

May 8, 2014
No. 18

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



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

SENATE CALENDAR

**THE SENATE WILL MEET IN SESSION ON
THURSDAY, MAY 15, 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. 193**

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

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 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**

HB 456-FN, relative to liquor manufacturers and relative to samples of alcoholic beverages. **05/01/14, pending motion Ought to Pass with Amendment, Commerce, SJ 11, pg. TBA**

HB 1170-FN, repealing the death penalty in New Hampshire. **04/17/14, Judiciary, SJ 9, pg. 390**

HB 1200, relative to student social media policies by educational institutions. **05/08/14, pending motion Ought to Pass with Amendment, Health Education & Human Services, SJ 12, pg. TBA**

HB 1405, prohibiting an employer from using credit history in employment decisions. **04/17/14, pending motion Interim Study, Commerce, SJ 9, pg. 414**

HB 1498-FN, relative to wages lost when an employee submits to a medical examination required under workers' compensation law. **04/17/14, pending motion Ought to Pass, Commerce, SJ 9, pg. 392**

HB 1503-FN, relative to the penalties for negligent homicide and manslaughter causing a miscarriage or stillbirth and relative to miscarriage or stillbirth in second degree murder cases. **04/24/14 pending motion Ought to Pass, Judiciary, SJ 10, pg. 440**

HB 1571-FN-L, relative to breastfeeding. **04/17/14, pending motion Interim Study, Health, Education and Human Services, SJ 9, pg. 409**

HB 1619-FN, prohibiting the acquisition, collection, or retention of certain information. **04/24/14, pending motion Committee Amendment (1403s), Judiciary, SJ 10, pg. 443**

CONSENT CALENDAR REPORTS

ENERGY AND NATURAL RESOURCES

HB 1151, establishing a committee to study the solid waste operator training program and financial assurance for corrective action at solid waste landfills.

Interim Study, Vote 5-0.

Senator Bradley for the committee.

This bill would require a committee to study the solid waste operator training program and financial assurance for corrective action at solid waste landfills. Stakeholders could not reach consensus on this matter and the committee believes that referring the bill to interim study will allow all parties to consider this subject further.

HB 1376, establishing a committee to study pipeline safety and development in the state of New Hampshire. Ought to Pass with Amendment, Vote 5-0.

Senator Fuller Clark for the committee.

HB 1376, as it was originally proposed, called for the study of pipeline safety in NH. The amendment expands the study to include the safe delivery of natural and propane gas. It requires a review of the Federal Railroad Administration report for rail safety in NH and also authorizes NH DOT to issue an RFP regarding the feasibility of reconstructing the Portsmouth Railroad Bypass Spur, the expense of which will be covered by interested parties.

HB 1383, relative to municipal monitoring of large groundwater withdrawals.

Ought to Pass with Amendment, Vote 5-0.

Senator Prescott for the committee.

This bill limits the time the department of environmental services may require a municipality to collect data relative to seasonal river overflow streams. The bill also exempts certain municipalities from filing conservation management plan reports after a well is permitted. The amendment modifies the requirements for the installation, repair, and replacement of backflow devices, and clarifies when testing of such devices shall occur based on the level of hazard associated with the device.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 421, relative to regulation of real estate brokerage and sales by the real estate commission.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

This bill was requested by the New Hampshire Real Estate Commission and makes various changes to the real estate practice act and regulation by the NH Real Estate Commission, including the investigation and prosecution of unlicensed practice. The amendment adds notification to a buyer and seller of a real estate transaction in which the commission determined the individual was practicing unlawful brokerage activity.

HB 1157, relative to establishment of fees by certain regulatory boards.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

This bill provides that certain occupational and regulatory boards shall determine fees sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board budgeted for the biennium in which they will apply. The amendment brought forward adds the licensure for mold remediation services.

HB 1186, relative to rulemaking authority of certain occupational boards concerning examinations.

Ought to Pass, Vote 5-0.

Senator Reagan for the committee.

This bill removes requirements that rules of certain occupational boards under the joint board establish the time and place for examinations of applicants. The legislation was requested by the Joint Board for Licensure and Certification.

HB 1331, relative to the membership and reporting date of the interbranch criminal and juvenile justice council.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

This bill adds members to and changes the reporting date of the interbranch criminal and juvenile justice council. It requires the council to review and report on the effectiveness of changes made to probation and parole procedures and to the sentencing of offenders implemented by SB 500-FN (Chapter Law 0247) in 2010. In addition, it establishes a committee to study state procurement.

