

March 20, 2014
No. 11

STATE OF NEW HAMPSHIRE

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**Second Year of the 163rd Session of the
New Hampshire General Court
Legislative**

SENATE CALENDAR

**THE SENATE WILL MEET IN SESSION ON
THURSDAY, MARCH 27, 2014, AT 10:00 A.M.**

LAI D ON THE TABLE

SB 110, directing the department of environmental services to adopt rules relative to its 2009 numeric nutrient criteria for the Great Bay Estuary. **02/06/14, pending motion Interim Study, Energy & Natural Resources, SJ 3, pg. 72**

SB 200-FN-A, relative to energy infrastructure development. **03/13/14, pending motion Committee Amendment (0919s), Energy and Natural Resources, SJ 7, pg. TBA**

SB 252, relative to the management of hazardous waste. **02/19/14, pending motion Interim Study, Energy & Natural Resources, SJ 5, pg. 134**

SB 257, relative to retail beer sales. **03/13/14, pending motion Committee Amendment (0872s), Commerce, SJ 7, pg. TBA**

SB 331-FN, relative to waivers for out-of-state businesses and employees in a state of emergency. **02/19/14, pending motion Committee Amendment (0567s), Commerce, SJ 5, pg. 132**

SB 366-FN-A-L, relative to video lottery and table gaming. **02/06/14, pending motion Committee Amendment (0279s), Ways & Means, SJ 3, pg. 80**

SB 410-FN-L, relative to apportionment in cooperative school districts with a renewable generation facility. **02/19/14, pending motion Committee Amendment (0498s), Ways & Means, SJ 5, pg. 146**

CONSENT CALENDAR REPORTS

COMMERCE

SB 299, prohibiting insurance companies from discriminating regarding reimbursements based on forms of licensure issued by the board of medicine.

Interim Study, Vote 5-0.

Senator Pierce for the committee.

This bill would prohibit insurance companies from discriminating regarding reimbursements based on forms of licensure issued by the board of medicine. Stakeholders appear able to address this issue without legislation but the Committee will continue to monitor the situation to insure compliance with the intent of this bill.

SB 341, relative to eviction procedures on foreclosed properties.

Interim Study, Vote 5-0.

Senator Bradley for the committee.

This bill would establish a separate, abbreviated eviction process for foreclosed properties. The stakeholders have been working hard to find language that all parties can agree to but more time is needed to reach consensus.

SB 421, establishing a committee to study timely consumer access to prescription drugs under the managed care law.

Ought to Pass, Vote 5-0.

Senator Pierce for the committee.

This bill will establish a committee to study the law requiring all prescription drug benefits under the managed care law to be processed within 48 hours. The Committee will determine whether the law is having the intended impact on timely consumer access to prescription drugs.

SB 422, relative to the definition of pharmacy benefit manager.

Ought to Pass with Amendment, Vote 5-0.

Senator Sanborn for the committee.

This bill is a result of the committee to study the regulation of pharmacy benefit managers and inserts a definition of pharmacy benefit manager into the statutes. The Committee amendment is a compromise that gives oversight responsibility to the Department of Insurance.

ENERGY AND NATURAL RESOURCES

SB 239, relative to the statewide emergency notification system.

Ought to Pass with Amendment, Vote 5-0.

Senator Odell for the committee.

This bill, as amended by the committee, authorizes the development and maintenance of a statewide emergency notification system (ENS) to alert members of the public about emergencies in a particular area and to deliver rapid emergency notification information.

SB 258, permitting the public utilities commission to authorize a telephone company to permanently discontinue its service.

Inexpedient to Legislate, Vote 5-0.

Senator Woodburn for the committee.

This bill would have allowed a company to permanently or temporarily discontinue its service to its customers so long as not to become an inconvenience to the public. Circumstances became such that this bill was no longer necessary and at the request of the sponsor was voted "inexpedient to legislate" by the committee.

SB 337, relative to the recovery of submerged vehicles by the department of environmental services.

Ought to Pass with Amendment, Vote 5-0.

Senator Woodburn for the committee.

This bill clarifies the responsibilities of the department of environmental services in situations involving abandoned vehicles. This bill was requested by the New Hampshire Department of Environmental Services to address certain challenges related to disposing of vehicles that end up in waterways due to accidents or operator negligence, when original owners cannot be found. The amendment further clarifies the bill language in order to ensure that contractors who work with the state to remove these vehicles are not harmed financially when taking temporary possession of a submerged vehicle.

SB 354, relative to the definition of "agritourism."

Interim Study, Vote 5-0.

Senator Odell for the committee.

The intentions of the bill sponsor were to improve the definition of agritourism and allow for greater economic development for New Hampshire farms. Unfortunately, it became apparent that greater analysis was required for this topic, and the sponsor requested an "interim study" vote from the committee.

SB 388, establishing a committee to study the current status of land conservation in New Hampshire and the state's role in encouraging voluntary protection of land in the future.

Ought to Pass, Vote 5-0.

Senator Fuller Clark for the committee.

This bill establishes a committee to study the current status of land conservation in New Hampshire and the state's role in encouraging voluntary protection of land in the future. Conservation efforts in New Hampshire have undoubtedly improved the quality of life here. We currently do not have a comprehensive analysis that serves to answer the many questions relating to land conservation efforts in New Hampshire, but with the passage of this bill there will be greater clarity on this matter.

SB 417, relative to information required on electric utility bills.

Ought to Pass with Amendment, Vote 5-0.

Senator Fuller Clark for the committee.

This bill, as amended by the committee, requires the public utilities committee to work with the electric utilities to determine the most effective way to communicate to customers information about the service charges on their bill related to renewable energy and regional greenhouse gas programs. The public utilities commission will submit a report of its findings on or before November 1st 2014.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 399, relative to competitive bidding and procurement by state agencies.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

This legislation has shifted to the creation of regulating ethics in public contracting and establishes a committee to study state procurement. There are several moving parts to the original legislation which need to be reviewed and studied with a report of findings and recommendations required November 1, 2014. This legislation is limited to the Executive Branch only.

FINANCE

SB 328, authorizing the commissioner of the department of health and human services to transfer funds within and among accounting units.

Inexpedient to Legislate, Vote 6-0.

Senator Bragdon for the committee.

This bill is no longer needed because the provisions in this bill were already addressed by SB 413 which has already passed the Senate.

HEALTH, EDUCATION AND HUMAN SERVICES

SB 234, relative to procedural changes in the law governing therapeutic use of cannabis.

Ought to Pass with Amendment, Vote 5-0.

Senator Reagan for the committee.

This bill inserts deadlines for submitting a criminal history records check to the division of state police and for rendering a decision on a designated caregiver's application, and repeals a provision requiring information submitted to an alternative treatment center regarding the locations where cannabis is proposed to be grown, cultivated, or harvested to be confidential. The Committee's amendment makes technical corrections to the process of criminal records checks and confidentiality provisions of the locations of the ATCs.

JUDICIARY

SB 419, establishing a medical malpractice panel and insurance oversight committee.

Ought to Pass with Amendment, Vote 5-0.

Senator Cataldo for the committee.

This bill reestablishes the medical malpractice oversight panel in order to provide legislative oversight to this process. The Committee amendment merely removes two unnecessary paragraphs from the bill.

PUBLIC AND MUNICIPAL AFFAIRS

SB 387, relative to exemptions from the land sales full disclosure act.

Ought to Pass with Amendment, Vote 5-0.

Senator Stiles for the committee.

This bill establishes a procedure for exemption from the requirements of RSA 356-A, the land sales full disclosure act, for certain subdivided lands.

REGULAR CALENDAR REPORTS

COMMERCE

SB 237, relative to local land use board hearing notice to condominium owners.

Ought to Pass with Amendment, Vote 5-0.

Senator Hosmer for the committee.

ENERGY AND NATURAL RESOURCES

SB 267, extending the effective date for integrated land development permits.

Ought to Pass, Vote 5-0.

Senator Odell for the committee.

SB 268, relative to allocations from the energy efficiency fund.

Ought to Pass with Amendment, Vote 4-1.

Senator Fuller Clark for the committee.

SB 324, relative to the assessment of public utilities and other entities to fund the expenses of the public utilities commission.

Ought to Pass with Amendment, Vote 5-0.

Senator Odell for the committee.

SB 325-FN-L, relative to oil spill preparedness and response.

Ought to Pass with Amendment, Vote 3-2.

Senator Woodburn for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 391, relative to the juvenile justice advisory board and relative to the policies and procedures of the youth development center.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

FINANCE

SB 204-FN, relative to a fund for certain medical conditions covered by workers' compensation and establishing a commission to study soft tissue injuries under workers' compensation.

Ought to Pass with Amendment, Vote 5-0.

Senator D'Allesandro for the committee.

SB 213-FN, establishing a registry for physician orders for life-sustaining treatment.

Ought to Pass with Amendment, Vote 6-0.

Senator Odell for the committee.

SB 222-FN, restructuring the department of administrative services, division of plant and property management and establishing the position of deputy commissioner in the department of information technology.

Ought to Pass, Vote 4-2.

Senator D'Allesandro for the committee.

SB 235, relative to the patients' trust fund.

Ought to Pass with Amendment, Vote 4-1.

Senator Bragdon for the committee.

SB 240-FN, relative to authorizing temporary registrations of off-highway recreational vehicles for nonresidents.

Ought to Pass with Amendment, Vote 6-0.

Senator Larsen for the committee.

SB 245-FN, relative to the siting of energy facilities.

Ought to Pass with Amendment, Vote 4-1.

Senator Forrester for the committee.

SB 287-FN, transferring a sum from the prepaid fish and game license account.

Interim Study, Vote 4-1.

Senator Odell for the committee.

SB 308-FN, relative to innovation in the delivery of health care.

Ought to Pass with Amendment, Vote 5-0.

Senator Odell for the committee.

SB 321, relative to motorist service signs.

Interim Study, Vote 5-1.

Senator Larsen for the committee.

SB 323-FN, relative to imprisonment in a county correctional facility.

Interim Study, Vote 5-0.

Senator Forrester for the committee.

SB 327-FN, relative to economic revitalization zone tax credits.

Ought to Pass with Amendment, Vote 4-1.

Senator Odell for the committee.

SB 329-FN, relative to advertising alcoholic beverages on billboards.

Inexpedient to Legislate, Vote 3-3.

Senator Forrester for the committee.

SB 367-FN-A, requiring adjustment of the road toll according to changes in the Consumer Price Index.

Ought to Pass with Amendment, Vote 4-2.

Senator Odell for the committee.

SB 368-FN, increasing the maximum fine for lead remediation.

Ought to Pass, Vote 4-1.

Senator Bragdon for the committee.

SB 369-FN-A, relative to the Medicaid enhancement tax.

Ought to Pass with Amendment, Vote 5-0.

Senator Larsen for the committee.

SB 370-FN-L, relative to state reimbursement of cities and towns for funds received under river management compacts.

Ought to Pass with Amendment, Vote 6-0.

Senator Larsen for the committee.

SB 408-FN-L, relative to aid for regional agreements of watershed municipalities.

Interim Study, Vote 4-2.

Senator Bragdon for the committee.

SB 409-FN-A-L, making a supplemental appropriation to the department of safety for municipal disaster assistance.

Ought to Pass with Amendment, Vote 4-1.

Senator Odell for the committee.

SB 415-FN, transferring surplus revenues to the revenue stabilization reserve account.

Ought to Pass, Vote 4-2.

Senator Odell for the committee.

SB 416-FN-A, relative to highway fund appropriations.

Ought to Pass with Amendment, Vote 4-1.

Senator Forrester for the committee.

HEALTH, EDUCATION AND HUMAN SERVICES

SB 250, relative to ambulatory surgical facilities.

Interim Study, Vote 5-0.

Senator Sanborn for the committee.

SB 326-L, relative to procedural requirements for certain residents of nursing and assisted living facilities.

Ought to Pass with Amendment, Vote 3-1.

Senator Gilmour for the committee.

SB 360, relative to the issuance of itemized bills for medical services.

Interim Study, Vote 3-2.

Senator Reagan for the committee.

SB 380, requiring an insurer participating in the health exchange to include access to a hospital in each county of the state.

Inexpedient to Legislate, Vote 5-0.

Senator Gilmour for the committee.

SB 382, prohibiting smoking in buildings owned or operated by social, fraternal, or religious organizations.

Interim Study, Vote 5-0.

Senator Gilmour for the committee.

SB 384, relative to the definition of a controlled drug analog.

Ought to Pass with Amendment, Vote 5-0.

Senator Kelly for the committee.

SB 396, relative to child restraint practices.

Ought to Pass with Amendment, Vote 5-0.

Senator Kelly for the committee.

JUDICIARY

SB 244, requiring the names of certain persons to be reported to the National Instant Criminal Background Check System Index.

Ought to Pass with Amendment, Vote 3-2.

Senator Carson for the committee.

SB 293, relative to an open adoption agreement in a pending termination of parental rights case.

Interim Study, Vote 5-0.

Senator Carson for the committee.

SB 394, relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references.

Ought to Pass, Vote 5-0.

Senator Lasky for the committee.

PUBLIC AND MUNICIPAL AFFAIRS

SB 228, relative to notice of changes to zoning and historic districts.

Ought to Pass with Amendment, Vote 4-0.

Senator Stiles for the committee.

SB 378, relative to identification information contained in political advertising.

Ought to Pass, Vote 5-0.

Senator Pierce for the committee.

RULES, ENROLLED BILLS AND INTERNAL AFFAIRS

SB 307, establishing a committee to review Citizens United amendments to the United States Constitution.

Ought to Pass with Amendment, Vote 4-0.

Senator Fuller Clark for the committee.

AMENDMENTS

Senate Finance

March 20, 2014

2014-1117s

01/04

Amendment to SB 204-FN

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

AN ACT relative to a benefit for certain medical conditions covered by workers' compensation and establishing a commission to study soft tissue injuries under workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

Amend RSA 281-A:32-a as inserted by section 1 of the bill by replacing it with the following:

281-A:32-a First Responder's Critical Injury Benefit.

I. In addition to other payments made under RSA 281-A, a group II retirement system member may request additional compensation under this section. If the impairment to a group II retirement system member resulting from an injury is partial, with a determination by the department of labor that the employee has reached maximum medical improvement and that such maximum medical improvement is less than 100 percent, the governor may draw a warrant, with approval by the executive council, from funds not otherwise appropriated for payments in addition to benefits payable under this chapter for an award to be paid to such employees in amounts provided by RSA 281-A:28 for the number of weeks set forth in this section for permanent bodily loss or impairment:

(a) Permanent loss or impairment of heart, lung, or brain	208
(b) Permanent loss or impairment of other internal organs	104
(c) Permanent loss or impairment of speech, touch, taste, or smell	104

II. Payments awarded under this section shall be subject to all other provisions of RSA 281-A. Total compensation payments for all additional compensation claims paid under this section shall not exceed \$125,000.

Amend the introductory paragraph of RSA 281-A:32-b, I as inserted by section 1 of the bill by replacing it with the following:

I. There is established a commission to study soft tissue injuries for purposes of workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

Amend RSA 281-A:32-b, II (a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) The commission shall study soft tissue injuries for purposes of workers' compensation. The commission shall also study the feasibility of developing a first responder's critical injury fund.

Amend RSA 281-A:32-b, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The commission 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 November 1, 2014.

Amend the bill by replacing sections 2 and 3 with the following:

2 Repeals.

I. RSA 281-A:32-a, relative to a first responder's critical injury benefit.

II. RSA 281-A:32-b, relative to a commission to study soft tissue injuries under workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

3 Effective Date.

I. Paragraph I of section 2 of this act shall take effect June 30, 2016.

II. Paragraph II of section 2 of this act shall take effect November 1, 2014.

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

2014-1117s

AMENDED ANALYSIS

This bill establishes the first responders critical injury benefit to make awards of additional workers' compensation upon warrant by the governor with approval by the executive council for group II retirement system members who suffer certain medical conditions. This bill also establishes a commission to study soft tissue injuries for purposes of workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

Senate Finance

March 19, 2014

2014-1076s

01/04

Amendment to SB 213-FN

Amend RSA 137-L:3 as inserted by section 1 of the bill by replacing it with the following:

137-L:3 POLST Registry Established; Rulemaking; Fund.

I. Subject to sufficient funding, the department shall establish and operate a statewide registry for the collection and dissemination of physician orders for life-sustaining treatment to help ensure that medical treatment preferences for an individual nearing the end of his or her life are honored.

II. The commissioner shall adopt rules within 6 months of the effective date of this chapter, pursuant to RSA 541-A relative to:

(a) Requiring submission of the following documents to the registry, unless the patient has requested to opt out of the registry:

(1) A copy of each POLST;

(2) A copy of a revised POLST; and

(3) Notice of any known revocation of a POLST;

(b) Prescribing the manner for submitting the information described in subparagraph (a);

(c) Requiring the release of registry information to authorized users for treatment purposes;

(d) Authorizing notification by the registry to specified persons of the receipt, revision, or revocation of a POLST; and

(e) Establishing procedures to protect the accuracy and confidentiality of information submitted to the registry.

III. The department may permit qualified researchers to access registry data. If the department permits qualified researchers to have access to registry data, the department shall adopt rules, pursuant to RSA 541-A, governing the access to data that shall include but not be limited to:

- (a) The definition of a qualified researcher.
- (b) The process for a qualified researcher to request access to registry data;
- (c) The types of data that a qualified researcher may be provided from the registry; and
- (d) The manner by which a researcher shall protect registry data obtained under this provision.

IV. The department may contract with a private or public entity to establish or maintain the registry.

V. There is established the New Hampshire POLST registry fund, which shall be nonlapsing and continually appropriated to the department and administered by the commissioner. This fund shall be used for costs incurred by the department in the course of carrying out the requirements of this chapter. All monetary grants, gifts, donations, or interest generated by these funds shall be deposited with the state treasurer in the fund.

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

2 New Subparagraph; Moneys to be Credited to the New Hampshire POLST Registry Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (316) the following new subparagraph:

(317) Moneys received for the purposes of RSA 137-L, which shall be credited to the New Hampshire POLST registry fund established in RSA 137-L:3, V.

3 Effective Date. This act shall take effect July 1, 2015.

2014-1076s

AMENDED ANALYSIS

This bill establishes the New Hampshire POLST Registry Act. Under this bill, a patient may execute a form to be signed by the patient and his or her physician relative to life-sustaining treatment to ensure that the patient's preferences are known in the event of an emergency. This bill also establishes a special fund to accept donations, gifts, and grants received for the purposes of the bill.

