIX. The department may agree to a greater or lesser periodic amount than that amount deemed appropriate by the Merrimack county ~~[sixth circuit]~~ **superior** court in its order for payments, whether or not the individual debtor has requested a hearing before the court to obtain a change in the court's order, and any such agreement shall be filed with the Merrimack county ~~[sixth circuit]~~ **superior** court.

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

2013-1601s

# AMENDED ANALYSIS

This bill:

- I. Makes refusing to submit certain reports a criminal offense.
- II. Requires court-ordered restitution in criminal prosecutions of false reports by a recipient of unemployment benefits.
- III. Changes the reference to the court in which such proceedings may occur.
- IV. Lowers the percentage of the penalty on overpayments.

This bill is a request of the department of employment security.

**Senate Ways and Means**

**May 21, 2013**

**2013-1861s**

**08/09**

## **Amendment to HB 314**

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

1 Game Operators; Deposit of Funds. Amend RSA 287-D:3, X to read as follows:

X. In games where chips have monetary value, 10 percent of the rake or house winnings and other moneys collected by the game operator that are not paid out as prizes to players, less moneys used by the racing and charitable gaming commission to fund authorized personnel expenses and related costs, shall be paid to the state treasurer for deposit into the ~~[general fund]~~ ***racing and charitable gaming fund established in RSA 284:21-j***. Such payments shall be made ~~[within 5 business days of the game date on which the funds were collected]~~ ***once per month not later than the 5<sup>th</sup> day of the month for the funds collected in the previous month.***

2 New Paragraph; Gross Revenues for Charities. Amend RSA 287-D:3 by inserting after paragraph X the following new paragraph:

XI. Notwithstanding any provision of law to the contrary, the charitable organization shall retain no less than 35 percent of the gross revenues from any game of chance on any game date in which game operators licensed under RSA 287-D:2-c are involved in any capacity after deducting the pay out of prizes. A charitable organization which hires a game operator employer or primary game operator, to conduct games of chance on its behalf, shall not be charged or assessed any fees, for the providing of any services or the collection of any reimbursements including but not limited to any rents, accounting fees, administrative fees, advertising fees, financial paperwork fees, marketing fees, or law enforcement or security fees.

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

**2013-1861s**

## AMENDED ANALYSIS

This bill requires charitable organizations to retain no less than 35 percent of the gross revenues from any game of chance less any prizes paid on any game date in which game operators are involved.

This bill also regulates electronic equipment used for gaming.

**Commerce**

**May 8, 2013**

**2013-1597s**

**06/09**

## **Amendment to HB 414**

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Use of Social Media and Electronic Mail. Amend RSA 275 by inserting after section 70 the following new subdivision:

Use of Social Media and Electronic Mail

275:71 Definitions. In this subdivision:

I. "Social media" means an electronic medium where users may create and view user-generated content, including but not limited to uploading or downloading videos or still photographs, blogs, video blogs, podcasts, or instant messages.

II. "Personal account" means an account, service, or profile on a social networking website that is used by a current or prospective employee primarily for personal communications unrelated to any business purposes of the employer. This definition shall not apply to any account, service, or profile created, maintained, used, or accessed by a current or prospective employee for business purposes of the employer or to engage in business related communications.

275:72 Use of Social Media and Electronic Mail.

I. No employer shall request or require that an employee or prospective employee disclose a user name and password for accessing any personal account or service through an electronic communication device.

II. No employer shall compel an employee or applicant to add anyone, including the employer or the employer's agent, to a list of contacts associated with an electronic mail account or personal account or require, request, suggest, or cause an employee or applicant to change the privacy settings associated with any electronic mail or personal account.

III. No employer shall take or threaten to take disciplinary action against any employee for such employee's refusal to provide a user name and password, to add anyone to a list of contacts, or to change a privacy setting.

IV. Nothing in this subdivision shall limit an employer's right to:

(a) Adopt and enforce lawful workplace policies governing the use of the employer's electronic equipment, including policies regarding Internet use, social networking site use, and electronic mail use.

(b) Monitor usage of the employer's electronic equipment and electronic mail.

V. Nothing in this subdivision shall prohibit an employer from obtaining information about an employee or prospective employee that is in the public domain or to prevent an employer from conducting an investigation to ensure compliance with securities or financial laws or other regulatory requirements based on information on an employee's personal website, Internet website, or web-based account or similar account for business purposes, except as proscribed in paragraph I and II.