HB 1400, establishing the New Hampshire "First-in-the-Nation" presidential primary centennial anniversary commission.

Ought to Pass with Amendment, Vote 5-0.

Senator Watters for the committee.

This bill establishes the New Hampshire's presidential primary centennial anniversary commission. In addition, the legislation also adds Millsfield to the law governing early closing of polls in Dixville and Hart's location.

JUDICIARY

HB 312, restricting the collection of biometric data by state agencies, municipalities, and political subdivisions.

Ought to Pass, Vote 5-0.

Senator Cataldo for the committee.

This bill restricts the collection of biometric data by state and local government agencies and provides a private right of action for the misuse or unlawful collection of this data. The bill does not affect private entities or data collection that is already permitted by law. Any future request by a governmental agency would require legislative approval.

HB 1115, excluding condominium assessments from homestead rights.

Ought to Pass, Vote 5-0.

Senator Soucy for the committee.

This legislation adds the exclusion of condominium assessments to the list of exemptions under the Homestead Act RSA 480:4. The legislation would affect only the deeded owner of the unit. Most importantly the legislation creates fairness within condominium associations.

HB 1226, establishing a committee to study end-of-life decisions.

Inexpedient to Legislate, Vote 5-0.

Senator Carson for the committee.

This bill has been introduced in various forms during the past years with last year's bill being vetoed by the Governor. This is even more expansive than that legislation so the Committee sees no need to pass this at this time.

HB 1227, making changes to parole and parole board procedures.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

This bill makes changes to the probation and parole procedures used by the Adult Parole Board and was requested by them. The Committee amendment is a request of the Judicial Branch so that the Superior Court judges can use the established procedures in both Class A misdemeanor as well as felony cases.

HB 1237, prohibiting residency restrictions on registered sex offenders and offenders against children.

Interim Study, Vote 5-0.

Senator Carson for the committee.

This bill sought to prohibit residency restrictions for registered sex offenders. At this time only 5 communities in the State have these local ordinances on their books. While two courts have struck down local ordinances in two communities, the current process is working and our communities should be able to deal with this at the local level.

HB 1248, relative to the acceptance of risk in outdoor recreational activities.

Interim Study, Vote 5-0.

Senator Carson for the committee.

This bill sought to deal with the risk of outdoor recreational activities. While the Committee totally supports our vast array of accessible recreational trails which are provided over privately-held lands, our thinking is that RSA 215-A:5-c and 215-C:55 already provide needed protections.

HB 1343, relative to guardian ad litem fees.

Ought to Pass with Amendment, Vote 5-0.

Senator Cataldo for the committee.

This bill deals with the fees that Guardians ad Litem can charge in family cases. The Committee amendment moves the language to the proper statutory section, directs the judge to establish the fee limit at the time of appointment and requires that any need to exceed the court-established limit must be approved in advance by the presiding judge.

HB 1410, including household and domesticated animals under the domestic violence protection statute.

Ought to Pass with Amendment, Vote 5-0.

Senator Soucy for the committee.

This bill includes protection of household animals in the domestic violence statute. The bill provides judges another option when dealing with domestic violence cases. By allowing judges to determine custody arrangements for household animals, abusers will have less leverage over their victims. The Committee amendment merely makes the bill effective upon passage.

HB 1442, relative to mental health courts.

Ought to Pass, Vote 5-0.

Senator Carson for the committee.

This bill is enabling legislation that allows any Superior or Circuit Court in the State to establish a mental health court. These courts provide a holistic approach to individuals who appear in court and also have mental health diagnoses. While more time intensive, the success rate for the individuals going through these programs is significant.

TRANSPORTATION

HB 1220, relative to limitations on ethanol in gasoline.

Interim Study, Vote 5-0.

Senator Watters for the committee.

This bill would have restricted the addition of corn-based ethanol gasoline to no more than 10 percent of the mixture of gasoline. The Committee believed that due to concerns regarding unintended consequences brought forward by the biotech industry and potential issues with enforcement that it would be appropriate to further study this issue.

REGULAR CALENDAR REPORTS

COMMERCE

HB 1188, relative to paycheck equity.

Ought to Pass with Amendment, Vote 5-0.

Senator Bradley for the committee.

HB 1407, relative to privacy in the workplace.

Ought to Pass with Amendment, Vote 5-0.