Public and Municipal Affairs

March 19, 2014

2014-1094s

03/01

Amendment to SB 228

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

AN ACT relative to notice of changes to zoning districts.

Amend the bill by replacing section 1 with the following:

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

I. 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. ***If a proposed amendment to a zoning ordinance would change a boundary of a zoning district or the uses, setbacks, or lot sizes in a district and the change would affect 500 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owners of each affected property. Notice by mail shall be sent to the address used for mailing local property tax bills.***

2014-1094s

AMENDED ANALYSIS

This bill requires notice by first class mail to owners of properties affected by certain changes to zoning district boundaries and uses, setbacks, or lot sizes permitted in a district.

Health, Education and Human Services
March 18, 2014
2014-1061s
04/01

Amendment to SB 234

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Criminal Records Check. Amend RSA 126-X:4 by inserting after paragraph II the following new paragraph:

II-a. In addition to the information required pursuant to paragraph II, the department shall also receive results of a criminal history records check from the division of state police. A person applying to be a designated caregiver shall submit directly to the department of safety a notarized criminal history records release form, as provided by the New Hampshire division of state police, authorizing the release of his or her criminal history record, if any, to the department. The applicant shall submit with the release form a complete set of electronic fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid for whatever reason, a second set of fingerprints shall be 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. The division of state police shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall submit a copy of the criminal history records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this section. The applicant shall bear the cost of a criminal history records check.

Amend the bill by replacing all after section 2 with the following:

3 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend the introductory paragraph in RSA 126-X:8, IV(a) to read as follows:

(a) An alternative treatment center shall conduct a state and federal criminal records check for every person seeking to become a principal officer, board member, agent, volunteer, or employee before the person begins working at the alternative treatment center pursuant to ~~[RSA 126-X:4, H(g)]~~ **RSA 126-X:4, II-a**. An alternative treatment center shall not allow any person to be an alternative treatment center agent who:

4 Repeal. The following are repealed:

I. RSA 126-X:7, VI, relative to departmental administration of alternative treatment centers.

II. RSA 126-X:4, II(g), relative to criminal history records checks for designated caregivers.

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

Senate Finance
March 19, 2014
2014-1077s
01/04

Amendment to SB 235

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

AN ACT relative to the patients' trust fund and relative to a 10-bed psychiatric crisis unit.

Amend the bill by replacing sections 2 and 3 with the following:

2 Department of Health and Human Services; New Hampshire Hospital 10-Bed Psychiatric Crisis Unit. The department shall open the 10-bed psychiatric crisis unit established by 2013, 195:1, VII, H no later than July 1, 2015. The department shall use existing appropriations to support any necessary operating costs for the fiscal year ending June 30, 2015.

3 Department of Health and Human Services; Positions Reclassified. The department shall in accordance with administrative rule He-M 303, RSA 126-A:3, or RSA 21-I:56 reclassify existing authorized, funded, and vacant positions to provide the following positions necessary to staff the 10-bed psychiatric crisis unit established in section 2 of this act:

Classification	No. of Positions	Labor Grade
Ward Clerk	2	10
Nurse Specialist	2	25
Registered Nurse III	9	23
Mental Health Worker II	16	11
Psychiatric Social Worker	1	23
Health Facility Cleaner II	2	08

2014-1077s

AMENDED ANALYSIS

This bill clarifies the person to whom the facility is to give the quarterly reports of funds and possessions in the patients' trust fund. This bill also requires the department of health and human services to open the 10-bed psychiatric crisis unit established in 2013, 195:1, VII, H.

Commerce
March 12, 2014
2014-0973s
03/05

Amendment to SB 237

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

AN ACT relative to the definition of "abutter" for notice of land use board hearings.

Amend the bill by replacing section 1 with the following:

1 Abutter. Amend RSA 672:3 to read as follows:

672:3 Abutter. "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his *or her* land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII; *provided, however, that if the abutting property consists of 100 or fewer units, as defined in RSA 356-B:3, XXIX, the term "abutter" shall include each unit owner, and not the officers of the collective or association. If any such unit is owned in the form of time sharing interests or other multiple-property interests, only the first-named owner listed in the municipality's records shall be deemed the abutter.* For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

2014-0973s

AMENDED ANALYSIS

This bill changes the definition of "abutter" for notice of land use board hearings to include condominium or collective unit owners rather than the officers of the collective or association if there are 100 or fewer units.

Energy and Natural Resources
March 12, 2014
2014-0982s
05/09

Amendment to SB 239

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

1 Emergency Notification System. RSA 106-H:16 is repealed and reenacted to read as follows:

106-H:16 Emergency Notification System.

I. For the purpose of alerting members of the public about emergencies in a particular area and delivering rapid emergency notification and information, the bureau shall develop and maintain a statewide emergency notification system (ENS). The bureau shall work with technical members from the wireline, wireless, VoIP, and cable industries to design the ENS for the delivery of emergency messages for emergency state and local government purposes in a manner compatible with existing communications systems and networks.

II. The ENS shall use the fixed-location data in the bureau's E-911 telephone database as well as E-911 data collected from wireline and VoIP providers who utilize dynamic location information databases compliant with the National Emergency Numbering Association's (NENA) i2 protocol or successor protocols. All wireline telephone numbers in the E-911 telephone database shall automatically be included in the ENS, as well as telephone numbers collected semi-annually from wireline and VoIP providers utilizing dynamic location databases compliant with the NENA i2 or successor protocol. In addition, the bureau shall provide the ability for the public to register with the bureau a variety of devices and communication methods at fixed locations where they have personal interests, such as their homes, businesses, and other family residences. This data shall remain confidential and shall be used solely by the ENS for the purpose of emergency notification and message delivery. Members of the public may opt-out of the emergency notification and message delivery system pursuant to the provisions of paragraph IV.

III. The bureau shall, to the greatest extent possible, ensure that the ENS is fully geographic information system (GIS) capable and able to define an emergency zone by address or geographic area. Wireline phone, VoIP, and opt-in devices shall be linked to a GIS mapping database, capable of performing a query based on an address or a general geographic area.

IV. Unless otherwise contrary to law, the ENS shall include means by which persons may opt-out of the system and also make the capabilities of the system accessible to the extent that current or future technology allows for communications devices not otherwise included in the system, such as nomadic voice over Internet Protocol phones, internet protocol enabled services, and commercial mobile radio services.

V. To accommodate the use of the ENS during an emergency, the ENS shall be capable of providing a pre-recorded message and delivering that message to a large number of telephones and communications devices in a manner designed so as not to overwhelm or collapse the system.

VI. The bureau shall ensure that every state, county, and local emergency response agency has access to and training in the use of the ENS.

VII. The bureau shall establish policies, standards, and procedures for the ENS, with the assistance, review, and approval of the enhanced 911 commission and the commissioner of safety. The bureau shall conduct regular assessments and internal tests of the ENS to ensure that it is functioning properly in compliance with the requirements of this section and that it meets all federal and state requirements for incident management. To the extent that a question arises regarding whether a particular notification meets the definition of an emergency, the commissioner of safety or his or her designee shall be the final arbitrator.

VIII. The bureau, with the approval of the enhanced 911 commission and the commissioner of safety, may develop and modify the ENS to be compatible with the Federal Communications Commission (FCC) guidelines or requirements for broadcast messaging.

IX. The bureau may participate in and shall use the Wireless Emergency Alerts (WEA) component of the Federal Emergency Management Agency's Integrated Public Alert and Warning System (IPAWS) or succeeding federal alerting systems as the vehicle to communicate with commercial mobile radio service customers. Nothing in this section shall be deemed to alter or supersede any aspect of WEA operation pursuant to existing FCC rules.

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

Senate Finance
February 20, 2014
2014-0673s
10/03

Amendment to SB 240-FN

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

1 Temporary Registrations; Nonresident Registration. Amend RSA 215-A:21, V to read as follows:

V. All OHRVs except conventional motor vehicles registered for highway use shall be registered at the fee provided in RSA 215-A:23, and shall be furnished a registration plate or decals of a design and color as chosen by the executive director. Said registration plate or decals shall be attached securely on the front and rear of the vehicle, in an unobstructed manner, as high as possible or at a location designed by the manufacturer. ***A nonresident registering an OHRV for a temporary 10 consecutive day period during the months of May to October shall be issued a temporary registration by the executive director. Such registration shall be valid only for 10 consecutive days from the start date and time specified on the registration. The executive director shall determine the procedure for issuance design, color, and placement of temporary registration decals. Temporary registrations may not be transferred.***

2 OHRV Registrations. Amend RSA 215-A:21, II to read as follows:

II. Except as otherwise provided, no OHRV shall be operated in this state unless registered as provided in this chapter. No registration shall be required for an OHRV operated solely on land owned or leased by the owner of the OHRV. ***Except for temporary registrations under paragraph V,*** all OHRV registrations shall expire on July 1 in each year. The executive director shall collect a fee for each registration as provided in RSA 215-A:23.

3 New Paragraph; Fees; Temporary Registration. Amend RSA 215-A:23 by inserting after paragraph V-a the following new paragraph:

V-b. Temporary Registration for Nonresidents. \$34 for each non-transferable, 10-day registration upon presentation of a valid out-of-state driver's license issued to a person 18 years of age or older. From each fee collected pursuant to this paragraph:

(a) The first \$14 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$10 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$10 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

4 2018 Version; Temporary Registrations; Nonresident Registration. Amend RSA 215-A:21, V to read as follows:

V. All OHRVs except conventional motor vehicles registered for highway use shall be registered at the fee provided in RSA 215-A:23, and shall be furnished a registration plate or decals of a design and color as chosen by the executive director. Said registration plate or decals shall be attached securely on the front and rear of the vehicle, in an unobstructed manner, as high as possible or at a location designed by the manufacturer. ~~[A nonresident registering an OHRV for a temporary 10 consecutive day period during the months of May to October shall be issued a temporary registration by the executive director. Such registration shall be valid only for 10 consecutive days from the start date and time specified on the registration. The executive director shall determine the procedure for issuance design, color, and placement of temporary registration decals. Temporary registrations may not be transferred.]~~

5 2018 Version; OHRV Registrations. Amend RSA 215-A:21, II to read as follows:

II. Except as otherwise provided, no OHRV shall be operated in this state unless registered as provided in this chapter. No registration shall be required for an OHRV operated solely on land owned or leased by the owner of the OHRV. ~~[Except for temporary registrations under paragraph V,]~~ All OHRV registrations shall expire on July 1 in each year. The executive director shall collect a fee for each registration as provided in RSA 215-A:23.

6 Repeal; 2018. RSA 215-A:23, V-b, relative to temporary OHRV registrations for nonresidents, is repealed.

7 Effective Date.

I. Sections 4-6 of this act shall take effect January 1, 2018.

II. The remainder of this act shall take effect January 1, 2015.

2014-0673s

AMENDED ANALYSIS

This bill allows nonresidents to be issued temporary registrations for OHRVs for 10 consecutive day periods during the period of May through October. The temporary OHRV registration authority is repealed January 1, 2018.

Senate Judiciary
March 20, 2014
2014-1114s
04/10

Amendment to SB 244

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

AN ACT establishing a procedure for the annulment of a mental health record and establishing a commission to study mental health and firearms.

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

1 New Subdivision; Annulment of Mental Health Records in the National Instant Criminal Background Check System. Amend RSA 159-D by inserting after section 3 the following new subdivision:

Annulment of Mental Health Records
in the National Instant Criminal Background Check System (NICS)

159-D:4 Petition for Removal from the NICS Index and Annulment of Mental Health Record.

I. A person may file a petition to have his or her name and mental health information removed from the NICS Index, and/or have his or her mental health record annulled after the following:

- (a) Termination of the appointment of guardianship;
- (b) Expiration of the involuntary treatment order; or
- (c) Expiration of the involuntary commitment order.

II. The petition shall be filed in the court that ordered the guardianship, involuntary treatment, or commitment. The petition shall include a copy of the petitioner's criminal record from the department of safety and shall be served upon the parties that filed the original petition.

III. The petitioner shall serve notice of the petition on the local law enforcement agency in the municipality in which the petitioner lives, the municipality in which he or she was living at the time of the commitment order, and the municipality in which the acts that were the subject of the order occurred. Within 30 days, those notified may file an appearance and notice of assent to the relief sought or an objection stating the grounds upon which the objection is based that would justify an extension or renewal of the original order.

IV. The court shall grant the relief requested unless it finds that the respondent has established by clear and convincing evidence that the petitioner is in such a mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or others and that the granting of the relief requested would be contrary to the public interest.

V. The evaluation reports, recommendations, medical and mental health records, and all other court documents and records related to any petition filed pursuant to this section shall be kept separately from the public court file and shall be confidential. The hearing shall be in closed court, unless the petitioner requests otherwise, and shall be recorded.

VI. Any party who is aggrieved by any ruling of the court may appeal de novo to the superior court and thereafter to the supreme court on issues of law.

VII. After an order granting an annulment pursuant to this section has become final, the court shall, as soon as is practicable, but in no case later than 10 business days thereafter, forward a copy of the order to the department of safety and seal any files or records created as a result of this section. Such files or records shall not be reopened unless the petitioner becomes subject to this chapter again within 3 years. The department of safety shall seek removal of all the information stored with the NICS Index about the petitioner, as soon as practicable, but in no case later than 15 business days after receipt of the order. The department of safety shall dispose of all confidential information pursuant to RSA 159-D:2.

VIII. Upon entry of an order of annulment of a mental health record:

(a) The person whose record is annulled shall be treated in all respects as if he or she had never been involuntarily treated, committed, or found not competent, or had a guardian appointed on his or her behalf.

(b) The court records, medical records, and mental health records relating to annulment shall be sealed and available only to the person whose record was annulled, to his or her attorney, and to a subsequent court presiding over a subsequent petition under this section, or as otherwise required by law.

(c) In any application for employment, license, or other civil right or privilege, or in any appearance as a witness in any proceeding or hearing, a person may be questioned about a previous mental health record only in terms such as "Have you ever been involuntarily treated, committed, or found not competent, or had a guardian appointed on your behalf for any reason that has not been annulled by a court?"

2 New Subdivision; Commission to Study Mental Health and Firearms. Amend RSA 159 by inserting after section 26 the following new subdivision:

Commission to Study Mental Health and Firearms

159:27 Commission to Study Mental Health and Firearms.

I. There is established a commission to study mental health and firearms. The commission shall consist of the following members:

- (a) The commissioner of the department of safety, or designee.
- (b) The commissioner of the department of health and human services, or designee.
- (c) One member from the judicial branch, appointed by the chief justice of the New Hampshire supreme court.
- (d) One member from the Disability Rights Center, appointed by the president of that organization.
- (e) One member from the New Hampshire Psychiatric Society, appointed by the president of that organization.
- (f) One member from the National Alliance on Mental Illness (NAMI)-New Hampshire, appointed by the president of that organization.
- (g) One member from the New Hampshire Civil Liberties Union, appointed by the president of that organization.
- (h) One member from the National Rifle Association, appointed by the president of that organization.
- (i) One member from the New Hampshire Firearms Coalition, appointed by the president of that organization.
- (j) Two members from Gun Owners of New Hampshire, appointed by the president of that organization.
- (k) One member from Pro Gun New Hampshire, appointed by the president of that organization.
- (l) One member of the Second Amendment Sisters-New Hampshire Chapter, appointed by that organization.
- (m) One member of the National Shooting Sports Foundation, appointed by that organization.
- (n) One member from the New Hampshire Association of Chiefs of Police, appointed by the president of that organization.
- (o) One member of the New Hampshire Wildlife Federation, appointed by that organization.
- (p) Two members appointed by the governor.

II. The commission shall study any issue relating to the National Instant Criminal Background Check System (NICS) and the federal statutes and rules governing NICS, including, but not limited to, providing access to an attorney prior to the inclusion of a person's information in NICS and the liability of New Hampshire's firearms businesses under the state's existing background check reporting requirements.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the commissioner of the department of safety or designee. The first meeting of the commission shall be held within 45 days of the effective date of this section. Ten members of the commission shall constitute a quorum.

IV. 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 December 31, 2014.

3 Repeal. RSA 159:27, relative to the commission to study mental health and firearms, is repealed.

4 Effective Date.

I. Sections 1 and 3 of this act shall take effect January 1, 2015.

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

2014-1114s

AMENDED ANALYSIS

This bill establishes a procedure to annul a mental health record and to have such record removed from the National Instant Criminal Background Check System, and establishes a commission to study firearms and mental health.

Senate Finance

March 20, 2014

2014-1125s

06/01

Amendment to SB 245-FN

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

1 Energy Evaluation and Siting. RSA 162-H:1 is repealed and reenacted to read as follows:

162-H:1 Declaration of Purpose. The legislature recognizes that the selection of sites for energy facilities, including the routing of high voltage transmission lines and energy transmission pipelines, may have significant impacts and benefits on the following: the welfare of the population, private property, the location and growth of industry, the overall economic growth of the state, the environment of the state, historic sites, aesthetics, air and water quality, the use of natural resources, and public health and safety. Accordingly, the legislature finds that it is in the public interest to maintain a balance among those potential significant impacts and benefits in the siting, construction and operation of new energy facilities in New Hampshire; that undue delay in the construction of new energy facilities be avoided and that full and timely consideration of environmental consequences be provided; that all entities planning to construct facilities in the state be required to provide full and complete disclosure to the public of such plans; and that the state ensure that the construction and operation of energy facilities is treated as a significant aspect of land-use planning in which all environmental, economic, and technical issues are resolved in an integrated fashion, all to assure that new energy facilities are sited, constructed, and operated in conformance with sound environmental principles. The legislature, therefore, hereby establishes a procedure for the review, approval, monitoring, and enforcement of compliance in the planning, siting, construction, and operation of energy facilities.

2 New Paragraph; Energy Facility Evaluation and Siting, Construction and Operation; Definitions; Administrator. Amend RSA 162-H:2 by inserting after paragraph I the following new paragraph:

I-a. "Administrator" means the administrator of the committee established by this chapter.