VI. Nothing in this subdivision shall be construed to prevent an employer from complying with the requirements of state or federal statutes, rules or regulations, case law, or rules of self-regulatory organizations.

275:73 Penalty. Any employer violating RSA 275:72 shall be subject to a civil penalty, to be imposed by the labor commissioner in accordance with the procedures established in RSA 273:11-a. An employer aggrieved by the commissioner's assessment of such penalty may appeal in accordance with RSA 273:11-c.

**2013-1597s**

#### AMENDED ANALYSIS

This bill prohibits an employer from requiring an employee or prospective employee to disclose his or her social media or electronic mail passwords.

**Senate Ways and Means**

**May 21, 2013**

**2013-1862s**

**08/09**

#### Amendment to HB 520

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

AN ACT establishing a committee to study implementing keno in New Hampshire and relative to the definition of compensation for the purposes of the business enterprise tax.

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

I. The members of the committee shall be 3 members of the house of representatives, appointed by the speaker of the house.



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

Amend the bill by replacing all after section 5 with the following:

6 Compensation; Definition; Business Enterprise Tax. Amend RSA 77-E:1, V to read as follows:

V. "Compensation" means:

(a) All wages, salaries, fees, bonuses, commissions, or other payments paid *directly* or accrued *by the business enterprise* in the taxable period on behalf of or for the benefit of employees, officers, or directors of the business enterprise and subject to or specifically exempt from withholding under section 3401 of the United States Internal Revenue Code except such payments as are made expressly exempt from withholding under sections 3401(a)(1), (9), (10), (13), (14), (15), (16), (18), (19), and (20); *and except any tips required to be reported by the employee to the employer under section 6053(a) of the United States Internal Revenue Code*;

(b) The amount of any deduction taken under RSA 77-A:4, III in the taxable period; and

(c) Any net earnings from self-employment subject to tax under section 1401 of the United States Internal Revenue Code to the extent not included in the amount of any deduction taken under RSA 77-A:4, III in the taxable period.

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

**2013-1862s**

#### AMENDED ANALYSIS

This bill establishes a committee to study implementing keno in the state of New Hampshire.

This bill redefines the term compensation for the purposes of the business enterprise tax.

**Energy and Natural Resources**

**May 8, 2013**

**2013-1617s**

**09/01**

#### Amendment to HB 542

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

1 Minimum Electric Renewable Portfolio Standards. Amend RSA 362-F:3 to read as follows:

362-F:3 Minimum Electric Renewable Portfolio Standards. For each year specified in the table below, each provider of electricity shall obtain and retire certificates sufficient in number and class type to meet or exceed the following percentages of total megawatt-hours of electricity supplied by the provider to its end-use customers that year, except to the extent that the provider makes payments to the renewable energy fund under RSA 362-F:10, II:

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2025</u>
	<i>and thereafter</i>								
Class I	0.0%	0.5%	1%	2%	3%	4%	5%	6%	15% (*)
Class II	0.0%	0.0%	0.04%	0.08%	0.15%	0.2%	0.3%	0.3%	0.3%
Class III	3.5%	4.5%	5.5%	6.5%	[6.5] <b>1.4%</b>	[6.5%] <b>1.5%</b>	[7.0%] <b>3.0%</b>	8.0%	8.0%
Class IV	0.5%	1%	1%	1%	1%	1.3%	1.4%	1.5%	1.5%

\*Class I increases an additional 0.9 percent per year from 2015 through 2025. A set percentage of the class I totals shall be satisfied annually by the acquisition of renewable energy certificates from qualifying renewable energy technologies producing useful thermal energy as defined in RSA 362-F:2, XV-a. The set percentage shall be 0.2 percent in 2013, 0.4 percent in 2014, and increased annually by 0.2 percent per year from 2015 through 2025. Classes II-IV remain at the same percentages from 2015 through 2025 except as provided in RSA 362-F:4, V-VI.

2 Renewable Energy Fund. Amend RSA 362-F:10, I to read as follows:

I. There is hereby established a renewable energy 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 payments to be made under this section shall be deposited in the fund. The moneys paid into the fund under paragraph II of this section, excluding class II moneys, shall be used by the commission to support thermal and electrical renewable energy initiatives. Class II moneys shall ~~[only]~~ **primarily** be used to support solar energy technologies in New Hampshire. All initiatives supported out of these funds shall be subject to audit by the commission as deemed necessary. All fund moneys including those from class II may be used to administer this chapter, but all new employee positions shall be approved by the fiscal committee of the general court. No new employees shall be hired by the commission due to the inclusion of useful thermal energy in class I production.