Senator Hosmer for the committee.

HB 1615, relative to emergency prescriptions.

Ought to Pass with Amendment, Vote 5-0.

Senator Sanborn for the committee.

ENERGY AND NATURAL RESOURCES

HB 286, relative to broadband infrastructure.

Interim Study, Vote 4-1.

Senator Prescott for the committee.

HB 532, relative to energy efficiency and clean energy districts.

Ought to Pass with Amendment, Vote 5-0.

Senator Odell for the committee.

HB 569, relative to the placement of all new electric transmission lines in New Hampshire.

Ought to Pass with Amendment, Vote 3-2.

Senator Woodburn for the committee.

HB 1129, requiring the development of an energy efficiency implementation plan.

Ought to Pass with Amendment, Vote 4-0.

Senator Bradley for the committee.

HB 1314, establishing a committee to study implementation of a public interest standard for a telecommunication utility merger, consolidation, reorganization, or sale by the public utilities commission.

Interim Study, Vote 3-2.

Senator Odell for the committee.

HB 1385, relative to changes and additions to energy facilities.

Inexpedient to Legislate, Vote 4-1.

Senator Prescott for the committee.

HB 1602, relative to the divestiture of PSNH assets.

Ought to Pass with Amendment, Vote 5-0.

Senator Bradley for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1210, correcting certain references to divisions of the department of revenue administration.

Ought to Pass with Amendment, Vote 5-0.

Senator Watters for the committee.

HB 1368, relative to consideration of criminal records for occupational and professional licensing.
Ought to Pass with Amendment, Vote 4-1.
Senator Reagan for the committee.

FINANCE

HB 256-FN, relative to establishing a voluntary hike safe card for fish and game search and rescue operations, relative to deputy fish and game conservation officers, and relative to the commission on sustainability of the fish and game department.
Ought to Pass, Vote 5-0.
Senator Larsen for the committee.

HB 292-FN-A, relative to registration fees for commercial, private, and pleasure vessels.
Ought to Pass, Vote 5-0.
Senator D'Allesandro for the committee.

HB 496-FN, relative to driving privileges for certain first-time DWI offenders.
Ought to Pass, Vote 3-2.
Senator Odell for the committee.

HB 654-FN, relative to licensure and renewal fees.
Ought to Pass, Vote 5-0.
Senator Larsen for the committee.

HB 658-FN, relative to registration for medical technicians.
Ought to Pass with Amendment, Vote 6-0.
Senator Odell for the committee.

HB 1135-FN, relative to penalties for driving without a license.
Inexpedient to Legislate, Vote 3-2.
Senator Odell for the committee.

HB 1142-FN-A, relative to the road toll for alternative fuels.
Ought to Pass, Vote 3-2.
Senator D'Allesandro for the committee.

HB 1282-FN, relative to prepaid contracts for home heating fuel.
Ought to Pass, Vote 5-0.
Senator Larsen for the committee.

HB 1372-FN-A, making an appropriation for the pediatric sexual assault nurse examiner training program.
Interim Study, Vote 3-2.
Senator Forrester for the committee.

HB 1415-FN, establishing a robotics education fund in the department of education.
Ought to Pass, Vote 5-0.
Senator Odell for the committee.

HB 1465-FN, authorizing special permits for movement of uninspected semi-trailers.
Ought to Pass, Vote 5-0.
Senator D'Allesandro for the committee.

HB 1499-FN, increasing the maximum weekly benefit amount of unemployment benefits; amending the definitions of "full-time" and "part-time" work; and establishing a commission study the effect on the unemployment compensation trust fund of the contribution rate reduction trigger levels in RSA 282-A:82 and RSA 282-A:82-a and the elimination of some or all of the waiting periods required to be served pursuant to RSA 282-A:31, I(h).
Ought to Pass with Amendment, Vote 3-2.
Senator Odell for the committee.

HB 1630-FN-A, relative to gaming in New Hampshire.
Ought to Pass with Amendment, Vote 6-0.
Senator D'Allesandro for the committee.

HB 1634-FN, relative to the salaries of certain unclassified positions.
Ought to Pass with Amendment, Vote 5-0.
Senator Larsen for the committee.

HB 1635-FN-A, relative to community mental health programs and making appropriations therefor.
Ought to Pass with Amendment, Vote 6-0.
Senator Bragdon for the committee.