3 Site Evaluation Committee. RSA 162-H:3 is repealed and reenacted to read as follows:

I. There is hereby established a committee to be known as the New Hampshire site evaluation committee to evaluate applications for certificates of site and facility and petitions for exemption from jurisdiction and declaratory rulings; to oversee the operations of certificated facilities to ensure they are meeting the conditions of their certificates; to assist the public in understanding the requirements of this chapter; and to engage in rulemaking as needed. The committee shall consist of 9 members, as follows:

(a) The commissioners of the public utilities commission, the chairman of which shall be the chairman of the committee;

(b) The commissioner of the department of environmental services, who shall be the vice-chairman of the committee;

(c) The commissioner of the department of resources and economic development;

(d) The commissioner of the department of transportation;

(e) The director of the division of historic resources; and

(f) Two members of the public, appointed by the governor, with the consent of the council, at least of one of whom shall be an attorney licensed to practice in New Hampshire, and both of whom shall be residents of the state of New Hampshire with expertise or experience in one or more of the following areas: public deliberative or adjudicative proceedings; business management; environmental protection; natural resource protection; energy facility design, construction, operation, or management; or community and regional planning or economic development.

II. The public members shall serve 4 year terms and until their successors are appointed and qualified. Any public member chosen to fill a vacancy occurring other than by expiration of term shall be appointed for the unexpired term of the member who is to be succeeded.

III. No public member nor any member of his or her family shall receive income from energy facilities within the jurisdiction of the committee. The public members shall comply with RSA 15-A and RSA 15-B.

IV. All members shall refrain from ex parte communications regarding any matter pending before the committee.

V. Seven members of the committee shall constitute a quorum for the purpose of conducting the committee's business, with the exception of administrative actions that may be taken by the chairman or designee as presiding officer, or procedural rulings that may be made by a hearing officer.

VI. Any public member of the committee may be removed by the governor and council for inefficiency, neglect of duty, or misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard.

VII. The committee shall be administratively attached to the public utilities commission pursuant to RSA 21-G:10.

VIII. Public members of the committee shall be compensated at on a pro rata basis, based upon a rate equal to the daily salary rate for a commissioner of the public utilities commission at the initial step.

IX. The chairman may:

- (a) Serve as the chief executive of the committee.
- (b) Delegate to other members the duties of presiding officer, as appropriate.
- (c) Establish, with the consent of the committee, the budgetary requirements of the committee.
- (d) Engage personnel in accordance with this chapter.

X. The committee may exercise its powers through subcommittees of no fewer than 7 members established at any time by the chairperson. The 2 public members shall serve on each subcommittee so established. The remaining 5 or more members shall be selected from among the members of the committee, or their designees, including the senior administrator positions of the department of environmental services, the public utilities commission, the department of resources and economic development, division of historic resources, and the department of transportation. At least one member of a subcommittee shall be an attorney licensed to practice in New Hampshire. For purposes of statutory interpretation and executing the regulatory functions of this chapter, the subcommittee shall assume the role and be considered the committee, with all of its associated powers and duties. Five members of the subcommittee shall constitute a quorum for the purpose of conducting the committee's business, with the exception of administrative actions that may be taken by the chairperson of the subcommittee or designee as presiding officer, or procedural rulings that may be made by a hearing officer.

4 New Section; Site Evaluation Committee; Administrator. Amend RSA 162-H by inserting after section 3 the following new section:

162-H:3-a Administrator. The site evaluation committee may establish the position of administrator. The administrator shall be a classified state employee at labor grade 34, or an independent consultant, hired at the discretion of the chairperson through a competitive bid process. The salary of the administrator shall be paid from the site evaluation committee fund established in RSA 162-H:21. The administrator, with committee approval, may engage additional technical, legal, or administrative support to fulfill the functions of the committee as necessary.

5 Powers of the Committee. Amend RSA 162-H:4, III and III-a to read as follows:

III. The committee may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to ***the administrator or*** such state agency or official ~~represented on the committee~~ as it deems appropriate, but, subject to RSA 162-H:10, it may not delegate authority to ~~hold hearings,~~ issue certificates, determine the terms and conditions of a certificate, or enforce a certificate. Any authorized representative or delegate of the committee shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate-holder as are relevant to the terms or conditions of the certificate.

III-a. The committee may delegate to ~~an~~ ***the administrator or such state*** agency or official ~~represented on the committee~~ ***as it deems appropriate*** the authority to specify the use of any technique, methodology, practice, or procedure approved by the committee within a certificate issued under this chapter, or the authority to specify minor changes in the route alignment to the extent that such changes are authorized by the certificate for those portions of a proposed electric transmission line or energy transmission pipeline for which information was unavailable due to conditions which could not have been reasonably anticipated prior to the issuance of the certificate.

6 Powers of Committee. RSA 162-H:4, V is repealed and reenacted to read as follows:

V. Once an energy facility application has been accepted, the administrator may designate a hearing officer to hear and decide procedural matters that are before the committee, including procedural schedules, petitions for intervention, consolidation of parties with substantially similar interests, discovery schedules and motions, and identification of significant disputed issues for hearing and decision by the committee.

7 Application for Certificate. Amend RSA 162-H:7, IV and V to read as follows:

IV. Each application shall contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms. Upon the filing of an application, the committee shall expeditiously forward a copy to the state agencies having jurisdiction ***and to other state agencies identified in committee rules***. Upon receipt of a copy, each agency shall conduct a preliminary review to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the state agencies having jurisdiction, that agency shall, in writing, notify the committee of that fact and specify what information the applicant must supply; thereupon the committee shall provide the applicant with a copy of such notification and specification. Notwithstanding any other provision of law, for purposes of the time limitations imposed by this section, any application made under this section shall be deemed not accepted either by the committee or by any of the state agencies having jurisdiction if the applicant is ~~seasonably~~ ***reasonably*** notified that it has not supplied sufficient information for any of the state agencies having jurisdiction in accordance with this paragraph.

V. Each application shall also:

- (a) Describe in reasonable detail the type and size of each major part of the proposed facility.
- (b) Identify both the ***applicant's*** preferred choice and ~~[any other choices]~~ ***other alternatives it considers available*** for the site ***and configuration*** of each major part of the proposed facility, ***and the reasons supporting the applicant's preferred choice***.
- (c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.
- (d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.
- (e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.
- (f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each community in which the facility is proposed to be located.
- (g) Provide such additional information as the committee may require to carry out the purposes of this chapter.

8 Application for Certificate. Amend RSA 162-H:7, VI-a through VI-d to read as follows:

VI-a. ~~Within 30 days after acceptance of the application, the committee shall hold at least one public hearing in each county in which the proposed facility is to be located,]~~ **Public information sessions shall be held** in accordance with RSA 162-H:10.

VI-b. All ~~[participating]~~ state agencies **having jurisdiction** shall report their progress to the committee within ~~[5 months]~~ **150 days** of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision **on the parts of the application that relate to its jurisdiction.**

VI-c. All ~~[participating]~~ state agencies **having jurisdiction** shall make and submit to the committee a final decision on the parts of the application that relate to its jurisdiction, no later than ~~[8 months]~~ **240 days** after the application has been accepted.

VI-d. Within ~~[9 months]~~ **365 days** of the acceptance of an application, the committee shall issue or deny a certificate for an energy facility.

9 New Section; Role of State Agencies. Amend RSA 162-H by inserting after section 7 the following new section:

162-H:7-a Role of State Agencies.

I. State agencies having jurisdiction may participate in committee proceedings as follows:

(a) Receive proposals or permit requests within the agency's jurisdiction, expertise, or both; determine completeness of elements required for such agency's permitting or other programs; and report on such issues to the committee;

(b) Review proposals or permit requests and submit recommended draft permit terms and conditions to the committee;

(c) Identify issues of concern on the proposal or permit request or notify the committee that the application raises no issues of concern;

(d) When issues of concern are identified, appear before the committee at a hearing to provide input and answer questions of parties and committee members; and

(e) Review and comment on proposed certificate conditions or rulings to confirm that such conditions or rulings are in conformity with the laws and regulations applicable to the project and state whether the conditions or rulings are appropriate in light of the agency's statutory responsibilities.

II. When initiating a proceeding for a committee matter, the committee shall expeditiously notify state agencies having jurisdiction or that are identified in committee rules.

III. Within 30 days of receipt of a notification of proceeding, a state agency not having jurisdiction but wishing to participate in the proceeding shall advise the chairperson of the committee.

IV. The commissioner or director of each state agency that intends to participate in a committee proceeding shall advise the chairperson of the name of the individual on the agency's staff designated to be the agency liaison for the proceeding. The committee chairman may request the attendance of an agency's designated liaison or designee at a session of the committee if that person's availability could materially assist the committee in its examination or consideration of a matter.

V. All communications between the committee and participating agencies regarding a pending committee matter shall be included in the official record and be publicly available.

VI. A state agency may intervene as a party in any committee proceeding in the same manner as other persons under RSA 541-A. An intervening agency shall have the right to rehearing and appeal of a certificate or other decision of the committee.

10 Public Hearing; Information Sessions; Studies; Rules. Amend RSA 162-H:10 to read as follows:

162-H:10 Public Hearing; Studies; Rules.

I. **At least 30 days prior to filing an application for a certificate of site and facility, an applicant shall hold at least one public information session open to the public in each county where**

the proposed facility is to be located and shall publish a public notice not less than 14 days before such session in one or more newspapers having a regular circulation in the county in which the session is to be held, describing the nature and location of the proposed facilities. At such session, the applicant shall present information regarding the project and receive comments from the public. Not less than 10 days before said session, the applicant shall provide a copy of the public notice to the chairman of the committee. The applicant shall arrange for a transcript of said session to be prepared and shall include the transcript in its application for a certificate.

I-a. Within [30] 45 days after acceptance of an application for a certificate of site and facility, pursuant to RSA 162-H:7, the site evaluation committee shall hold at least one [joint] public [hearing] **information session** in each county in which the proposed facility is to be located and shall publish a public notice not less than 14 days before said [hearing] **session** in one or more newspapers having a regular circulation in the county in which the [hearing] **session** is to be held, describing the nature and location of the proposed facilities. ***Not less than 10 days before said session, the applicant shall provide a copy of the public notice to the chairman of the committee. The session shall be for public information on the proposed facilities with the applicant presenting the information to the public.***

I-b. Upon request of the governing body of a municipality or unincorporated place in which the proposed facility is to be located, or on the committee's own motion, the committee may order the applicant to provide such informational meetings as are reasonable to inform the public of the proposed project in addition to the required public information sessions required by RSA 162-H:10.

I-c. Within 90 days after acceptance of an application for a certificate of site and facility, pursuant to RSA 162-H:7, the site evaluation committee shall hold at least one joint public hearing in each county in which the proposed facility is to be located and shall publish a public notice not less than 14 days before such session in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. The public hearings shall be joint hearings, with representatives of the other agencies that have jurisdiction over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. [The hearings shall be for public information on the proposed facilities with the applicant presenting the information to the site evaluation committee and to the public.] Notwithstanding any other provision of law, the hearing shall be a joint hearing with the other state agencies and shall be in lieu of all hearings otherwise required by any of the other state agencies; provided, however, if any of such other state agencies does not otherwise have authority to conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

II. Except for informational [hearings] **meetings**, subsequent hearings shall be in the nature of adjudicative proceedings under RSA 541-A and may be held in the county or one of the counties in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the site evaluation committee. The committee shall give adequate public notice of the time and place of each subsequent session. ***In lieu of the full committee or subcommittee, a hearing officer designated by the administrator may preside at hearings concerning procedural matters before the committee pursuant to RSA 162-H:4, V. The full committee or subcommittee shall preside at all hearings regarding the significant disputed issues identified by the hearing officer.***

III. The site evaluation committee shall consider and weigh all evidence presented at public hearings and shall consider and weigh written information and reports submitted to it by members of the public before, during, and subsequent to public hearings ***but prior to the closing of the record of a proceeding.*** The committee shall grant free access to records and reports in its files to members of the public during normal working hours [and], shall permit copies of such records and reports to be made by interested members of the public at their expense ***and shall post all such records and reports regarding pending applications for a certificate on a website.***

IV. The site evaluation committee shall require from the applicant whatever information it deems necessary to assist in the conduct of the hearings, and any investigation or studies it may undertake, and in the determination of the terms and conditions of any certificate under consideration.

V. The site evaluation committee and counsel for the public shall jointly conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter and may

employ a consultant or consultants, legal counsel and other staff in furtherance of the duties imposed by this chapter, the cost of which shall be borne by the applicant in such amount as may be approved by the committee. The site evaluation committee and counsel for the public are further authorized to assess the applicant for all travel and related expenses associated with the processing of an application under this chapter.

VI. The site evaluation committee shall issue such rules to administer this chapter, pursuant to RSA 541-A, after public notice and hearing, as may from time to time be required.

VII. No later than January 1, 2015, the committee shall adopt rules, pursuant to RSA 541-A, relative to ***the reorganizing of the committee and to*** criteria for the siting of energy facilities, including specific criteria to be applied in determining if the requirements of RSA 162-H:16, IV(b) and (c) have been met by the applicant for a certificate of site and facility. Prior to the adoption of such rules, the office of energy and planning shall hire and manage one or more consultants to conduct a public stakeholder process to develop recommended regulatory criteria, which may include consideration of issues identified in attachment C of the 2008 final report of the state energy policy commission, as well as others that may be identified during the stakeholder process. The office of energy and planning shall submit a report based on the findings of the public stakeholder process to the committee by January 1, 2014.

11 Enforcement. Amend RSA 162-H:12, I to read as follows:

I. Whenever the committee, ***or the administrator as designee***, determines that any term or condition of any certificate issued under this chapter is being violated, it shall, in writing, notify the person holding the certificate of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the committee may suspend the person's certificate. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide opportunity for a prompt hearing.

12 Findings and Certificate Issuance. Amend the introductory paragraph of RSA 162-H:16, IV to read as follows:

IV. The site evaluation committee, after having considered available alternatives and fully reviewed the environmental impact of the site or route, and other relevant factors bearing on whether the ~~[objectives of this chapter]~~ ***public interest*** would be best served by the issuance of the certificate, must find that the site and facility:

13 New Subparagraph; Findings and Certificate Issuance. Amend RSA 162-H:16, IV by inserting after subparagraph (d) the following new subparagraph:

(e) Will serve the public interest.

14 New Sections; Fund Established; Funding Plan; Applicability; Transitional Responsibilities. Amend RSA 162-H by inserting after section 20 the following new sections:

162-H:21 Fund Established; Funding Plan.

I. There is hereby established in the office of the state treasurer a nonlapsing fund to be known as the site evaluation committee fund. All moneys in such fund shall be continually appropriated to the site evaluation committee for the purposes of the committee. The fund shall be established with an advance from the renewable energy fund established in RSA 362-F:10 in an amount not to exceed \$1,000,000. Repayment of the initial renewable energy fund advance shall be made over a period of not more than 10 years.

II. By December 1, 2014, the committee shall submit a permanent funding plan, including recommendations for legislation, to the governor and to the chairpersons of the house and senate finance committees. The committee shall consider potential funding sources, including but not limited to the imposition of reasonable application fees and other funding sources. The plan shall describe the costs of the ongoing administration of the committee's duties, including state agency expenses associated with processing an application under this chapter. The plan shall include recommendations for the ongoing funding of the committee's operations, including reimbursement for the hearing and review time of members of the committee and state agency staff. The plan shall make recommendations for funding sources to meet those needs, except that such funding sources shall not include annual operating fees imposed on energy facilities. The plan shall provide an estimate of revenues from application fees and additional funding sources.

162-H:22 Applicability.

I. The provisions of this chapter shall apply to any application or petitions received on or after July 1, 2014.

II. Pending matters for which a public hearing was held prior to July 1, 2014 shall be governed by the standards in place prior to the enactment of this section and shall be addressed by the committee in effect at the time the matters were filed.

III. The committee in existence prior to July 1, 2014 shall cease to exist when all matters for which a public hearing was held prior to July 1, 2014 have been resolved, through ruling on requests for rehearing or reconsideration.

162-H:23 Transitional Responsibilities.

I. Any pending matter for which a public hearing was not held prior to July 1, 2014, and all matters filed after July 1, 2014 shall be reviewed by the committee as re-organized under this chapter. The parties in any pending matter for which a public hearing was not held prior to July 1, 2014 shall have a reasonable opportunity to supplement filings under the provisions of this chapter as effective July 1, 2014.

II. The re-organization of the committee, including the appointment of a administrator and public members, shall occur no later than November 1, 2014.

III. All time frames under this chapter shall be tolled until the date that committee is re-organized.

IV. Notwithstanding any other provision of this chapter, the committee in existence prior to July 1, 2014 shall continue the process of adopting rules pursuant to RSA 162-H:10, VII, until such time as the re-organized committee is established. Notwithstanding any other provision of law, the actions of the committee in existence prior to July 1, 2014 shall be deemed the actions of the committee for the purposes of appointing an administrator and of adopting rules pursuant to RSA 162-H:10, VII.

V. Any application for approval of a transfer pursuant to RSA 162-H:5, I shall be reviewed and decided by the committee in existence prior to July 1, 2014 provided such application is filed no later than December 31, 2014.

15 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (316) the following new subparagraph:

(317) Moneys deposited in the site evaluation committee fund established in RSA 162-H:21, I.

16 Repeal. The following are repealed:

I. RSA 4-C:6, II(e), relative to energy facility evaluation committee.

II. RSA 162-H:6-a, relative to time frames for review of renewable energy facilities.

III. RSA 162-H:7, VI-e, relative to time frames for applications for certificates.

IV. RSA 162-H:15, relative to informational meetings.

17 Effective Date. This act shall take effect July 1, 2014.

2014-1125s

AMENDED ANALYSIS

This bill:

I. Modifies the membership and duties of the site evaluation committee.

II. Modifies requirements for energy facility certificates.

Energy and Natural Resources

March 19, 2014

2014-1095s

06/01

Amendment to SB 268

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

AN ACT relative to funding for certain energy efficiency programs.

Amend the bill by replacing section 1 with the following:

1 Energy Efficiency Fund and Use of Auction Proceeds. RSA 125-O:23, III is repealed and reenacted to read as follows:

III. Entities managing statewide, all-fuels, comprehensive energy efficiency programs, which have been previously approved by the commission, may apply to the commission for additional funding necessary to complete energy efficiency projects enrolled in their program on January 1, 2014.

2014-1095s

AMENDED ANALYSIS

This bill permits entities managing certain comprehensive energy efficiency programs to apply to the public utilities commission for additional funding to complete projects enrolled in their program on January 1, 2014.