3 Renewable Energy Fund. Amend RSA 362-F:10, V to read as follows:

V. The public utilities commission shall make and administer a one-time incentive payment of \$3 per watt of nominal generation capacity up to a maximum payment of \$6,000, or 50 percent of system costs, whichever is less, per facility to any residential owner of a small renewable generation facility, that would qualify as a Class I or Class II source of electricity, has a total peak generation capacity of ~~[less than 5]~~ **10** kilowatts **or fewer**, begins operation on or after July 1, 2008, and is located on or at the owner's residence.

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

**2013-1617s**

#### AMENDED ANALYSIS

This bill makes certain changes to electric renewable portfolio standards and renewable energy fund payments.

**Commerce**  
**May 14, 2013**  
**2013-1713s**  
**01/04**

#### Amendment to HB 664-FN

Amend RSA 126-Q:3, V(o) and (p) as inserted by section 5 of the bill by replacing them with the following:

~~(o) [Perform any other functions as may be necessary or proper to carry out the plan of operation.]~~  
**Adopt procedures by which affiliated assessable entities calculate their assessment on an aggregate basis and procedures to ensure that no assessable life is counted more than once. Unless otherwise determined by the board, the assessable entity responsible for the payment of the provider's administrative costs for childhood vaccines shall be the entity responsible for reporting assessable lives and payment of the corresponding assessment.**

**(p) Submit an annual report regarding the association's activities, its financial reports, and any newly-approved vaccines adopted by the department of health and human services to the president of the senate, the speaker of the house of representatives, and the governor.**

**(q) Perform any other functions as may be necessary or proper to carry out the plan of operation.**

Amend the bill by replacing all after section 7 with the following:

8 New Subparagraphs; Members Added to Board. Amend RSA 126-Q:3, III by inserting after subparagraph (d) the following new subparagraphs:

- (e) One member appointed by the governor and council who shall represent self-insured entities.
- (f) One public member appointed by the speaker of the house of representatives.
- (g) One public member appointed by the president of the senate.

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

## HEARINGS

### ***FRIDAY, MAY 24, 2013***

**FINANCE**, Room 103, SH

Sen. Morse (C), Sen. Forrester (VC), Sen. Bragdon, Sen. D'Allesandro, Sen. Larsen, Sen. Odell

9:00 a.m.

**EXECUTIVE SESSION ON PENDING LEGISLATION**

### ***TUESDAY, MAY 28, 2013***

**COMMERCE**, Room 101, LOB

Sen. Sanborn (C), Sen. Bradley (VC), Sen. Cataldo, Sen. Hosmer, Sen. Pierce

1:00 p.m.

**EXECUTIVE SESSION ON PENDING LEGISLATION**

**FINANCE**, Room 103, SH

Sen. Morse (C), Sen. Forrester (VC), Sen. Bragdon, Sen. D'Allesandro, Sen. Larsen, Sen. Odell

9:00 a.m.

**EXECUTIVE SESSION ON PENDING LEGISLATION**

**JUDICIARY**, Room 100, SH

Sen. Carson (C), Sen. Lasky (VC), Sen. Boutin, Sen. Cataldo, Sen. Soucy

10:00 a.m.

**EXECUTIVE SESSION ON PENDING LEGISLATION**

### ***WEDNESDAY, MAY 29, 2013***

**PUBLIC AND MUNICIPAL AFFAIRS**, Room 102, LOB

Sen. Boutin (C), Sen. Forrester (VC), Sen. Lasky, Sen. Pierce, Sen. Stiles

10:00 a.m.

**EXECUTIVE SESSION ON PENDING LEGISLATION**

## MEETINGS

### ***TUESDAY, MAY 28, 2013***

**JOINT LEGISLATIVE HISTORICAL COMMITTEE (RSA 17-I)**

9:30 a.m.

Room 104, LOB

Organizational Meeting

**LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1)**

1:00 p.m.

Room 201, LOB

Continued Meeting

### ***THURSDAY, MAY 30, 2013***

**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)**

1:00 p.m.