HEALTH, EDUCATION AND HUMAN SERVICES

HB 1434, relative to surrogate health care decision making by a family member or friend.
Ought to Pass with Amendment, Vote 4-1.
Senator Gilmour for the committee.

HB 1449, relative to the requirements for filing a charter school application.
Inexpedient to Legislate, Vote 5-0.
Senator Reagan for the committee.

HB 1632, relative to child support orders for children with disabilities.
Ought to Pass, Vote 3-2.
Senator Kelly for the committee.

JUDICIARY

HB 498, permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays.
Ought to Pass with Amendment, Vote 5-0.
Senator Carson for the committee.

HB 582, relative to early offers for medical injury claims.
Ought to Pass with Amendment, Vote 5-0.
Senator Soucy for the committee.

HB 1409, expanding the law against discrimination to prohibit housing discrimination against recipients of rental assistance and victims of domestic violence, sexual assault, or stalking.
Ought to Pass with Amendment, Vote 3-2.
Senator Boutin for the committee.

TRANSPORTATION

HB 2014, relative to the state 10-year transportation improvement program.
Ought to Pass with Amendment, Vote 5-0.
Senator Rausch for the committee.

WAYS AND MEANS

HB 1590-L, relative to the valuation of the Granite Reliable Power project in Coos county.
Ought to Pass, Vote 4-1.
Senator D'Allesandro for the committee.

HB 1613, relative to payment of the Medicaid enhancement tax.
Ought to Pass with Amendment, Vote 5-0.
Senator Morse for the committee.

AMENDMENTS

Senate Executive Departments and Administration

May 7, 2014

2014-1771s

10/05

Amendment to HB 421

Amend RSA 331-A:30, III as inserted by section 8 of the bill by replacing it with the following:

III. The decisions of the commission shall be reached in a timely manner and shall be in writing and officially signed by the hearing panel as set forth under RSA 331-A:29, V. The original of such decisions, when signed, shall be filed in the office of the commission. Copies of the decision shall be mailed to the ~~[broker, associate broker or salesperson]~~ **licensee, accredited individual, institution or organization, or person charged with practicing unlawful brokerage activity** addressed to the place of business, ~~[and]~~ to the complainant, if any, **and to each party in a transaction in which the commission determined the individual was practicing unlawful brokerage activity**, within 2 days after the filing.

Senate Judiciary
May 7, 2014
2014-1744s
04/01

Amendment to HB 498

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

AN ACT permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays, relative to preferences for veterans and disabled veterans in public employment, and repealing the prospective repeal of the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury.

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

1 New Paragraph; Unauthorized Use of Firearms and Firecrackers; Exception. Amend RSA 644:13 by inserting after paragraph II the following new paragraph:

III. Paragraph I shall not apply to the firing or discharge of a cannon, gun, pistol, or other firearm within the compact part of a town or city for the following events, provided that the person responsible for organizing the event notifies the police department of the following events:

- (a) The celebration of, or practice for the celebration of, military events, military funerals, national holidays, or other military or veterans commemorations, conducted by United States armed forces personnel; or
- (b) Military re-enactors registered with the secretary of state's office; or
- (c) Funerals or commemorative events conducted by law enforcement agencies, fire departments, emergency medical services, or other public safety agencies.

2 New Chapter; Veterans' Preference in Public Employment. Amend RSA by inserting after chapter 273-C the following new chapter:

CHAPTER 273-D

VETERANS' AND DISABLED VETERANS' PREFERENCE IN PUBLIC EMPLOYMENT

273-D:1 Veterans' Preference in Public Employment. The state of New Hampshire shall grant a preference in hiring to veterans and disabled veterans.

273-D:2 Definitions. In this chapter:

I. "Active duty" means full-time duty under Title 10 of the United States Code as an enlisted member, or as a commissioned or warrant officer, in any branch of the armed forces of the United States. Active duty shall not include attendance at a school under military orders, except schooling incident to an active enlistment or a regular tour of duty, or normal military training as a reserve officer or member of an organized reserve or a national guard unit.

II. "Armed forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including:

- (a) The Army Reserve.
- (b) The Navy Reserve.
- (c) The Marine Corps Reserve.
- (d) The Air Force Reserve.
- (e) The Coast Guard Reserve.
- (f) The Army National Guard of the United States.
- (g) The Air National Guard of the United States.

III. "Civil service position" means a position that requires merit-based selection and promotion to be ascertained by competitive examination. Such positions need not be denominated "civil service" positions.