Rules, Enrolled Bills and Internal Affairs

March 7, 2014

2014-0934s

06/04

Amendment to SB 307

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

1 Committee Established. There is established a committee to review all proposed language and amendments to the Citizens United ruling and related cases by the United States Supreme Court.

2 Membership and Compensation.

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

(a) Two members of the senate, one appointed by the president of the senate and one appointed by the senate minority leader.

(b) Two members of the house of representatives, one of whom shall be appointed by the speaker of the house of representatives, and one of whom shall be appointed by the house minority leader.

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

3 Duties. Recognizing the need to study the Citizens United ruling and related cases, and ensure protection of the First Amendment, the committee shall:

I. Examine the impact of the Citizens United ruling.

II. Examine the different approaches and language being proposed for a constitutional amendment.

III. Examine short term solutions to issues raised by the ruling.

4 Chairperson; Quorum. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate 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 or resolution to the New Hampshire congressional delegation, 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 November 28, 2014.

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

2014-0934s

AMENDED ANALYSIS

This bill establishes a committee to review constitutional amendments regarding the Citizens United decision and related cases that have been introduced in the United States Supreme Court.

Senate Finance

March 20, 2014

2014-1122s

01/04

Amendment to SB 308-FN

Amend the bill by replacing section 2 with the following:

2 New Chapter; Health Care Delivery Innovation Through Cooperation Act. Amend RSA by inserting after chapter 151-H the following new chapter:

CHAPTER 151-I
HEALTH CARE DELIVERY INNOVATION THROUGH COOPERATION ACT

151-I:1 Definitions. In this chapter:

I. "Certificate of public advantage" or "certificate" means an approval of a cooperative agreement issued by the attorney general.

II. "Cooperative agreement" means an agreement between a health care provider and one or more persons or entities, including other health care providers, governing the sharing, allocation, or referral of patients or the sharing or allocation of personnel, instructional programs, support services and facilities, medical diagnostic or laboratory facilities, procedures, equipment, or other health care services traditionally offered by health care facilities or other health care providers, or the acquisition or merger of assets among or by 2 or more health care providers.

III. "Health care provider" means a health care professional licensed, certified, or registered under the laws of this state, or a facility licensed under RSA 151.

151-I:2 Application for Certificate.

I. Parties to a cooperative agreement, or a prospective cooperative agreement, may apply to the attorney general for a certificate of public advantage governing the cooperative agreement.

II. The application shall include the following:

(a) An executed written copy of the cooperative agreement or, in the case of a prospective cooperative agreement, an executed letter of intent;

(b) A detailed narrative description of how the cooperative agreement conforms to the standards established in this chapter, including specific examples of how the proposed agreement will provide the benefits set out in RSA 151-I:4, I(a), and will minimize those effects identified in RSA 151-I:4, I(b);

(c) Certified financial statements of the parties for the 2 calendar years prior to the execution of the cooperative agreement. The statements shall include an income statement, a balance sheet and a cash flow statement. These statements shall be prepared in accordance with generally accepted accounting principles, and shall be certified by an independent licensed public accountant that they have been so prepared, and that all adjustments necessary for a fair statement of the results for the periods shown have been included;

(d) Copies of the parties' community benefits plans prepared pursuant to RSA 7:32-e for the year prior to the execution of the cooperative agreement, and a proposed plan for the entity created by the cooperative agreement, if applicable;

(e) A detailed analysis of the competitive market for the services to be provided by the combined, affiliated, or cooperating health care providers which predicts the positive and negative impacts the cooperative agreement may have on the competitive market;

(f) A copy of the public notice as required under this chapter;

(g) Any other information the attorney general by rules adopted pursuant to this chapter reasonably requires for the protection of the public; and

(h) An application fee of \$5,000.

III. Materials submitted pursuant to this section shall be deemed material submitted pursuant to an official investigation of the attorney general pursuant to RSA 356, and shall be kept confidential by the attorney general pursuant to the provisions of RSA 356:10, V.

151-I:3 Public Comment.

I. There shall be a public comment period of 60 days beginning 60 days from the date of application.

II. Upon submission of the application for certificate, the parties to a cooperative agreement shall publish in one or more newspapers of general circulation a notice of the application for a certificate of public advantage. The notice shall include a detailed description of the application and the means by which to submit written comment.

III. The attorney general shall receive written comments on the application and may, after public notice, hold one or more hearings for receipt of public comment.

151-I:4 Standards for Approval.

I. The attorney general shall review applications submitted under this chapter. In reviewing applications, the attorney general shall consider, but not be limited to, the following standards and as further developed under rules adopted pursuant to RSA 151-I:10:

- (a) Whether one or more of the following benefits are likely to result from the cooperative agreement:
 - (1) Enhancement of the quality of health care provided by the parties to the cooperative agreement;
 - (2) Lowered costs to consumers of health care services and improved efficiency of delivering health care services resulting from reduced operating costs and reductions in administrative and capital costs;
 - (3) Improved utilization of health care provider resources;
 - (4) Expansion of access to care for consumers of health care services;
 - (5) Preservation of critical health care services within the relevant geographic area that would be at risk of elimination in the absence of a cooperative agreement;
- (b) Whether one or more of the following disadvantages are likely to result from the cooperative agreement:
 - (1) Diminished quality of health care;
 - (2) Increased costs over time resulting from any decreased competition the cooperative agreement may cause;
 - (3) Decreased utilization of health care provider resources;
 - (4) Decreased access to care;
 - (5) Reduced competition among health care providers and the potential for adverse system quality, accessibility and cost consequences;
- (c) The financial condition of the parties to the agreement, including whether either party to the cooperative agreement is experiencing financial distress and may be forced to cease operations or eliminate services in the absence of the cooperative agreement;
- (d) The availability of alternative arrangements that are less restrictive to competition and that are likely to achieve the same or substantially similar benefits attributable to the proposed cooperative agreement;
- (e) Other benefits or disadvantages identified in the course of review, including, but not limited to, the economic and other impacts due to the restructuring or reallocation of resources and providers in the communities in which the affiliating parties are located; and
- (f) The extent to which active review as provided in this chapter is likely to mitigate any disadvantages.

II. The attorney general may consider all other relevant information, including but not limited to the state health plan established under RSA 151-C:4-a. During the application review process and the annual report review described in RSA 151-I:6, the attorney general may consult with the commissioners of the department of health and human services and the insurance department as necessary relative to matters affecting the jurisdiction of those departments. The attorney general may provide the application and other information necessary to facilitate such consultation.

151-I:5 Issuance of Certificate.

I. The attorney general shall grant or deny an application within 90 days of the date of the filing. The attorney general's decision shall be in writing, and shall set forth the basis for the decision.

II. The certificate shall be issued for a period of not less than 5 years, unless a period of shorter duration is specified by the parties to the agreement. The certificate may be renewed as provided in RSA 151-I:7.

III. Issuance of the certificate shall be conditioned on the reporting and review requirements under RSA 151-I:6. The attorney general may impose such additional conditions as the attorney general may reasonably determine to be necessary to protect the public from the potential adverse consequences the cooperative agreement may cause.

151-I:6 Reporting and Review.

I. On the first anniversary of the issuance of a certificate under this chapter and every year thereafter, the parties to a cooperative agreement shall file a report of activities with the attorney general. Such report shall include the following:

(a) A statement of activities conducted under the cooperative agreement.

(b) A statement of activities to be conducted under the cooperative agreement over the next 2 years.

(c) A statement detailing the benefits achieved or the benefits expected to be achieved under the cooperative agreement, including data regarding utilization of services, costs, quality of care, and population health. If the benefits outlined in the application have not been achieved, the report shall include the reasons why the benefits have not been met and a remedial plan to achieve such benefits.

(d) A statement addressing measures taken to comply with any conditions imposed on the issuance of the certificate.

(e) Any additional information requested by the attorney general.

II. If, upon review of the annual report, the attorney general determines that the parties to the cooperative agreement have failed to comply with any condition imposed on the issuance of the certificate or that the benefits of the cooperative agreement no longer outweigh the disadvantages, the attorney general shall notify the parties and request any additional information deemed necessary. The attorney general may, after notification to the parties, alter or amend any conditions imposed on the certificate. If the attorney general determines that the cooperating entity reporting pursuant to this paragraph is in violation of this chapter or any condition established in the certificate of public advantage, the attorney general shall provide written notice of the violation to the entity or entities detailing the nature and scope of the violation. The parties shall have 30 days to submit a comprehensive plan to cure any identified violation within a period not to exceed 6 months from the notice of violation. If the identified violation is not timely cured, the attorney general may impose appropriate monetary penalties for each day the violation persists or impose such other remedies as may be reasonably required to protect the public including, without limitation, divestment by the cooperating entity or entities as may be required to restore competition to the marketplace.

151-I:7 Renewal.

I. The parties to a cooperative agreement covered by a certificate of public advantage issued for a definite term shall, no later than 120 days prior to the expiration of the certificate, submit to the attorney general an application to renew the certificate.

II. Unless waived by the attorney general, the application for renewal shall be in the same form as the application for certificate. The application for renewal shall be accompanied by a fee of \$5,000.

III. The attorney general shall make a determination on the application for renewal under the standards for issuance of a certificate as provided in this chapter.

151-I:8 Revocation.

I. In addition to the remedies under RSA 151-I:6, the attorney general may revoke a certificate issued under this chapter upon a finding that the benefits resulting from such a certificate no longer outweigh the disadvantages.

II. Upon a decision to revoke a certificate issued under this chapter, the attorney general shall notify the parties to the cooperative agreement in writing, and the parties shall have 90 days to respond. After review of the responses, the attorney general shall make a final decision regarding revocation.

151-I:9 No Requirement to Seek Approval; Effect of Approval.

I. Nothing in this chapter shall obligate health care providers to enter into cooperative agreements or to submit a request for approval of a cooperative agreement as set forth under the provisions of this chapter.

II. Any person who implements a cooperative agreement without securing the approval of the attorney general under the provisions of this section is subject to any enforcement action that otherwise might apply.

III. It is the intent of this chapter that cooperative agreements that are approved and subject to the review and supervision of the attorney general shall provide state action immunity under federal antitrust laws to health care providers who participate in discussions or negotiations leading to a cooperative agreement and to parties to cooperative agreements approved by the attorney general.

151-I:10 Rules. The attorney general shall adopt rules, pursuant to RSA 541-A, relative to:

- I. Application procedures for the issuance of a certificate under this chapter.
- II. Renewal of certificate procedures and requirements.
- III. Content and format of all forms required under this chapter.
- IV. Conduct of public comment period and hearings under RSA 151-I:3.
- V. Other matters the attorney general deems necessary for the proper administration of this chapter.

151-I:11 Assessed Expenses.

I. The attorney general may employ independent experts, including consultants, financial advisors, and counsel, that the attorney general deems reasonably necessary to review the application, application for renewal, and periodic monitoring required under this chapter. These expenses shall be assessed and promptly paid by the parties to the cooperative agreement and shall be in addition to any other fees required under this chapter.

II. For the purposes of developing the rules required under RSA 151-I:10, the attorney general shall assess each acute care hospital licensed under RSA 151 an administrative fee. The total amount collected shall be equal to the amount actually expended for the development of the administrative rules or \$300,000, whichever is less. The amount to be collected shall be prorated as of the fiscal year ending on June 30, 2014, among all acute care hospitals licensed under RSA 151. Funds collected under this section shall be deposited in the general fund.

151-I:12 Application of Other Laws. The requirements of this chapter shall be in addition to the requirements in RSA 7:19-b and RSA 151-C, if otherwise applicable.

Energy and Natural Resources

March 19, 2014

2014-1096s

06/03

Amendment to SB 324

Amend RSA 363-A:1 as inserted by section 1 of the bill by replacing it with the following:

363-A:1 Ascertainment of Expenses. The public utilities commission shall annually, after the close of the fiscal year, ascertain the total of its expenses during such year incurred in the performance of its duties relating to public utilities as defined in RSA [362:2] **362 and other entities subject to its regulatory and enforcement authority** and relating to the office of the consumer advocate [~~and the allowable expenses for the council on energy~~]. In the determination of such expenses there shall be excluded the expenses which have been or may be charged and recovered under the provisions of RSA 365:37 [~~and~~], RSA 365:38, **and RSA 374-F:7, I.**

Amend the bill by replacing section 2 with the following:

2 Assessment. RSA 363-A:2 is repealed and reenacted to read as follows:

363-A:2 Assessment.

I. The expenses thus ascertained shall be assessed against the public utilities and other entities described in this section in the manner provided in this chapter. The assessment shall be calculated by using the following revenue percentages:

(a) 100 percent of the gross utility revenue of all public utilities, except as otherwise provided in this section;

(b) 33 percent of the gross utility revenue of rural electric cooperatives for which a certificate of deregulation is on file with the commission;

(c) 33 percent of the gross utility revenue of all excepted local exchange carriers as defined in RSA 362:7, I(c), and 33 percent of the revenue of any affiliate of such a carrier received from New Hampshire retail customers for a VoIP service as defined in RSA 362:7,1(d) or an IP-enabled service as defined in RSA 362:7, I(e) that provides the voice capabilities described in RSA 362:7, I(d)(I) and (3), other than a cellular mobile radio communications service provider;

(d) 33 percent of the telephone service revenue received from New Hampshire retail customers of a provider offering a VoIP service as defined in RSA 362:7, I(d) or an IP-enabled service as defined in RSA 362:7, I(e) that provides the voice capabilities described in RSA 362:7, I(d)(1) and (3), other than a cellular mobile radio communications service provider or any entity to which subparagraph (c) applies; and

(e) 100 percent of the gross revenue of all competitive electric power suppliers and all competitive natural gas suppliers received from New Hampshire retail customers, except for any such revenue received from the members of an electric cooperative for which a certificate of deregulation is on file with the commission, with respect to which the applicable revenue percentage shall be 33 percent.

II. To facilitate the revenue calculations required under this chapter, entities described in subparagraph I(d) or their registered telecommunications carrier affiliates shall file with the commission confidential annual reports of the retail telephone service revenue of such entities, and entities described in subparagraph I(e) shall file with the commission confidential annual reports of sales volume and revenues, by customer class, and separately identifying the total revenues received from the distribution customers of each electric or natural gas distribution utility or the members of each rural electric cooperative for which a certificate of deregulation is on file with the commission. All other utilities and other assessed entities shall file information in accordance with applicable commission rules.

III. Each entity described in subparagraph I(e) shall be assessed the sum of \$15,000 on an annual basis and shall pay said assessed sum to the commission. Each electric load aggregator, each aggregator of natural gas customers, and any telecommunications carrier voluntarily registered with the commission, shall be assessed the sum of \$1,000 on an annual basis and shall pay said assessed sum to the commission.

IV. The expenses of the commission, less the total of the assessed sums paid to the commission pursuant to paragraph III, shall be allocated to each utility and other assessed entity in direct proportion as the revenue calculation for such utility or other assessed entity relates to the total of all such revenue calculations as a whole, except as otherwise provided in paragraph V.

Each such expense allocation shall be assessed against each public utility and other assessed entity in an amount equal to its proportionate share as determined under this section, except that the expense allocation attributed to each entity described in subparagraph I(e) shall be imputed to and included in the expense allocation to each electric or natural gas distribution utility or rural electric cooperative for which a certificate of deregulation is on file with the commission, in correspondence to the revenue portion reported pursuant to paragraph II as having been received from the distribution customers of such distribution utility or the members of such rural electric cooperative for which a certificate of deregulation is on file with the commission.

V. The expenses relating to the office of the consumer advocate shall be allocated to each utility or other assessed entity in direct proportion as its revenue calculation described in paragraph I bears to the total of all such revenue calculations as a whole. Each such expense allocation shall be assessed against each public utility and other assessed entity in an amount equal to its proportionate share as determined under this section, except that the expense allocation attributed to each entity described in subparagraph I(e) shall be imputed to and included in the expense allocation to each electric or natural gas distribution utility or rural electric cooperative for which a certificate of deregulation is on file with the commission, in correspondence to the revenue portion reported pursuant to paragraph II as having been received from the distribution customers of such distribution utility or the members of such rural electric cooperative for which a certificate of deregulation is on file with the commission. This paragraph shall not apply to any entity to which subparagraph I(c) or (d) applies or to any revenue of that entity.

VI. A minimum amount shall be assessed to utilities and other assessed entities described in paragraph I having minimal revenues in such proportion as the public utilities commission shall determine to be fair and equitable, provided that the minimum amount assessed to any entity to which subparagraphs I(c) or (d) applies shall not be less than \$1,000.

VII. Nothing in this chapter shall be construed to apply to any cellular mobile radio communications service or to any "information service" as defined in 47 U.S.C. section 153.

Amend RSA 363-A:5 as inserted by section 5 of the bill by replacing it with the following:

363-A:5 Exemption From Assessment. Any *public utility or other assessed entity that is not an entity to which RSA 363-A:2, I(c) or (d) applies, and that* earned less than \$10,000 in gross revenue during the preceding fiscal year shall not be liable for any assessment *pursuant to this chapter*.

Amend the bill by replacing section 6 with the following:

6 New Section; Public Utility Recovery of Assessment Costs. Amend RSA 363-A by inserting after section 5 the following new section:

363-A:6 Public Utility Recovery of Assessment Costs.

I. Assessment amounts determined with reference to the revenues of competitive electric power suppliers and all assessments against regulated electric distribution utilities and electric cooperatives for which a certificate of deregulation is on file with the commission shall be collected from electric customers through the distribution rates of the respective electric distribution utility or rural electric cooperative for which a certificate of deregulation is on file with the commission.

II. Assessment amounts determined with reference to the revenues of competitive natural gas suppliers and all assessments against regulated natural gas distribution utilities shall be collected from natural gas customers through the distribution rates of the respective natural gas distribution utility.

III. The commission shall by order establish rate recovery mechanisms for any public utility that is not either an excepted local exchange carrier, as defined in RSA 362:7, I(c), or a rural electric cooperative for which a certificate of deregulation is on file with the commission. Such rate recovery mechanisms shall adjust annually to recover any change in a utility's annual assessment.