Room 205, LOB

Subcommittee Meeting on Lyme  
Disease and Other Tick Borne  
Diseases

### ***FRIDAY, MAY 31, 2013***

**INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c)**

9:00 a.m.

Room 100, SH

Regular Meeting

**NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)**

10:00 a.m.

Room 203, LOB

Regular Meeting

### ***MONDAY, JUNE 3, 2013***

#### **TASK FORCE ON WORK AND FAMILY (RSA 276-B)**

1:15 p.m.                      Room 207, LOB                      Regular Meeting

### ***WEDNESDAY, JUNE 5, 2013***

#### **NH BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2)**

2:00 p.m.                      Walker Building, Room 100                      Regular Meeting  
21 South Fruit St.  
Concord, NH

### ***FRIDAY, JUNE 7, 2013***

#### **JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

9:00 a.m.                      Rooms 305-307, LOB                      Continued Meeting

#### **FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a)**

10:00 a.m.                      Rooms 210-211, LOB                      Regular Business

### ***MONDAY, JUNE 10, 2013***

#### **EXOTIC AQUATIC WEEDS AND SPECIES COMMITTEE (RSA 487:30)**

10:00 a.m.                      Room 307, LOB                      Regular Meeting

### ***FRIDAY, JUNE 14, 2013***

#### **STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, I)**

9:30 a.m.                      Room 101, LOB                      Regular Meeting

#### **NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g)**

10:00 a.m.                      Upham-Walker House                      Regular Meeting  
18 Park Street  
Concord, NH

### ***FRIDAY, JUNE 21, 2013***

#### **JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

9:00 a.m.                      Rooms 305-307, LOB                      Regular Meeting

#### **GUARDIAN AD LITEM BOARD (RSA 490-C:1)**

1:00 p.m.                      Room 101, LOB                      Regular Meeting

### ***MONDAY, JUNE 24, 2013***

#### **OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)**

9:00 a.m.                      Room 305, LOB                      Regular Meeting

### ***TUESDAY, JUNE 25, 2013***

#### **STATEWIDE EDUCATION IMPROVEMENT & ASSESSMENT PROGRAM LEGISLATIVE OVERSIGHT (RSA 193-C:7)**

10:00 a.m.                      Room 103, LOB                      Regular Meeting

### ***FRIDAY, JUNE 28, 2013***

#### **WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62)**

9:00 a.m.                      Room 303, LOB                      Joint Meeting with Subcommittee

**GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT (RSA 12-J:1)**

9:30 a.m. Rooms 205-207, LOB Regular Meeting

**NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)**

10:00 a.m. Room 203, LOB Regular Meeting

**BOARD OF MANUFACTURED HOUSING (RSA 205-A:25)**

1:00 p.m. Room 308, LOB Regular Meeting

***TUESDAY, JULY 9, 2013***

**NH LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4)**

3:00 p.m. Discover Portsmouth Center  
10 Middle Street  
Portsmouth, NH Quarterly Meeting

***FRIDAY, JULY 12, 2013***

**STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, I)**

9:30 a.m. Room 101, LOB Regular Meeting

***THURSDAY, JULY 18, 2013***

**JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

9:00 a.m. Rooms 305-307, LOB Regular Meeting

***FRIDAY, JULY 19, 2013***

**GUARDIAN AD LITEM BOARD (RSA 490-C:1)**

1:00 p.m. Room 101, LOB Regular Meeting

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**SENATE BILLS AMENDED BY THE HOUSE**

**SB 17**, establishing a commission to study palliative care and associated quality of life initiatives.

**SB 33**, making technical changes to the judicial retirement plan.

**SB 35**, relative to the master jury list.

**SB 42**, relative to applications for licensure by the real estate appraisers board.

**SB 43**, relative to the property taxation of qualifying historic buildings.

**SB 49**, relative to appeals of planning board decisions.

**SB 51**, relative to the definition of "professional service."

**SB 54**, relative to appeals from the department of administrative services bureau of public works design and construction.

**SB 68**, relative to the escrow fund for court facility improvements.

**SB 71**, establishing a committee to study the use and misuse of prescription drugs in workers' compensation cases.

**SB 85**, relative to commercial motor vehicle operation.

**SB 87**, relative to the patients' bill of rights.

**SB 89**, relative to the definition of lead fishing sinkers and jigs and the penalties for prohibited sales of lead fishing sinkers and jigs.