IV. "Combat zone" means an area designated by the President of the United States by executive order in which, on the dates designated by executive order, the armed forces of the United States are or have engaged in combat.

V. “Disabled veteran” means:

- (a) A person entitled to disability compensation under the laws administered by the United States Department of Veterans Affairs;
- (b) A person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty; or
- (c) A person who was awarded the Purple Heart for wounds received in combat.

VI. “Public employer” means the state or any agency or political subdivision of the state and any person authorized to act on behalf of the state or any agency or political subdivision of the state with respect to control, management, or supervision of any employee.

VII. “Spouse of a disabled veteran” means:

- (a) The current legal spouse of a veteran who has been determined to be permanently and totally disabled by the United States Department of Veterans Affairs; or
- (b) The unremarried legal spouse of a veteran who died while, and as a result of, serving in the armed forces.

VIII. “Veteran” means a person who:

- (a) Served on active duty with the armed forces of the United States:
 - (1) For more than 178 consecutive days and was honorably discharged or released from active duty;
 - (2) For 178 days or less and was honorably discharged or released from active duty; or
 - (3) For at least one day in a combat zone and was honorably discharged or released from active duty; or
- (b) Received a combat or campaign ribbon for service in the armed forces of the United States.

273-D:3 Eligibility for Employment Preference.

I. A veteran or disabled veteran may use the preference for a civil service position at any time after discharge or release from service in the armed forces of the United States.

II. A veteran or disabled veteran may claim the preference an unlimited number of times.

273-D:4 Application Process.

I. At each stage of the application process, a public employer shall grant a preference to an otherwise qualified veteran or disabled veteran who successfully completes an initial application screening and an application examination, or a civil service test administered by the public employer to establish eligibility for a vacant civil service position.

II. For an initial application screening used to develop a list of persons for interviews, the public employer shall add 5 preference points to a veteran’s score and 10 preference points to a disabled veteran’s score.

III. For an application examination, administered after the initial application screening that results in a score, the public employer shall add 5 preference points to a veteran’s and 10 preference points to a disabled veteran’s total combined examination score without allocating the points to any single feature or part of the examination. The veteran or disabled veteran shall pass the examination with a qualifying score to be eligible to receive the veterans preference.

IV. If a public employer uses an application examination that does not result in a score, the public employer shall devise and apply methods by which it gives special consideration in the hiring decision to veterans and disabled veterans.

273-D:5 Appointment to a Position.

I. A public employer shall appoint an otherwise qualified veteran or disabled veteran to a vacant civil service position if the results of a veteran’s or disabled veteran’s application examination, when combined with the veteran’s or disabled veteran’s preference, are equal to or higher than the results of an application examination for an applicant who is not a veteran or disabled veteran.

II. A public employer may base a decision not to appoint the veteran or disabled veteran solely on the veteran's or disabled veteran's merits or qualifications with respect to the vacant civil service position.

III. A public employer that does not appoint a veteran or disabled veteran to a vacant civil service position, shall upon written request of the veteran or disabled veteran, provide an explanation of its decision.

273-D:6 Proof of Eligibility.

I. A public employer shall require an applicant, at the time of application, to provide proof that the applicant is an eligible veteran or disabled veteran in order to be eligible for the veterans or disabled veterans preference.

II. An applicant for a position with a public employer who claims a veteran's or disabled veteran's preference shall submit as proof of eligibility:

(a) A copy of a qualifying document as outlined in RSA 21:50, I(b) with the application for employment; and

(b) Disabled veterans shall submit a copy of their veteran's summary of benefits letter from the United States Department of Veterans Affairs, unless the information is included in the appropriate federal discharge documents.

III. If an applicant's record appears to show service qualifying for the preference, the public employer may provisionally designate an applicant as an eligible veteran or disabled veteran. However, before the applicant can be appointed, he or she shall submit proof of entitlement to the preference.

273-D:7 Rulemaking. The department of labor shall adopt rules pursuant to RSA 541-A to implement the provisions of this chapter.

3 Repeal. 2011, 84:2, relative to the prospective repeal of the 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, is repealed.

4 Contingency. If SB 298 of the 2014 regular legislative session becomes law, then section 3 of this act shall take effect upon its passage. If SB 298 of the 2014 regular legislative session does not become law, then section 3 of this act shall not take effect.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4 of this act.