Energy and Natural Resources

March 19, 2014

2014-1099s

06/03

Amendment to SB 325-FN-LOCAL

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

1 New Paragraph; Oil Discharge or Spillage in Surface Water or Groundwater; Definitions; Oil Pipeline Facility. Amend RSA 146-A:2 by inserting after paragraph III the following new paragraph:

III-a. "Oil pipeline facility" means any intrastate pipeline structure, or section of any interstate pipeline structure, of any kind and its related appurtenances located within the boundaries of this state that is used or capable of being used for pumping, handling, transferring, transporting, processing, refining, or storing oil;

2 Oil Pollution Control Fund. Amend RSA 146-A:11-a, I to read as follows:

I. There is hereby established the New Hampshire oil pollution control fund. This nonlapsing, revolving fund shall, at a minimum, pay the salaries and expenses of the persons specified in RSA 146-A:11, except as the legislature may otherwise determine, as well as the costs to implement the provisions of RSA 146-A which include, but are not limited to, the salaries and expenses of additional personnel to the extent that such salaries and expenses are incurred in implementing the provisions of this chapter, and the other costs of containment or removal or corrective measures deemed necessary by the department of environmental services as a result of an actual or potential oil discharge into or onto the surface water or groundwater of the state. Moneys from the fund shall be used to mitigate the adverse effects of oil discharges including, but not limited to, provision of emergency water supplies to persons affected by such pollution, and, where necessary as determined by the department of environmental services, the establishment of an acceptable source of potable water to injured third parties. Not more than 10 percent of the moneys in the fund shall be allocated annually for research programs dedicated to the development and improvement of preventive and cleanup measures concerning such oil discharges. ~~[In addition, up to \$100,000 of such 10 percent shall be allocated annually to the Piscataqua River Cooperative to train and equip personnel in oil spill response.]~~ In the event of an oil discharge, the department of environmental services may expend, with the approval of governor and council, such additional sums as are necessary to clean up the discharge except that the total amount expended may not exceed the balance in the New Hampshire oil pollution control fund. Income derived from the oil pollution control fund shall only be used for those administrative costs needed to implement RSA 146-A and any other costs cited in this section.

3 License Required. Amend RSA 146-A:11-b, III to read as follows:

III. Any person who imports or causes to be imported oil into the state and who is licensed under this chapter ~~[shall be entitled to a credit against his annual license fee assessed under this section equal to the amount of any hazardous material transporter's license fee which he has paid to the department of safety pursuant to the provisions of RSA 21-P:20 upon presenting satisfactory evidence of payment of the hazardous~~

~~material transporter's fee for any vehicles involved in the importation, transfer or transport of oil into this state. Any person licensed under this section]~~ may seek, and shall receive for valid claims, an import credit for oil which the person transfers out of state during any reporting period.

4 New Section; Oil Pipeline Facility; Spill Response Plan. Amend RSA 146-A by inserting after section 3-e the following new section:

146-A:3-f Spill Response Plan.

I. Oil pipeline facility owners shall submit a spill response plan to the department of safety that provides spill protection equivalent to or greater than a facility response plan under 49 C.F.R. section 194.101. A person who has contracted with an oil pipeline facility to provide containment and cleanup services may submit the spill response plan, on behalf of the owner, for any oil pipeline facility for which the person is contractually obligated to provide services.

II. Response plans shall, at a minimum, include the following:

(a) The number, training preparedness, and fitness of all dedicated personnel assigned to direct and implement the plan;

(b) Arrangements for the positioning of oil spill containment, cleanup equipment, and trained personnel at strategic locations from which they can be deployed to the spill site to promptly and properly remove the spilled oil; and

(c) The amount and type of equipment available to respond to a spill, where the equipment is located, and the extent to which other contingency plans rely on the same equipment.

III. Spill response plans for oil pipeline facilities shall be submitted to the department within 6 months after the department has adopted rules under this section.

IV. The department shall approve a spill response plan for an oil pipeline facility only if it determines that the plan meets the requirements set forth in this section and rules adopted by the department.

V. Upon approval of a spill response plan for an oil pipeline facility, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the oil pipeline facilities covered by the plan, and any other information the department determines should be included.

VI. An owner or operator of an oil pipeline facility shall notify the department in writing immediately of any significant change of which it is aware affecting its spill response plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a spill response plan as a result of such changes.

VII. The department by rule shall require spill response plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every 5 years.

VIII. Approval of a spill response plan by the department shall not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or any other state law.

5 New Paragraph; Rulemaking. Amend RSA 146-A:11-c by inserting after paragraph I-a the following new paragraph:

I-b. Requirements for oil pipeline facility spill response plans under RSA 146-A:3-f.

6 New Section; Severability. Amend RSA 146-A by inserting after section 17 the following new section:

146-A:18 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

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

2014-1099s

AMENDED ANALYSIS

This bill:

I. Deletes a certain allocation to equip and train personnel in oil spill response.

II. Deletes the credit for payment of the hazardous material transporter's fee.

III. Requires the owner of an oil pipeline facility to submit a spill response plan to the department of safety.

Health, Education and Human Services

March 18, 2014

2014-1059s

01/06

Amendment to SB 326-LOCAL

Amend RSA 151-E:19, II(c) as inserted by section 2 of the bill by replacing it with the following:

(c) At least 45 days before filing an action pursuant to this paragraph, the facility shall send a written notice of its intent to file the action to any person whom it intends to name as a defendant in the action.

Amend RSA 151-E:19, III(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Within 10 days of admission of the resident to the facility, such facility shall provide written notice to the resident, and to any fiduciary of the resident whose identity and mailing address are disclosed to the facility at the time of admission. The notice shall be deemed to have been completed when delivered in hand or when placed in first class United States mail to the disclosed mailing address. The notice shall contain the following information:

(1) A summary of the fiduciary's potential responsibility to apply for Medicaid under this paragraph.

(2) An explicit reference to this section of the statute.

(3) Address and telephone number of the local Medicaid office.

(4) Name, address, and telephone number of any contact person at the facility who is responsible for assisting the resident in applying for Medicaid, if the facility has such a contact person.

(c) Any action under this paragraph shall be subject to the following affirmative defenses:

(1) The facility failed to provide notice to the fiduciary as described in subparagraph (b).

(2) The fiduciary was unable to fulfill his or her duties under this paragraph due to infirmity of body or mind.

Senate Finance

March 19, 2014

2014-1074s

10/09

Amendment to SB 327-FN

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

2 Limit on Total Economic Revitalization Zone Credits; Unclaimed Credit Amounts. Amend RSA 162-N:5 to read as follows:

162-N:5 Limit on Total Economic Revitalization Zone Credits. The aggregate of tax credits issued by the commissioner of resources and economic development to all taxpayers claiming the credit shall not exceed \$825,000 for any calendar year, ***except that any amount of the credit less than \$825,000 that is not claimed in the calendar year may be issued in the next calendar year and in following years.*** Amounts carried forward pursuant to RSA 162-N:7 shall not be counted against this limit in any year in which they are applied. Notwithstanding RSA 162-N:6, the maximum credit which may be utilized by a taxpayer in any calendar year shall not exceed \$40,000. In the case in which the aggregate credits requested during the calendar year exceed [~~\$825,000~~] ***the amount available***, each taxpayer shall receive a credit for the proportional share of the maximum aggregate credit amount.

2014-1074s

AMENDED ANALYSIS

This bill extends the availability of economic revitalization zone tax credits under RSA 162-N until 2020, and allows for continuation of unclaimed credit amounts.

Energy and Natural Resources
 March 12, 2014
 2014-0985s
 06/04

Amendment to SB 337

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

IV. If the owner refuses or fails to remove a submerged vehicle or container as required by paragraph I, ***or if no owner can be identified***, the department of environmental services may contract for the removal of the vehicle or container in question. The owner of the submerged vehicle or container shall be strictly liable for the costs of removing the vehicle or container and the costs of the investigation, containment, cleanup, removal, and corrective measures associated with the discharge. The cost shall be recoverable by the state in an action of debt brought by the attorney general in the name of the state. ~~[The state]~~ ***If the owner of the vehicle or container has been identified, the contractor who removes the vehicle or container shall impound [any submerged] the recovered vehicle or container [recovered], at the expense of the owner[.]. No contractor shall release the vehicle or container to the owner until informed by the department that all costs incurred by the state have been paid by the owner of the vehicle or container or that the impounded vehicle or container otherwise may be released. Upon receiving approval from the department to release the impounded vehicle or container, the contractor shall dispose of the impounded vehicle or container in accordance with RSA 262:36-a. If no owner can be identified after reasonable efforts, the contractor who removes the vehicle or container shall deliver the vehicle or container to an appropriate salvage yard. Neither the state nor the contractor shall be liable for such delivery of the vehicle or container to anyone subsequently claiming ownership of the vehicle or container.***

Senate Finance
 March 20, 2014
 2014-1123s
 10/09

Amendment to SB 367-FN-A

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

AN ACT requiring adjustment of the road toll according to changes in the Consumer Price Index, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack, and establishing a committee to study the effectiveness and efficiency of the department of transportation.

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

1 Road Toll; Adjustment. Amend the introductory paragraph of RSA 260:32 to read as follows:

260:32 Levy of Tolls and Exemptions. There is hereby imposed a road toll of \$.18 per gallon upon the sale of each gallon of motor fuel sold by distributors thereof, ***as adjusted according to RSA 260:32-a***. The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. ***All revenues collected from adjustments under RSA 260:32-a for rates that exceed \$.18 per gallon shall be exclusively appropriated to, and expended by, the department of transportation in accordance with RSA 260:32-b.*** Provided, that the road toll shall not apply to:

2 Road Toll; Prospective Amendment. The introductory paragraph of RSA 260:32 is repealed and reenacted to read as follows:

260:32 Levy of Tolls and Exemptions. There is hereby imposed a road toll of \$.18 per gallon upon the sale of each gallon of motor fuel sold by distributors thereof. The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. Provided, that the road toll shall not apply to:

3 New Sections; Motor Vehicle Laws; Adjustment of Road Toll; Expenditure of Certain Road Toll Revenue. Amend RSA 260 by inserting after section 32 the following new sections:

260:32-a Adjustment of Road Toll; Publication. The rate for the levy of the road toll under RSA 260:32 shall be adjusted as follows:

I. The rate for the levy of the road toll under RSA 260:30 shall be adjusted, effective July 1, 2014, by multiplying the effective rate during the prior 12-month period by a fraction, the numerator being the annual average CPI for the year 2013 and the denominator being the annual average CPI for the year 2003.

II. The road toll adjustment required in paragraph I shall be calculated by the state treasurer and forwarded to the governor, president of the senate, speaker of the house of representatives, and the commissioner of the department of safety at least 30 days before the effective date of any road toll adjustment. The commissioner of the department of safety shall publish statewide the adjusted road toll rate. The state treasurer shall make the CPI and adjusted road toll calculations to 3 decimal places.

III. In this section, "CPI" means the United States Bureau of Labor Statistics Consumer Price Index for All Urban Consumers, all items, not seasonally adjusted, for the Boston, Brockton, Nashua; MA-NH-ME-CT area.

260:32-b Expenditure of Certain Road Toll Revenue.

I. For the fiscal year ending June 30, 2015, expenditure of revenues collected from adjustments under RSA 260:32-a for rates that exceed \$.18 per gallon, less required "Apportionment A" distributions under RSA 235:23, I on said revenues, shall be made for the following purposes in the following order of priority:

(a) \$12,000,000 shall be expended for the district rehabilitation program with said funds to be distributed equally among the 6 state highway districts.

(b) \$13,200,000 shall be expended for the district resurfacing program with said funds to be distributed equally among the 6 state highway districts.

(c) All remaining funds shall be for the purpose of state bridge aid for municipal bridges under RSA 234.

II. For the fiscal year ending June 30, 2016, expenditure of revenues collected from adjustments under RSA 260:32-a for rates that exceed \$.18 per gallon, less required "Apportionment A" distributions under RSA 235:23, I on said revenues, shall be made for the following purposes in the following order of priority:

(a) Debt service payments for bonds issued pursuant to RSA 6:13-d;

(b) \$8,100,000 shall be expended for the district rehabilitation program with said funds to be distributed equally among the 6 state highway districts.

(c) \$13,200,000 shall be expended for the district resurfacing program with said funds to be distributed equally among the 6 state highway districts.

(d) In addition to sums otherwise appropriated, \$6,800,000 for state bridge aid for municipal bridges under RSA 234;

(e) All remaining funds deposited into the highway and bridge betterment account under RSA 235:23-a.

III. For the fiscal year ending June 30, 2017 and each fiscal year thereafter, expenditure of revenues collected from adjustments under RSA 260:32-a for rates that exceed \$.18 per gallon, less required "Apportionment A" distributions under RSA 235:23, I on said revenues, shall be made for the following purposes in the following order of priority:

(a) Debt service payments for bonds issued pursuant to RSA 6:13-d;

(b) In addition to sums otherwise appropriated, \$6,800,000 for state bridge aid for municipal bridges under RSA 234;

(c) All remaining funds deposited into the highway and bridge betterment account under RSA 235:23-a.

4 New Section; Authority to Issue Bonds; Highway Fund. Amend RSA 6 by inserting after section 13-c the following new section:

6:13-d Authority to Borrow; Certain Transportation Projects.

I. The state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$200,000,000 and shall issue general obligation bonds in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, to provide funds for the widening of Interstate 93 from Salem, New Hampshire to Manchester, New Hampshire.

II. Payment of principal and interest on the bonds issued under paragraph I shall be paid when due from the highway funds collected and appropriated in accordance with RSA 260:32-a for rates that exceed \$.18 per gallon and expended in accordance with RSA 260:32-b.

5 Prospective Repeals. The following are repealed:

- I. RSA 260:32-a, relative to the adjustment of road toll.
- II. RSA 260:32-b, relative to expenditure of certain road toll revenue.
- III. RSA 6:13-d, relative to authority to borrow for certain transportation projects.

6 Contingency. Sections 2 and 5 of this act shall take effect on the date the state treasurer certifies to the governor, the senate president, the speaker of the house of representatives, the commissioner of the department of safety, the director of the office of legislative services, and the secretary of state that the bonds authorized in RSA 6:13-d are paid in full, or 20 years after the initial issuance of such bonds, whichever is earlier.

7 Department of Transportation; Everett Tolls Eliminated. Notwithstanding any law to the contrary, the commissioner of the department of transportation shall eliminate the northbound and southbound ramp tolls for exit 12 on the Everett turnpike in the town of Merrimack.

8 Committee Established.

I. There is established a committee to study the effectiveness and efficiency of the department of transportation.

II.(a) The members of the committee shall be as follows:

(1) Three members of the house finance committee, at least one of whom shall be a member of the minority party, appointed by the speaker of the house of representatives.

(2) Three members of the senate finance committee, at least one of whom shall be a member of the minority party, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall:

(a) Review the department of transportation's statutory duties and responsibilities.

(b) Review whether the department is effectively and efficiently fulfilling its statutory obligations.

(c) Review whether the department's current sources of funding are adequate to enable the department to fulfill its statutory obligations.

(d) Study successful practices and administrative models of other state's departments of transportation and identify best practices or models that may increase effectiveness and efficiency in New Hampshire.

(e) Review whether the department is maximizing its resources by working cooperatively with other state agencies and private entities, where appropriate.

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 senate member. The first meeting of the committee shall be held within 30 days of the effective date of this section. 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, 2014.

9 Effective Date.

I. Sections 1 and 3 of this act shall take effect on July 1, 2014.

II. Sections 2 and 5 of this act shall take effect as provided in section 6 of this act.

III. Section 4 of this act shall take effect July 1, 2015.

IV. Section 7 of this act shall take effect 60 after its passage.

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

2014-1123s

AMENDED ANALYSIS

This bill requires the adjustment in 2014 of the road toll imposed on sales of motor fuels according to changes in the Consumer Price Index and appropriates revenues for certain transportation projects. The provisions for the road toll adjustment are repealed upon completion of the bonding for the widening of Interstate 93 project. The bill eliminates certain ramp tolls on the Everett turnpike in the town of Merrimack. The bill also establishes a committee to study the effectiveness and efficiency of the department of transportation.

Senate Finance**March 19, 2014**

2014-1075s

10/09

Amendment to SB 369-FN-A

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

8 Confidentiality of Records; Exception. Amend RSA 84-A:10 to read as follows:

84-A:10 Confidentiality of Records.

I. Notwithstanding the provisions of RSA 21-J:14, the commissioner shall not be prohibited from providing tax information to the commissioner of health and human services with respect to the tax imposed by this chapter, provided that the commissioner of health and human services and his agents and employees shall be subject to the provisions of RSA 21-J:14 with respect to any tax information provided by the commissioner.

II. Notwithstanding paragraph I and the provisions of RSA 21-J:14, the commissioner of health and human services shall not be prohibited from providing tax information in accordance with department of revenue administration compacts for the exchange of information between the department of health and human services and the United States Department of Health and Human Services' Centers for Medicare and Medicaid Services, but only for the purpose of, and to the extent necessary for, the calculations of the federal waiver process under 42 C.F.R. section 433.68.

2014-1075s

AMENDED ANALYSIS

This bill removes the application of the Medicaid enhancement tax to special hospitals for rehabilitation contingent on approval of a waiver and provides an exception for the waiver process. The bill also changes payment of the tax to 4 times per year.

Senate Finance**March 20, 2014**

2014-1115s

09/05

Amendment to SB 370-FN-LOCAL

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

AN ACT relative to reimbursement of towns affected by the Merrimack River flood control compact and making an appropriation therefor.

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

1 Findings. The general court finds that:

I. On January 17, 2014 the state of New Hampshire and the Commonwealth of Massachusetts reached a settlement agreement relative to moneys owed to the state of New Hampshire under the Merrimack River flood control compact under RSA 484:7. The settlement agreement resulted in a payment of \$1,112,377.74 to the state of New Hampshire to resolve all outstanding debt under the compact up to and including state fiscal year 2012.

II. The state received a check for this amount on January 31, 2014.

2 Department of Revenue Administration; Appropriation.

I. The sum of \$1,085,344 from the \$1,112,377.74 settlement agreement dated January 17, 2014 under the Merrimack River flood control compact is hereby appropriated to the department of revenue administration. The governor is authorized to draw a warrant for the purpose of reimbursing the towns affected by the compact for state fiscal years 2012 and 2013. The department shall distribute the moneys in the manner prescribed in RSA 122:4, I. This appropriation is in addition to any other appropriations to the department. The remainder of the settlement moneys shall lapse to the general fund.

II. The department of revenue administration shall fund, under RSA 122:4, I, any shortfall in fiscal year 2015 flood control payments.