**SB 94**, relative to portable electronics insurance.

**SB 101**, relative to collocation and modification of personal wireless services facilities.

**SB 108**, relative to the liability of landowners who permit use of their land for recreational activities.

**SB 117-FN**, establishing a commission to study the regulation of pharmacy benefits managers.

**SB 126-FN**, relative to business practices between motor vehicle manufacturers, distributors, and dealers.

**SB 128-FN-L**, relative to fees for vital records.

**SB 138-FN**, relative to support for certain residents of nursing and assisted living facilities.

**SB 157-FN**, establishing a New Hampshire disaster relief fund.

**SB 159**, exempting drivers of eligible agricultural and farm vehicles from certain federal motor carrier regulations.

**SB 160-FN-A**, relative to turnpikes and electronic toll collection.

**SB 163**, establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal and coastal watershed hazards.

**SB 164**, authorizing coastal management provisions in master plans.

**SB 170**, relative to advance directives pertaining to life-sustaining treatment.

**SB 185**, establishing a commission on housing policy and regulation.

**SB 187**, posthumously emancipating enslaved Africans in New Hampshire.

**SB 188-FN**, relative to municipally-owned utilities.

**SB 197**, relative to the inclusion of a default budget in separate warrant articles submitted by sewer commissions.

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**FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING 2013 BILLS:**

**SENATE BILLS:** 1, 3, 4, 14, 19, 26, 27, 39, 40, 46, 56, 63, 65, 66, 99, 116, 117, 119, 120, 123, 124, 125, 126, 128, 129, 130, 131, 133, 134, 135, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158, 160, 162, 177, 180, 181, 184, 188, 189, 190, 191, 192, 193, 194

**HOUSE BILLS:** 25, 112, 142, 147, 178, 202, 204, 233, 253, 259, 260, 261, 295, 304, 316, 327, 328, 334, 339, 342, 364, 376, 391, 394, 399, 432, 443, 481, 488, 489, 501, 511, 526, 542, 575, 581, 594, 599, 617, 624, 629, 630, 635, 655, 659, 664, 668, 676, 686

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**ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2013 BILLS:**

**SENATE BILLS:** 38, 57, 104, 105, 111, 161

**HOUSE BILLS:** 509

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## **NOTICES**

**WEDNESDAY, MAY 29, 2013**

All legislators and staff are invited to visit students from New Hampshire INBRE at the State House Cafeteria from 11:30 a.m. to 1:30 p.m. on Wednesday, May 29th. These students are part of a New Hampshire network

of biomedical researchers that connects many of our 2-year and 4-year colleges. This is a great opportunity to socialize. Drinks and snacks will be served throughout the event. You can learn about the student's experiences in research and understand how this program has influenced their education and career plans.

Senator David Pierce

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### **WEDNESDAY, JUNE 5, 2013**

The New Hampshire Soft Drink Association cordially invites all Senate members and staff to enjoy a hot breakfast on Wednesday, June 5<sup>th</sup> from 8:00 a.m. to 10:00 a.m. in the State House Cafeteria. Please come and see how the beverage industry in New Hampshire is delivering jobs, choice and recycling innovation for the people of New Hampshire. Experts will be on hand to demonstrate how plastic bottles are recycled and reused. It is a great demonstration to see. Please RSVP to [jgrimbilas@biancopa.com](mailto:jgrimbilas@biancopa.com).

Senator Jeb Bradley, Senate Majority Leader  
Senator Sylvia B. Larsen, Senate Minority Leader

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## **SENATE SCHEDULE**

Monday, May 27, 2013	Memorial Day (State Holiday)
Thursday, June 06, 2013	Deadline to ACT on all House bills.
Thursday, June 13, 2013	Deadline to FORM Committees of Conference.
Thursday, June 20, 2013 at 12:00 p.m.	Deadline to SIGN Committee of Conference Reports.
Thursday, June 27, 2013	Deadline to ACT on Committee of Conference Reports.
Thursday, July 04, 2013	Independence Day (State Holiday)
Monday, September 02, 2013	Labor Day (State Holiday)
Monday, November 11, 2013	Veterans' Day (State Holiday)
Thursday, November 28, 2013	Thanksgiving Day (State Holiday)
Friday, November 29, 2013	Day after Thanksgiving (State Holiday)
Wednesday, December 25, 2013	Christmas Day (State Holiday)

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