3 Repeal. 2013, 144:126, relative to flood control payments, is repealed.

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

2014-1115s

AMENDED ANALYSIS

This bill appropriates settlement agreement moneys to towns affected by the Merrimack River flood control compact.

Health, Education and Human Services

March 18, 2014

2014-1065s

05/04

Amendment to SB 384

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

AN ACT establishing a committee to study how to regulate and control synthetic drugs in New Hampshire and relative to the limitations on filling prescriptions for certain controlled drugs.

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

1 Committee Established. There is established a committee to study how to regulate and control synthetic drugs in New Hampshire.

2 Membership and Compensation.

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

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

(b) Three members of the house of representatives, one of whom shall be from the criminal justice and public safety committee, and 2 of whom shall be from the health, human services and elderly affairs committee, 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.

3 Duties.

I. The committee shall study:

(a) What substances are within the definition of synthetic drugs.

(b) The scope of the problem of synthetic drugs in New Hampshire.

(c) Federal regulation of synthetic drugs.

(d) Current efforts in New Hampshire to regulate and control synthetic drugs, including local ordinances.

(e) Ongoing efforts in other jurisdictions to regulate and control synthetic drugs.

(f) Any model legislation related to the regulation and control of synthetic drugs, including proposals from the National Alliance of State Model Drug Laws.

(g) Legislation to address the problem of synthetic drugs in New Hampshire, including appropriate sanctions for the manufacture, sale, distribution, and use of synthetic drugs.

(h) Any other issue that the committee deems relevant to the purpose of this study.

II. The committee may solicit testimony from any person or organization with information or expertise which the committee deems relevant to the object of this 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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two members of the committee shall constitute a quorum.

5 Report. 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 November 1, 2014.

6 Controlled Drug Act; Sale by Pharmacists. Amend RSA 318-B:9, IV to read as follows:

IV. No prescription shall be filled for more than a 34-day supply *or 100 dosage units, whichever is less*, upon any single filling for controlled drugs of schedules II or III; provided, however, that for controlled drugs, in schedules II or III, that are commercially packaged for dispensing directly to the patient, such as metered sprays and inhalers, liquids packaged in bottles with calibrated droppers, and certain topical preparations packaged with metered dispensing pumps may be filled for greater than a 34-day supply, but not more than 60 days, utilizing the smallest available product size, in order to maintain the dosing integrity of the commercially packaged containers; and, provided that with regard to amphetamines and methylphenidate hydrochloride, a prescription may be filled for up to a 60-day supply if either such prescription specifies it is being used for the treatment of attention deficit disorder, attention deficit disorder with hyperactivity, or narcolepsy.

7 Effective Date.

I. Section 6 of this act shall take effect 60 days after its passage.

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

2014-1065s

AMENDED ANALYSIS

This bill establishes a committee to study how to regulate and control synthetic drugs in New Hampshire. The bill also establishes an alternative limitation of 100 dosage units for filling a prescription for certain controlled drugs.

Public and Municipal Affairs

March 13, 2014

2014-0992s

05/09

Amendment to SB 387

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

AN ACT relative to exemptions from the land sales full disclosure act and relative to local land use citations.

Amend RSA 356-A:3, I-a(a) as inserted by section 1 of the bill by replacing it with the following:

(a) A subdivider of subdivided lands of no more than 50 lots, parcels, units or interests may apply to the attorney general for an exemption from the registration and annual reporting requirements of RSA 356-A:4, I and RSA 356-A:5 through RSA 356-A:9. Within 60 days of receipt of an application for exemption, the attorney general shall issue a written notice to the subdivider stating that the exemption has either been granted or denied, or the attorney general may identify deficiencies in the application. The subdivider shall have 15 days to correct the deficiencies, or a longer period mutually agreed to by the subdivider and the attorney general. If the attorney general fails to respond to the application within 60 days, the subdivider shall be deemed to have been granted an exemption. The governing body of the municipality in which the subdivision is located shall be provided notice and an opportunity to submit comments to the attorney general on any application for exemption under this paragraph.

Amend the introductory paragraph of RSA 356-A:3, I-a(b) and RSA 356-A:3, I-a(b)(1) as inserted by section 1 of the bill by replacing them with the following:

(b) A subdivider shall be entitled to an exemption from the registration and annual reporting requirements of RSA 356-A:4, I and RSA 356-A:5 through RSA 356-A:9 if the following conditions are met:

(1) The subdivision shall have no more than 50 lots, parcels, units, or interests, including any that might be added at any future time.

Amend RSA 356-A:3, I-a(b)(7) as inserted by section 1 of the bill by replacing it with the following:

(7) The purchaser or purchaser's agent shall make a personal, on-site inspection of the lot purchased prior to signing a contract or agreement to purchase.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Local Land Use Citations; Pleas by Mail. Amend RSA 676:17-b, II(h) to read as follows:

(h) The amount of the civil penalty as set forth in RSA 676:17, I[(b)], which is payable by the offender for each day the violation continued subsequent to such written notice, up to a maximum of 5 days' violation charged in one citation.

2014-0992s

AMENDED ANALYSIS

This bill exempts certain subdivided land from the registration and reporting requirements of the land sales full disclosure act. The bill also corrects an obsolete reference in the statute governing local land use citations.

Senate Executive Departments and Administration

March 20, 2014

2014-1121s

05/09

Amendment to SB 391

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

AN ACT relative to the juvenile justice advisory board; the policies and procedures of the youth development center; and a reduction in appropriation to the Sununu Youth Services Center.

Amend RSA 621-A:9, II(i) as inserted by section 1 of the bill by replacing it with the following:

(i) One justice from the judicial branch family division, specializing in juvenile justice, appointed by the administrative judge of the circuit court.

Amend RSA 621-A:9, II(m) as inserted by section 1 of the bill by replacing it with the following:

(m) A nonsupervisory employee of the youth development center, who has daily contact with children assigned to the center, appointed by the State Employees' Association of New Hampshire, Chapter 21 President.

Amend RSA 621-A:11, I-a as inserted by section 2 of the bill by replacing it with the following:

I-a. The board ***shall define the mission of the youth development center and*** shall seek information from the director of the division of juvenile justice services in the department of health and human services concerning the successes and challenges relative to the state's juvenile justice programs and services.

Amend RSA 621-A:4-a, II as inserted by section 4 of the bill by replacing it with the following:

II. The director of the youth development center shall be qualified to hold the position by reason of education and experience, which shall include: a master's degree in public administration, or criminal/juvenile justice or mental health and 5 or more years of experience in a management level position involving administrative or supervisory duties, program planning, and evaluation.

Amend the bill by replacing all after section 4 with the following:

5 Department of Health and Human Services, Sununu Youth Services Center; Reduction in Appropriation. Amend 2013, 143:14 to read as follows:

143:14 Department of Health and Human Services, Sununu Youth Services Center; Reduction in Appropriation. The department of health and human services is hereby directed to reduce state general fund ap-

appropriations to the Sununu Youth Services Center by [~~\$500,000~~] **\$231,926** for the fiscal year ending June 30, 2014 and by [~~\$750,000~~] **\$1,018,074** for the fiscal year ending June 30, 2015. [~~The department shall develop a reduction plan for the reductions required under this section and present the plan to the fiscal committee of the general court no later than September 30, 2013.~~]

6 Effective Date.

I. Sections 3 and 5 of this act shall take effect upon its passage.

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

2014-1121s

AMENDED ANALYSIS

This bill:

I. Revises the membership and duties of the juvenile justice advisory board.

II. Establishes a committee of superintendents of county jail facilities to study the youth development center.

III. Establishes education and appointment criteria for the director of the youth development center.

IV. Revises the amount the department of health and human services is directed to reduce state general fund appropriations to the Sununu Youth Services Center for the biennium ending June 30, 2015.

Health, Education and Human Services

March 18, 2014

2014-1064s

05/04

Amendment to SB 396

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

1 Definition of Child. Amend RSA 126-U:1, I to read as follows:

I. "Child" means a person who has not reached the age of 18 years and who is not under adult criminal prosecution or sentence of actual incarceration resulting therefrom, either due to having reached the age of 17 years or due to the completion of proceedings for transfer to the adult criminal justice system under RSA 169-B:24, RSA 169-B:25, or RSA 169-B:26. ***"Child" also includes a person in actual attendance at a school who is less than 22 years of age and who has not received a high school diploma.***

2 Definition of Restraint. Amend RSA 126-U:1, IV to read as follows:

IV. "Restraint" means bodily physical restriction, mechanical devices, or any device that [~~unreasonably limits~~] ***immobilizes a person or restricts the*** freedom of movement ***of the torso, head, arms, or legs.*** It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any involuntary medication. ***It is limited to actions taken by persons who are school or facility staff members, contractors, or otherwise under the control or direction of a school or facility.***

(a) "Medication restraint" occurs when a child is given medication involuntarily for the purpose of immediate control of the child's behavior.

(b) "Mechanical restraint" occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body.

(c) "Physical restraint" occurs when a manual method is used to restrict a child's freedom of movement or normal access to his or her body.

(d) Restraint shall not include:

(1) [~~Holding a child to calm or comfort the child, holding a child's hand or arm to escort the child safely from one area to another, or intervening in an ongoing assault or fight~~] ***Brief touching or holding to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur and the child voluntarily accepts the contact.***

(2) [~~Brief periods of physical restriction by person-to-person contact, without the aid of medication or mechanical restraints, accomplished with minimal force and designed either to prevent a child from~~]

~~completing an act that potentially would result in physical harm to himself or herself or to another person, or to remove a disruptive child who is unwilling to leave an area voluntarily.]~~ ***The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a child to stand, if necessary, and then walk to a safe location, so long as the child is in an upright position and moving toward a safe location.***

(3) Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.

(4) The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.

(5) The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose ***and the actor does not immobilize a child or restrict the freedom of movement of the torso, head, arms, or legs of any child.***

3 New Paragraph; Definition of Seclusion. Amend RSA 126-U:1 by inserting after paragraph V the following new paragraph:

V-a. "Seclusion" means the involuntary placement of a child alone in a place where no other person is present and from which the particular child is unable to exit, either due to physical manipulation by a person, a lock, or other mechanical device or barrier. The term shall not include the voluntary separation of a child from a stressful environment for the purpose of allowing the child to regain self-control, when such separation is to an area which a child is able to leave. Seclusion does not include circumstances in which there is no physical barrier between the child and any other person or the child is physically able to leave the place. A circumstance may be considered seclusion even if a window or other device for visual observation is present, if the other elements of this definition are satisfied.

4 New Paragraph; Definition of Use of Force. Amend RSA 126-U:1 by inserting after paragraph VI the following new paragraph:

VII. "Use of force" and "force" means the intentional touching, holding, or striking of a person by another, either directly or with the use of an implement. For purposes of the notice and reporting requirements of RSA 126-U:7, it shall not include:

(a) Brief holding or touching to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur and the child voluntarily accepts the contact;

(b) Any use of medical devices, therapeutic interventions, or passenger restraints described in RSA 126-U:1, IV(d)(2) and (3).

(c) The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a child to stand, if necessary, and then walk to a safe location, so long as the child is in an upright position and moving toward a safe location, and the child is not actively combative, assaultive, or self-injurious.

5 Written Policies. Amend RSA 126-U:2 and 126-U:3 to read as follows:

126-U:2 Written Policies Required. Each facility and school shall have a written policy and procedures for managing the behavior of children. Such policy shall describe how and under what circumstances ***seclusion or*** restraint is used and shall be provided to the parent, guardian, or legal representative of each child at such facility or school.

126-U:3 Post Admission Planning in Facilities.

I. As soon as possible after admission to a facility, the treatment staff of the facility, the child, and the child's parent or guardian shall develop a plan to:

(a) Identify the child's history of physical, sexual, or emotional trauma, if any.

(b) Identify effective responses to potential behavior or situations which will avoid the use of ***seclusion and*** restraint.

(c) Identify health conditions which may make the child vulnerable to injury while at the facility.

II. The plan described in this section is not required if the child is expected to be at the facility for fewer than 72 hours and, after conducting a reasonable inquiry, the staff of the facility is not informed of any history of the use of **seclusion or** restraint of the child.

6 Limitation on the Use of Restraint. Amend RSA 126-U:5 to read as follows:

126-U:5 Limitation of the Use of Restraint to Emergencies Only.

I. Restraint shall only be used in a school or facility to ensure the immediate physical safety of persons when there is a substantial and imminent risk of serious bodily harm to the child or others. ***The determination of whether the use of restraint is justified under this section may be made with consideration of all relevant circumstances, including whether continued acts of violence by a child to inflict damage to property will create a substantial risk of serious bodily harm to the child or others.*** Restraint [H] shall be used only by trained personnel using extreme caution when all other interventions have failed or have been deemed inappropriate.

II. Restraint shall never be used explicitly or implicitly as punishment for the behavior of a child.

7 New Sections; Limitation on the Use of Seclusion. Amend RSA 126-U by inserting after section 5 the following new sections:

126-U:5-a Limitation on the Use of Seclusion.

I. Seclusion may not be used as a form of punishment or discipline. It may only be used when a child's behavior poses a substantial and imminent risk of physical harm to the child or to others, and may only continue until that danger has dissipated.

II. Seclusion shall only be used by trained personnel after other approaches to the control of behavior have been attempted and been unsuccessful, or are reasonably concluded to be unlikely to succeed based on the history of actual attempts to control the behavior of a particular child.

III. Seclusion shall not be used in a manner that that unnecessarily subjects the child to the risk of ridicule, humiliation, or emotional or physical harm.

126-U:5-b Conditions of Seclusion.

I. When permitted by this chapter, seclusion may only be imposed in rooms which:

(a) Are of a size which is appropriate for the chronological and developmental age, size, and behavior of the children placed in them.

(b) Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which they are located.

(c) Are equipped with heating, cooling, ventilation, and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which they are located.

(d) Are free of any object that poses a danger to the children being placed in the rooms.

(e) Have doors which are either not equipped with locks, or are equipped with devices that automatically disengage the lock in case of an emergency. For the purposes of this subparagraph, an "emergency" includes, but is not limited to:

(1) The need to provide direct and immediate medical attention to a child;

(2) Fire;

(3) The need to remove a child to a safe location during a building lockdown; or

(4) Other critical situations that may require immediate removal of a child from seclusion to a safe location.

(f) Are equipped with unbreakable observation windows or equivalent devices to allow the safe, direct, and uninterrupted observation of every part of the room.

II. Each use of seclusion shall be directly and continuously visually and auditorially monitored by a person trained in the safe use of seclusion.

126-U:5-c Room Confinement at the Youth Development Center. Notwithstanding any other provision of this chapter, the youth development center may confine children in their rooms when such confinement is part of a routine practice applicable to substantial portions of the population at the center and not imposed as a consequence in response to the behavior of one or more children. Such confinement is not subject to the notice and reporting requirements of RSA 126-U:7.

8 New Section; Notice and Record-Keeping Requirements for Foster Family Homes. Amend RSA 126-U by inserting after section 7 the following new section:

126-U:7-a Notice and Record-Keeping Requirements for Foster Family Homes. Notwithstanding RSA 126-U:7, foster family homes, as defined in RSA 170-E:25, shall keep records and provide notice of incidents involving seclusion or the use of force, including restraint, according to rules adopted pursuant to RSA 541-A by the commissioner of the department of human services. The rules shall provide for timely notice to parents or guardians, which may be provided through the department. In cases involving serious injury or death to a child subject to seclusion or the use of force, including restraint, in a foster home, the rules shall provide for timely notification to the commissioner of the department of health and human services, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities.

9 Notice and Record-Keeping Requirements; Investigations and Review. Amend RSA 126-U:7 through 126-U:10 to read as follows:

126-U:7 Notice and Record-Keeping Requirements.

I. Unless prohibited by court order, the facility or school shall, ~~[within 24 hours,]~~ make reasonable efforts to verbally notify the child's parent or guardian and guardian ad litem whenever ***seclusion or any use of force, including*** restraint has been used on the child. ***Such notification shall be made as soon as practicable and in no event later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time.***

II. A facility employee or school employee who uses ***seclusion, force, or*** restraint, or if the facility employee or school employee is unavailable, a supervisor of such employee, shall, within 5 business days after the occurrence, submit a written notification containing the following information to the director or his or her designee:

- (a) The date, time, and duration of the use of ***seclusion, force, or*** restraint.
- (b) A description of the actions of the child before, during, and after the occurrence.
- (c) A description of any other relevant events preceding the use of ***seclusion, force, or*** restraint, including the justification for initiating the use of restraint.
- (d) The names of the persons involved in the occurrence.
- (e) A description of the actions of the facility or school employees involved before, during, and after the occurrence.
- (f) A description of any interventions used prior to the use of the ***seclusion, force, or*** restraint.
- (g) A description of the ***seclusion, force, or*** restraint used, including any hold used and the reason the hold was necessary.
- (h) A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the use of ***seclusion, force, or*** restraint.
- (i) A description of any property damage associated with the occurrence.
- (j) A description of actions taken to address the emotional needs of the child during and following the ~~[restraint]~~ incident.
- (k) A description of future actions to be taken to control the child's problem behaviors.
- (l) The name and position of the employee completing the notification.
- (m) The anticipated date of the final report.

III. Unless prohibited by court order, the director or his or her designee shall, within 2 business days of receipt of the notification required in paragraph II, send or transmit by first class mail or electronic transmis-

sion to the child's parent or guardian and the guardian ad litem the information contained in the notification. Each notification prepared under this section shall be retained by the school or facility for review in accordance with rules adopted under RSA 541-A by the state board of education and the department of health and human services.

126-U:8 Review of Restraint Records by Department of Education.

I. The state board of education shall adopt rules, pursuant to RSA 541-A, *relative to:*

(a) ~~[Establishing a process for]~~ Periodic, regular review *by the department of education* of records ~~[of restraint usage kept by schools and]~~ *maintained by schools relative to the use of seclusion, force, and restraint.*

(b) ~~[Providing a process for complaints and investigations of reports]~~ *A process for the department of education's receipt of complaints and its conduct of investigations* of improper use of *seclusion, force, and* restraint in schools. *The process shall provide for:*

(1) *Investigation of complaints regarding any violation of this chapter, regardless of whether injury results.*

(2) *Investigation by persons not affiliated with the school district which is the subject of the complaint.*

(3) *Resolution of complaints and completion of investigations within 30 days, with provision for limited extensions for good cause.*

(4) *Protection of children before and after completion of the investigation.*

(5) *Appropriate remedial measures to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of this chapter.*

II. Beginning November 1, 2010, and each November 1 thereafter, the state board of education shall provide an annual report to the ~~[chairperson of the children and family law committee of the]~~ *chairpersons of the education committees of the senate and* house of representatives regarding the use of *seclusion, force, and* restraint in schools. The annual report shall be prepared from the periodic, regular review of such records, and shall include the number and location of reported incidents and the status of any outstanding investigations.

126-U:9 Review of Restraint Records by Department of Health and Human Services.

I. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, *relative to:*

(a) ~~[Establishing a process for]~~ Periodic, regular review ~~[of]~~ *by the department of health and human services* of records ~~[of restraint usage kept]~~ *maintained* by facilities *regarding the use of seclusion, force, and restraint.* ~~[and providing a process for complaints and investigations of reports]~~

(b) *A process for the department's receipt of complaints and its conduct of investigations of reports* of improper use of *seclusion, force, and* restraint in facilities, which may be through the department of health and human services, office of the ombudsman, or otherwise. *The process shall provide for:*

(1) *Investigation of complaints regarding any violation of this chapter, regardless of whether injury results.*

(2) *Investigation by persons not affiliated with the facility which is the subject of the complaint.*

(3) *Resolution of complaints and completion of investigations within 30 days, with provision for limited extensions for good cause.*

(4) *Protection of children before and after completion of the investigation.*

(5) *Appropriate remedial measures to address physical and other injuries, protect against retaliation, and reduce the incidence of violations of this chapter.*

II. Beginning November 1, 2010, and each November 1 thereafter, the commissioner of the department of health and human services shall provide an annual report to the ~~[chairperson of the children and family law~~

committee of the house of representatives] ***committees of the house of representatives and the senate with jurisdiction over health and human services and over children and family law***, regarding the use of ***seclusion and force, including*** restraint in facilities. The annual report shall be based on the periodic, regular review of such records and shall include the number and location of reported incidents and the status of any outstanding investigations.

126-U:10 Injury or Death During Incidents of [Restraint] ***Seclusion or Use of Force***.

I. In cases involving serious injury or death to a child subject to [restraint] ***seclusion or the use of force*** in a facility, the facility shall, in addition to the provisions of RSA 126-U:7, notify the commissioner of the department of health and human services, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the notification required in RSA 126-U:7, II. ***The department of health and human services shall annually notify facilities of their responsibilities under this section and provide contact information for the persons to be notified.***

II. In cases involving serious injury or death to a child subject to [restraint] ***seclusion or the use of force*** in a school, the school shall, in addition to the provisions of RSA 126-U:7, notify the commissioner of the department of education, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the written notification required in RSA 126-U:7, II. ***The department of education shall annually notify schools of their responsibilities under this section and provide contact information for the persons to be notified.***

10 New Section; School Review of Restraint and Seclusion Incidents. Amend RSA 126-U by inserting after section 13 the following new section:

126-U:14 School Review Following the Use of Restraint or Seclusion. Upon information that restraint or seclusion has been used for the first time upon a child with a disability as defined in RSA 186-C:2, I or a child who is receiving services under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 701, and its implementing regulations, the school shall review the individual educational program and/or Section 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion. A parent or guardian of a child with a disability may request such a review at any time following an instance of restraint or seclusion and such request shall be granted if there have been multiple instances of restraint or seclusion since the last review.

11 Rulemaking. The state board of education and department of health and human services shall commence rulemaking under RSA 541-A, as required by RSA 126-U:7-a, RSA 126-U:8, and RSA 126-U:9, no later than 60 days after the effective date of this act. Such rulemaking shall include the modification of existing rules to achieve compliance with this act.

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

Senate Executive Departments and Administration

March 20, 2014

2014-1120s

05/10

Amendment to SB 399

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

AN ACT relative to ethics in public contracting and establishing a committee to study state procurement.

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

1 New Chapter; Ethics in Public Contracting. Amend RSA by inserting after chapter 21-U the following new chapter:

CHAPTER 21-V ETHICS IN PUBLIC CONTRACTING

21-V:1 Statement of Policy.

I. Public employment is a public trust. It is the policy of the state of New Hampshire to promote and balance the objective of protecting government integrity and the objective of facilitating the recruitment and retention of personnel needed by the purchasing agency. Such policy is implemented by prescribing essential standards of ethical conduct without creating unnecessary obstacles to entering public service.

II. Public employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the purchasing agency procurement organization.

III. To achieve the purpose of this chapter, it is essential that those doing business with the purchasing agency also observe the ethical standards prescribed in this chapter and in rules adopted under RSA 541-A by the executive branch ethics committee, established in RSA 21-G:29.

21-V:2 General Standards of Ethical Conduct.

I. Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of a public trust. In order to fulfill this general prescribed standard, employees shall also meet the specific standards set forth in RSA 21-V:4 through RSA 21-V:10.

II. Any effort to influence any public employee to breach the standards of ethical conduct set forth in this section and in RSA 21-V:4 through RSA 21-V:10 is also a breach of ethical standards.

21-V:3 Criminal Sanctions. To the extent that violations of the ethical standards of conduct set forth in this chapter constitute violations of the state criminal code, they shall be punishable as provided therein. Such sanctions shall be in addition to the civil remedies provided in this chapter.

21-V:4 Employee Conflict of Interest.

I. It shall be a breach of ethical standards for any employee to participate directly or indirectly in a procurement when the employee knows that:

(a) The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;

(b) A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or

(c) Any other person, business, or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

II. Where an employee or any member of the employee's immediate family holds a financial interest in a blind trust, the employee shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest, provided that disclosure of the existence of the blind trust has been made to the executive branch ethics committee.

III. Upon discovery of an actual or potential conflict of interest, an employee shall promptly file a written statement of disqualification and shall withdraw from further participation in the transaction involved. The employee may, at the same time, apply to the executive branch ethics committee in accordance with RSA 21-V:13, II for an advisory opinion as to what further participation, if any, the employee may have in the transaction.

IV. Notice of this prohibition shall be provided in accordance with rules adopted under RSA 541-A by the executive branch ethics committee.

21-V:5 Employee Disclosure Requirements.

I. Any employee who has, or obtains any benefit from, any purchasing agency contract with a business in which the employee has a financial interest shall report such benefit to the executive branch ethics committee; provided, however, this section shall not apply to a contract with a business where the employee's interest in the business has been placed in a disclosed blind trust.

II. Any employee who knows or should have known of such benefit, and fails to report such benefit to the executive branch ethics committee, is in breach of the ethical standards of this section.

III. Notice of this requirement shall be provided in accordance with rules adopted under RSA 541-A by the executive branch ethics committee.

21-V:6 Gratuities and Kickbacks.

I. It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval,

disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor.

II. It shall be a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

III. The prohibition against gratuities and kickbacks prescribed in this section shall be conspicuously set forth in every contract and solicitation therefor.

21-V:7 Prohibition Against Contingent Fees.

I. It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a purchasing agency contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

II. Every person, before being awarded a purchasing agency contract, shall represent, in writing, that such person has not retained anyone in violation of paragraph I. Failure to do so constitutes a breach of ethical standards.

III. The representation prescribed in paragraph II shall be conspicuously set forth in every contract and solicitation therefor.

21-V:8 Restrictions on Employment of Present and Former Employees.

I. Except as may be permitted by rules adopted by the executive branch ethics committee under RSA 541-A, it shall be a breach of ethical standards for any employee who is participating directly or indirectly in the procurement process to become or be, while such an employee, the employee of any person contracting with the governmental body by whom the employee is employed. Notice of this provision shall be provided in accordance with rules adopted under RSA 541-A by the executive branch ethics committee.

II.(a) Permanent disqualification of former employee personally involved in a particular matter. It shall be a breach of ethical standards for any former employee knowingly to act as a principal, or as an agent for anyone other than the purchasing agency, in connection with any:

- (1) Judicial or other proceeding, application, request other determination;
- (2) Contract;
- (3) Claim; or

(4) Charge or controversy, in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while an employee, where the purchasing agency is a party or has a direct and substantial interest.

(b) One year representation restriction regarding matters for which a former employee was officially responsible. It shall be a breach of ethical standards for any former employee, within one year after cessation of the former employee's official responsibility, knowingly to act as a principal, or as an agent for anyone other than the purchasing agency, in connection with any:

- (1) Judicial or other proceeding, application, request for a ruling, or other determination;
- (2) Contract;
- (3) Claim; or

(4) Charge or controversy, in matters which were within the former employee's official responsibility, where the purchasing agency is a party or has a direct or substantial interest.

III. It shall be a breach of ethical standards for a business in which an employee has a financial interest knowingly to act as a principal, or as an agent for anyone other than the purchasing agency, in connection with any:

- (a) Judicial or other proceeding, application, request for a ruling, or other determination;
- (b) Contract;

(c) Claim; or

(d) Charge or controversy, in which the employee either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of the employee's official responsibility, where the purchasing agency is a party or has a direct and substantial interest.

IV. Selling to the purchasing agency after termination of employment is prohibited. It shall be a breach of ethical standards for any former employee, unless the former employee's last annual salary did not exceed the amount specified by the executive branch ethics committee to engage in selling or attempting to sell supplies, services, or construction to the purchasing agency for one year following the date employment ceased.

V. The term "sell" as used in this section means signing a bid, proposal, or contract; negotiating a contract; contacting any employee for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person; provided, however, that this section is not intended to preclude a former employee from accepting employment with private industry solely because the former employee's employer is a contractor with this purchasing agency, nor shall a former employee be precluded from serving as a consultant to this purchasing agency.

21-V:9 Use of Confidential Information. It shall be a breach of ethical standards for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

21-V:10 Civil and Administrative Remedies Against Employees Who Breach Ethical Standards.

I. Civil and administrative remedies against employees which are in existence on the effective date of this chapter shall not be impaired.

II. In addition to existing remedies for breach of the ethical standards of this chapter or rules adopted by the executive branch ethics committee under RSA 541-A, the committee may impose any one or more of the following:

- (a) Oral or written warnings or reprimands;
- (b) Recommend suspension with or without pay for specified periods of time; and
- (c) Recommend termination of employment.

III. The value of anything received by an employee in breach of the ethical standards of this chapter or rules adopted by the committee under RSA 541-A shall be recoverable by the purchasing agency as provided in RSA 21-V:12.

IV. All procedures under this section shall be in accordance with due process requirements and existing law. In addition, notice and an opportunity for a hearing shall be provided prior to imposition of any suspension or termination of employment.

21-V:11 Civil and Administrative Remedies Against Non-Employees Who Breach Ethical Standards.

I. Civil and administrative remedies against non-employees which are in existence on the effective date of this chapter shall not be impaired.

II. In addition to existing remedies for breach of the ethical standards of this chapter or rules adopted by the executive branch ethics committee under RSA 541-A, the executive branch ethics committee may impose any one or more of the following:

- (a) Written warnings or reprimands;
- (b) Termination of transactions; and
- (c) Debarment or suspension from being a contractor or subcontractor under purchasing agency contracts.

III. The value of anything transferred in breach of the ethical standards of this chapter or rules adopted by the committee under RSA 541-A by a non-employee shall be recoverable by the purchasing agency as provided in RSA 21-V:12.

IV. Debarment or suspension may be imposed by the executive branch ethics committee in accordance with due process procedures established by the committee, provided that such action may not be taken without the concurrence of the attorney general.

V. All procedures under this section shall be in accordance with due process requirements, including, but not limited to, a right to notice and an opportunity for a hearing prior to imposition of any termination, debarment, or suspension from being a contractor or subcontractor under a purchasing agency contract.

21-V:12 Recovery of Value Transferred or Received in Breach of Ethical Standards.

I. The value of anything transferred or received in breach of the ethical standards of this chapter or rules adopted by the executive branch ethics committee under RSA 541-A by an employee or a non-employee may be recovered from both the employee and non-employee.

II. Upon a showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the purchasing agency and will be recoverable hereunder from the recipient. In addition, said value may also be recovered from the subcontractor making such kickbacks. Recovery from one offending party shall not preclude recovery from other offending parties.

21-V:13 Oversight and Enforcement by the Executive Branch Ethics Committee.

I. The executive branch ethics committee, established in RSA 21-G:28, shall adopt rules under RSA 541-A relative to implementation of this chapter.

II. On written request of employees or contractors, the executive branch ethics committee may render written advisory opinions regarding the appropriateness of the course of conduct to be followed in proposed transactions. Such requests and advisory opinions shall be duly published in the manner in which interpretive rulings and advisory opinions of the committee are published. Compliance with requirements of a duly promulgated advisory opinion of the executive branch ethics committee shall be deemed to constitute compliance with the ethical standards of this chapter.

III. On written request of an employee, the executive branch ethics committee may grant an employee a written waiver from the application of RSA 21-V:4 and grant permission to proceed with the transaction to such extent and upon such terms and conditions as may be specified. Such waiver and permission may be granted when the interests of the purchasing agency so require or when the ethical conflict is insubstantial or remote.

21-V:14 Appeal of Decisions of the Executive Branch Ethics Committee. A decision of the executive branch ethics committee under RSA 21-V:10 or RSA 21-V:11 shall be subject to rehearing and appeal in accordance with the RSA 541.

2 Executive Branch Ethics Committee. Amend RSA 21-G:29, II to read as follows:

II. The jurisdiction of the committee shall consist of matters arising under the executive branch code of ethics, RSA 21-G:21-27, RSA 15-A, RSA 15-B, and rules or guidelines adopted thereunder, as applied to executive branch officials who are not classified employees. ***The committee also shall have jurisdiction over matters arising under RSA 21-V, relative to ethics in public contracting.***

3 New Paragraph; Duties of the Executive Branch Ethics Committee. Amend RSA 21-G:30 by inserting after paragraph I the following new paragraph:

I-a. The committee shall adopt rules under RSA 541-A relative to administration and enforcement of RSA 21-V, regarding ethics in public contracting.

4 Committee to Study State Procurement Established. There is established a committee to study state procurement.

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

(a) Two members of the senate, appointed by the president of the senate, one of whom shall be a member of the senate executive departments and administration committee and one of whom shall be a member of the senate finance committee.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be members of the house executive departments and administration committee and one of whom shall be a member of the house finance committee.

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 and develop standards and methods for a centralized system of state procurement. The study shall include examination of procurement procedures of other states; identification of potential conflicts within New Hampshire state procurement laws; and consideration of the State of New Hampshire Service Contracting Performance Audit Report, dated March 2009.

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 senate 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 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 November 1, 2014.

5 Effective Date.

I. Section 4 of the act shall take effect upon its passage.

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

2014-1120s

AMENDED ANALYSIS

This bill regulates ethics in public contracting and establishes a committee to study state procurement.

Senate Finance

March 19, 2014

2014-1090s

05/04

Amendment to SB 409-FN-A-LOCAL

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

AN ACT making an appropriation to the department of safety for disaster assistance grants.

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

1 Appropriation; State Matching Funds for Disaster Assistance Grants. In response to the severe winter storm and wind damage sustained by communities in February of 2010 (DR 1892), severe storm and flooding damage sustained by communities in March of 2010 (DR 1913), severe storm and flooding damage sustained by communities in May of 2011 (DR 4006), tropical storm Irene damage sustained by communities in September of 2011 (EM 3333 and DR 4026), severe storm and snowstorm damage sustained by communities in October of 2011 (DR 4049), severe storm and flooding damage sustained by communities in October of 2012 (DR 4095), hurricane Sandy damage sustained by communities in October of 2012 (EM 3360), severe winter storm damage sustained by communities in February of 2013 (DR 4105), and flooding and landslide damage sustained by communities in July of 2013 (DR 4139), the amount of \$4,976,845 is hereby appropriated to the department of safety, division of homeland security and emergency management, for the fiscal year ending June 30, 2016, as the state match for federal disaster assistance funds from the federal emergency management agency (FEMA). Funds appropriated in this section are for non-state agencies, including but not limited to municipalities and school districts. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds appropriated in this section shall not lapse to the general fund until June 30, 2016.

2 Effective Date. This act shall take effect July 1, 2015.

2014-1090s

AMENDED ANALYSIS

This bill makes an appropriation to the department of safety for disaster assistance grants to certain non-state agencies that sustained severe storm damage between 2010 and 2013.

Senate Finance
March 19, 2014
2014-1078s
09/01

Amendment to SB 416-FN-A

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

AN ACT relative to highway fund appropriations and establishing a committee to study the effectiveness and efficiency of the department of transportation.

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

4 Committee Established.

I. There is established a committee to study the effectiveness and efficiency of the department of transportation.

II.(a) The members of the committee shall be as follows:

(1) Three members of the house finance committee, at least one of whom shall be a member of the minority party, appointed by the speaker of the house of representatives.

(2) Three members of the senate finance committee, at least one of whom shall be a member of the minority party, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall:

(a) Review the department of transportation's statutory duties and responsibilities.

(b) Review whether the department is effectively and efficiently fulfilling its statutory obligations.

(c) Review whether the department's current sources of funding are adequate to enable the department to fulfill its statutory obligations.

(d) Study successful practices and administrative models of other state's departments of transportation and identify best practices or models that may increase effectiveness and efficiency in New Hampshire.

(e) Review whether the department is maximizing its resources by working cooperatively with other state agencies and private entities, where appropriate.

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 senate member. The first meeting of the committee shall be held within 30 days of the effective date of this section. 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, 2014.

2014-1078s

AMENDED ANALYSIS

This bill prohibits certain allocations of highway funds to the judicial branch, the department of justice, and the office of the commissioner and division of administration within the department of safety. The bill also establishes a committee to study methods of maintaining highway fund integrity, and a committee to study the effectiveness and efficiency of the department of transportation.

Energy and Natural Resources
March 19, 2014
2014-1097s
06/01

Amendment to SB 417

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

AN ACT relative to information provided to electric utility customers.

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

1 Public Utilities Commission; Meeting and Report.

I. The public utilities commission shall convene the electric utilities within 30 days of the effective date of this act to determine the most effective and appropriate means to provide customers with information explaining the system benefits charge, the renewable portfolio standard requirements, and the regional greenhouse gas initiative. The commission shall work with the utilities to determine the best way to help customers understand the administration of these programs.

II. The commission shall submit a report of its findings and recommendations to the speaker of the house of representatives, the president of the senate, the energy and natural resources committee, the science, technology and energy committee, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

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

2014-1097s

AMENDED ANALYSIS

This bill requires the public utilities commission to convene the electric utilities to determine the most effective way to provide certain information to customers.

Senate Judiciary

March 11, 2014

2014-0971s

06/01

Amendment to SB 419

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

I. The medical malpractice panel and insurance oversight committee established by 2011, 241:

(a) Recommends further study of costs and remedies to include a possible enhanced role of mediation, further analysis of the panel process, and a pre- and post-suit resolution process.

(b) Recommends continued oversight of the panel process and the collection and evaluation of data from the judicial branch and the insurance department and recommends that the committee be extended.

Commerce

March 18, 2014

2014-1069s

01/09

Amendment to SB 422

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

1 Managed Care Law; Definition Added. Amend RSA 420-J:3, XXVIII-a to read as follows:

XXVIII-a. "Pharmacy benefits manager" means a person who performs pharmacy benefits management services, including a person acting on behalf of a pharmacy benefits manager in a contractual or employment relationship in the performance of pharmacy benefits management services for a covered entity. "Pharmacy benefits manager" shall not include a health insurer licensed in this state if the health insurer or its subsidiary is providing pharmacy benefits management services exclusively to its own insureds, or a private single employer self-funded plan that provides such benefits or services directly to its beneficiaries. "Pharmacy benefits management" means the administration of prescription drug benefits provided by a covered entity under the terms and conditions of the contract between the pharmacy benefits manager and the covered entity and the provision of mail order pharmacy services.

XXVIII-aa. "Post-service claim" means any claim for a health benefit to which the terms of the plan do not condition receipt of the benefit, in whole or in part, on approval of the benefit in advance of obtaining the medical care or disability benefit. "Post-service claim" shall not include a request for reimbursement made by a provider pursuant to the terms of an agreement between the provider and the health carrier.

2 Pharmacists and Pharmacies; Definition Added. Amend RSA 318:1, XI-a to read as follows:

XI-a. ***“Pharmacy benefits manager” means any person or entity as defined in RSA 420-J:3, XXVIII-a.***

XI-aa. “Pharmacy intern” means a person who is registered by the board pursuant to RSA 318:15-b and:

(a) Is enrolled in a professional degree program of a school or college of pharmacy that has been approved by the board and is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist starting no earlier than 4 months prior to the third year of study; or

(b) Is a graduate of an approved professional degree program of a school or college of pharmacy or is a graduate who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee (FPGEC) Certificate, who is currently licensed by the board of pharmacy for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist; or

(c) Is a qualified applicant awaiting examination for licensure or meeting board requirements for re-licensure; or

(d) Is participating in a residency or fellowship program.

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

HEARINGS

TUESDAY, MARCH 25, 2014

COMMERCE, Room 101, LOB

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

1:00 p.m. **HB 1308-FN**, adding a member to the advisory council on workers’ compensation.
 1:15 p.m. **HB 1404**, relative to payroll cards.
 1:35 p.m. **HB 1405**, prohibiting an employer from using credit history in employment decisions.
 1:55 p.m. **HB 1407**, relative to privacy in the workplace.
 2:15 p.m. **HB 1188**, relative to paycheck equity.
 2:40 p.m. **HB 1174**, establishing a committee to study the payment of subminimum wages to persons with disabilities.

EXECUTIVE SESSION MAY FOLLOW

HEALTH, EDUCATION AND HUMAN SERVICES, Room 103, LOB

Sen. Stiles (C), Sen. Reagan (VC), Sen. Gilmour, Sen. Kelly, Sen. Sanborn

9:00 a.m. **HB 1132-FN**, relative to school building security.
 9:20 a.m. **HB 1260-FN-L**, relative to communication of the cost of services provided under the children in need of services (CHINS) program to parents.
 9:40 a.m. **HB 1113**, requiring school districts to distribute a concussion and head injury information sheet to student-athletes and establishing a definition for head injury.
 10:00 a.m. **HB 1116**, relative to the membership of the advanced manufacturing education advisory council.
 10:20 a.m. **HB 1392-FN-L**, removing the restriction on the number of pupils eligible to transfer to a chartered public school.

EXECUTIVE SESSION MAY FOLLOW

JUDICIARY, Room 100, SH

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

9:00 a.m. **HB 1125-FN**, repealing the crime of adultery.
 9:15 a.m. **HB 1137-FN**, relative to annulment of certain obstruction of justice crimes and relative to the crime of escape.

- 9:30 a.m. **HB 1533-FN**, requiring a warrant to search information in a portable electronic device.
- 9:45 a.m. **HB 1144**, establishing a committee to study information included in arrest records and access to information on the disposition of criminal cases.
- 10:00 a.m. **HB 1289**, relative to interference with custody.
EXECUTIVE SESSION MAY FOLLOW

TRANSPORTATION, Room 103, LOB

Sen. Rausch (C), Sen. Gilmour (VC), Sen. Boutin, Sen. Stiles, Sen. Watters

- 1:00 p.m. **HB 1389**, naming a bridge in Derry the Lance Corporal Michael E. Geary bridge.
- 1:15 p.m. **HB 1104-FN**, relative to railroad motorcars.
- 1:30 p.m. **HB 1150-FN**, relative to motor vehicle dealer and inspection station licenses.
- 1:45 p.m. **HB 1249**, relative to refunds of the road toll paid by an exempt governmental entity using a credit or fuel card.
- 2:00 p.m. **HB 1301**, relative to transportation of alcoholic beverages by a minor.
EXECUTIVE SESSION MAY FOLLOW

WAYS AND MEANS, Room 103, SH

Sen. Odell (C), Sen. D'Allesandro (VC), Sen. Hosmer, Sen. Morse, Sen. Rausch

- 9:00 a.m. **HB 1195**, establishing a committee to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities, and the economy.
- 9:15 a.m. **HB 1333**, establishing a committee to study the feasibility of prorating the elderly property tax exemption in certain cases.
- 9:30 a.m. **HB 427**, relative to tobacco tax laws.
- 9:45 a.m. **HB 459**, relative to poker in private residences.
- 10:00 a.m. **HB 485-FN-A**, establishing keno.
EXECUTIVE SESSION MAY FOLLOW

WEDNESDAY, MARCH 26, 2014

ENERGY AND NATURAL RESOURCES, Room 101, LOB

Sen. Prescott (C), Sen. Odell (VC), Sen. Bradley, Sen. Fuller Clark, Sen. Woodburn

- 9:00 a.m. **HB 1178**, relative to the sale and transfer of animals from animal shelters.
- 9:15 a.m. **HB 1197**, permitting the construction of a dam at the natural outlet of Jenness Pond in the town of Northwood.
- 9:30 a.m. **HB 1290-FN**, allowing nonresident full-time students to purchase licenses for hunting and fishing.
- 9:45 a.m. **HB 1295**, relative to the definition of livestock.
- 10:00 a.m. **HB 1367**, relative to the sale of birds.
EXECUTIVE SESSION MAY FOLLOW

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, SH

Sen. Carson (C), Sen. Cataldo (VC), Sen. Reagan, Sen. Soucy, Sen. Watters

- 9:00 a.m. **HB 421**, relative to regulation of real estate brokerage and sales by the real estate commission.
- 9:20 a.m. **HB 654-FN**, relative to licensure and renewal fees.
- 9:40 a.m. **HB 685**, relative to state agency communications.
- 10:00 a.m. **HB 1102**, relative to membership of the police standards and training council.
- 10:20 a.m. **HB 1222**, prohibiting commercial use of the law enforcement and fallen firefighters memorials.
EXECUTIVE SESSION MAY FOLLOW

PUBLIC AND MUNICIPAL AFFAIRS, Room 102, LOB

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

- 9:30 a.m. **HB 1261-FN-L**, increasing the fee charged for delivery of notice of civil forfeiture of an unlicensed dog.
- 9:45 a.m. **HB 1246**, relative to the composition of public agency boards concerning housing standards.
- 10:00 a.m. **HB 1190**, relative to approval of budget transfers in Hillsborough county.
- 10:15 a.m. **HB 1460**, relative to the date of appointment of inspectors of election.
- 10:30 a.m. **HB 1322**, relative to the definition of “party” for election purposes.
- EXECUTIVE SESSION MAY FOLLOW**

TUESDAY, APRIL 1, 2014**JUDICIARY, Room 100, SH**

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

- 9:00 a.m. **HB 590**, relative to the unauthorized practice of law.
- 9:20 a.m. **HB 1143**, relative to the New Hampshire Law Against Discrimination.
- 10:00 a.m. **HB 1274**, relative to the payment of rent and security deposits.
- 10:30 a.m. **HB 1435**, requiring law enforcement officials to disclose specific information relating to a police checkpoint.
- EXECUTIVE SESSION MAY FOLLOW**

THURSDAY, APRIL 3, 2014**JUDICIARY, Room 100, SH**

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

- 9:00 a.m. **HB 1170-FN**, repealing the death penalty in New Hampshire.
- EXECUTIVE SESSION MAY FOLLOW**

MEETINGS***FRIDAY, MARCH 21, 2014*****JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

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| 9:00 a.m. | Rooms 305-307, LOB | Regular Meeting |
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FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a)

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|------------|--------------------|------------------|
| 10:00 a.m. | Rooms 210-211, LOB | Regular Business |
| 10:30 a.m. | Rooms 210-211, LOB | Audits |
- State of New Hampshire Lottery
Commission Management Letter For
the Fiscal Year Ended June 30, 2013
- State of New Hampshire Liquor
Commission Management Letter For
the Fiscal Year Ended June 30, 2013
- State of New Hampshire Turnpike
System Management Letter For the
Fiscal Year ended June 30, 2013
- State of New Hampshire State
Treasury Financial Audit Report For
the Fiscal Year Ended June 30, 2013

COASTAL RISK AND HAZARDS COMMISSION (RSA 483-E:1)

10:00 a.m.	Seashell Pavilion Hampton Beach, NH	Regular Meeting
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GUARDIAN AD LITEM BOARD (RSA 490-C:1)

10:30 a.m.	Room 101, LOB	Non-Public Session on the Complaint Review Committee
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GUARDIAN AD LITEM BOARD (RSA 490-C:1)

12:00 p.m. Room 101, LOB Regular Meeting

MONDAY, MARCH 24, 2014

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

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

FRIDAY, MARCH 28, 2014

ASSESSING STANDARDS BOARD (RSA 21-J:14-a)

9:00 a.m.	Room 301, LOB	Equalization Subcommittee Meeting followed by a Regular Board Meeting
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NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)

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

THERAPEUTIC USE OF CANNABIS ADVISORY COUNCIL (RSA 126-X:9)

1:00 p.m. Rooms 205-207, LOB Regular Meeting

NEW HAMPSHIRE STATE ENERGY ADVISORY COUNCIL (RSA 4-E:2)

1:30 p.m. Rooms 302-304, LOB Regular Meeting

SUNDAY, MARCH 30, 2014

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K:1)

1:00 p.m. NHTI Community College Regular Meeting
Crocker Sweeney Bldg. Room 225
31 College Drive
Concord, NH

MONDAY, MARCH 31, 2014

JOINT LEGISLATIVE HISTORICAL COMMITTEE (RSA 17-I:1)

9:30 a.m. Room 100, SH Regular Meeting

JOINT LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1)

9:30 a.m. Room 212, LOB Regular Business Meeting

WEDNESDAY, APRIL 2, 2014

ADVISORY COMMITTEE ON THE EDUCATION OF CHILDREN/STUDENTS WITH DISABILITIES
(RSA 186-C:3-b)

4:30 p.m. NH Department of Education Regular Meeting
 Londergan Hall, Room 15
 101 Pleasant Street
 Concord, NH

FRIDAY, APRIL 4, 2014

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

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

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

1:00 p.m. Room 307, LOB Regular Meeting

MONDAY, APRIL 7, 2014**TASK FORCE ON WORK AND FAMILY (RSA 276-B:2, I)**

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

FRIDAY, APRIL 11, 2014**WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62)**

9:00 a.m. Room 307, LOB Regular Meeting

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

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

NEW HAMPSHIRE STATE ENERGY ADVISORY COUNCIL (RSA 4-E:2)

1:30 p.m. Rooms 302-304, LOB Regular Meeting

MONDAY, APRIL 14, 2014**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)**

10:00 a.m. NHEP Workplace Success Career Center Child and Family Services
2 Industrial Park drive Building 2 Subcommittee Meeting
Concord, NH

TUESDAY, APRIL 15, 2014**LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1)**

2:00 p.m. Room 201, LOB Regular Business

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2)

2:30 p.m. Room 201, LOB Regular Meeting

THURSDAY, APRIL 17, 2014**COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY SUFFERED IN THE LINE OF DUTY BY MEMBERS OF THE ARMED FORCES AND VETERANS (RSA 115-D:1)**

2:30 p.m. Room 203, LOB Regular Meeting

FRIDAY, APRIL 18, 2014**GUARDIAN AD LITEM BOARD (RSA 490-C:1)**

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

MONDAY, APRIL 21, 2014**EXOTIC AQUATIC WEEDS AND SPECIES COMMITTEE (RSA 487:30)**

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

NEW HAMPSHIRE STATE ENERGY ADVISORY COUNCIL (RSA 4-E:2)

1:30 p.m. Rooms 302-304, LOB Regular Meeting

FRIDAY, APRIL 25, 2014**COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F)**

8:30 a.m. Room 103, SH Regular Meeting

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

9:00 a.m.

Rooms 305-307, LOB

Regular Meeting

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

MONDAY, APRIL 28, 2014**OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)**

9:00 a.m.

Room 305, LOB

Regular Meeting

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SENATE BILLS AMENDED BY THE HOUSE**SB 196-FN**, relative to the definition of push-polling.**SB 223**, authorizing municipalities to enter into contracts for the private funding and repayment of construction of sewer systems.

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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 2014 BILLS:**SENATE BILLS:** 3, 65, 66, 91, 116, 120, 125, 141, 149, 151, 154, 180, 181, 186, 190, 193, 196, 205, 206, 213, 215, 231, 235, 238, 240, 259, 262, 264, 281, 283, 303, 315, 317, 318, 321, 331, 335, 367, 339, 369, 404, 405, 413, 414, 416**HOUSE BILLS:** 118, 226, 255, 439, 461, 466, 496, 489, 584, 597, 624, 649, 657, 1104, 1132, 1150, 1308, 1335, 1368, 1381, 1457, 1489, 1498, 1548, 1567, 1572, 1579, 1617, 1620, 1622,

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NOTICES**WEDNESDAY, MARCH 26, 2014**

All legislators and staff are cordially invited to join members of the New Hampshire Automobile Dealers Association (NHADA) for a Legislative Crossover Reception on Wednesday, March 26th, at 3:30 p.m. (or following the end of the session day) at the Holiday Inn, 172 North Main Street, Concord. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering.

Senator Jim B. Rausch
Senator Andrew Hosmer

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WEDNESDAY, MARCH 26, 2014

The American Lung Association of New Hampshire will be hosting a Legislative Breakfast on Wednesday, March 26th from 8:00 a.m. to 9:30 a.m. in the State House Cafeteria. We cordially invite all members of the New Hampshire House and Senate to attend. Members of the ALA Leadership Board will be present to discuss pending legislation, the mission of the ALA and the annual Cycle the Seacoast.

Senator Jeb Bradley, Senate Majority Leader

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TUESDAY, APRIL 1, 2014

The New Hampshire Motor Speedway is hosting a legislative breakfast from 8:00 a.m. to 9:30 a.m. on Tuesday, April 1st at the Holiday Inn Concord Downtown. Speedway EVP and General Manager Jerry Gappens will be on hand to offer an update on the Speedway, insight into the NASCAR industry and what's new for 2014. All legislators and staff are invited to join us for a full breakfast buffet. This event is free of charge and sponsored by one of the state's most powerful economic engines, the NH Motor Speedway.

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

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WEDNESDAY, APRIL 9, 2014

The New Hampshire Association of Regional Planning Commissions and the New Hampshire Planners Association will be hosting a Legislative Breakfast on Wednesday, April 9th, from 8:00 a.m. to 9:30 a.m. in the State House Cafeteria. We cordially invite all members of the New Hampshire House and Senate to attend and learn about these organizations.

Senator Jeb Bradley, Senate Majority Leader

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WEDNESDAY, APRIL 9, 2014

University of New Hampshire President Mark W. Huddleston invites all lawmakers and staff to attend the University's annual legislative luncheon on Wednesday, April 9th, at 12:00 p.m. at St. Paul's Church. President Huddleston will talk about how UNH is driving research and innovation in New Hampshire and forging job-creating partnerships. A brown bag lunch will be available.

Senator Martha Fuller Clark

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SATURDAY, APRIL 12, 2014

The Sixth Annual Local Energy Solutions Conference (LES) will be held on April 12th from 8:30 a.m. to 4:00 p.m. at Winnisquam Regional High School in Tilton, NH, organized by the NH Local Energy Work Group.

This day-long event is New Hampshire's premier conference dedicated to achieving local and municipal energy successes. The conference will host more than a dozen different energy related workshops, as well as vendor exhibits and tours of the wood burning biomass plant on the school campus. Legislators can attend this conference for free. Please register at nhenergy.org.

Senator Martha Fuller Clark

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WEDNESDAY, MAY 7, 2014

The members of the NH Snowmobile Association cordially invite all Senate members and staff to a reception in the State House cafeteria on Wednesday, May 7th, from 7:30 a.m. to 9:30 a.m. where a breakfast will be served. We look forward to seeing you there.

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

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SENATE SCHEDULE

Thursday, March 27, 2014	CROSSOVER – Deadline to ACT on all Senate bills.
Thursday, April 24, 2014	Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-5.
Thursday, May 15, 2014	Deadline to ACT on all House bills.
Thursday, May 22, 2014	Deadline to FORM Committees of Conference.
Monday, May 26, 2014	Memorial Day (State Holiday)
Friday, May 30, 2014 at 4:00 p.m.	Deadline to SIGN Committee of Conference Reports.
Thursday, June 05, 2014	Deadline to ACT on Committee of Conference Reports.
Friday, July 4, 2014	Independence Day (State Holiday)
Monday, September 1, 2014	Labor Day (State Holiday)
Tuesday, November 11, 2014	Veterans' Day (State Holiday)
Thursday, November 27, 2014	Thanksgiving Day (State Holiday)
Friday, November 28, 2014	Day after Thanksgiving (State Holiday)
Thursday, December 25, 2014	Christmas Day (State Holiday)