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

2014-1744s

AMENDED ANALYSIS

This bill:

I. Permits an exception to the unauthorized use of firearms and firecrackers law for the firing or discharge of a cannon, gun, pistol, or other firearm within the compact part of a town or city for approved military or veterans events, commemorative events, funerals, or national holidays.

II. Requires the state to give a preference in hiring to veterans and disabled veterans in public employment.

III. Repeals the prospective repeal of the 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, contingent upon the passage of SB 298 of the 2014 regular legislative session.

Energy and Natural Resources

May 7, 1014

2014-1763s

09/10

Amendment to HB 532

Amend RSA 53-F:3, I as inserted by section 2 of the bill by replacing it with the following:

I. Incur debt for the purpose of providing financing to property owners within the district, including [through] **but not limited to the** issuance of municipal revenue bonds, Qualified Energy Conservation Bonds

or Clean Renewable Energy Bonds, ***or funds from private individuals or institutions***. Any such debt may be secured by a pledge of revenues, moneys, rights, and proceeds under this chapter, and except as may be otherwise provided in this chapter, shall be subject to the provisions of RSA 33 and RSA 33-B.

Amend RSA 53-F:5, II as inserted by section 4 of the bill by replacing it with the following:

II. Prior to entering into an agreement with a property owner, the municipality shall determine that all property taxes and any other assessments levied with property taxes are current and have been current for 3 years or the property owner's period of ownership, whichever is less; that there are no involuntary liens such as mechanic's liens on the property; and that no notices of default or other evidence of property-based debt delinquency have been recorded during the past 3 years or the property owner's period of ownership, whichever is less. The municipality shall adopt additional criteria, appropriate to property-assessed clean energy finance programs, for determining the creditworthiness of property owners. ***The municipality shall determine whether any mortgages or liens of record exist in the registry of deeds on the property and whether they are current in the obligations. If any such mortgage or lien exists, the municipality shall notify each such mortgagee or lienholder in writing that it is considering making a loan secured by a municipal lien pursuant to the provisions of this chapter and request the consent of each such mortgagee or lienholder to the making of such loan. Each mortgagee or lienholder shall have the right to determine in its sole discretion whether or not it will consent to such loan. If all of the mortgagees or lienholders of record elect to consent, the consents shall be in writing and recorded with the municipal lien in the registry of deeds. The legal effect of having all consents shall be that the municipal lien shall not be extinguished in the event of a foreclosure or sheriff's sale by the mortgagee or lienholder as provided in RSA 53-F:8. If all of the mortgagees or lienholders of record do not consent, but the municipality determines that it will proceed in making such loan, then in the event of a foreclosure or sheriff's sale by a mortgagee or lienholder, the municipal lien shall be extinguished. Special assessment liens held by municipalities plus existing mortgages shall not exceed 35 percent of the assessed value of the building and property.***

Energy and Natural Resources

May 7, 2014

2014-1761s

06/01

Amendment to HB 569

Amend RSA 162-H:2-a as inserted by section 1 of the bill by replacing it with the following:

162-H:2-a Criteria for Approving Transmission Lines for Certificates. In determining that a transmission line as described in RSA 162-H:2, VII(d) and (e) meets the criteria for a certificate under this chapter, the committee may take into consideration the following:

I. Use of existing public rights of way, or, when unavailable, of private rights of way may be an option for locating all new electric transmission lines.

II. Burial of electric transmission lines may be an option for all elective electric transmission lines with supports over 50 feet.

III. The committee may presume that any line not required for system reliability and not proposed to be substantially buried will have an unreasonably adverse effect on aesthetics. The applicant may, by a preponderance of the evidence, demonstrate that an above-ground line should be approved due to particular circumstances, including but not limited to, engineering feasibility, adverse environmental impact, substantially disproportionate cost factors, and lack of negative impact for the route involved.

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

2 New Section; State-Owned Rights of Way. Amend RSA 162-H by inserting after section 5 the following new section:

162-H:5-a State-Owned Rights of Way.

I. The department of transportation shall facilitate the option to bury electric transmission lines in state-owned rights of way.

II. Any revenue generated through the use of state-owned rights of way shall be deposited in the highway fund.

Senate Judiciary
May 7, 2014
2014-1746s
06/01

Amendment to HB 582

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

1 Procedure. Amend RSA 519-C:2, XII to read as follows:

XII. ~~[A claimant who rejects an early offer and who does not prevail in an action for medical injury against the medical care provider by being awarded at least 125 percent of the early offer amount, shall be responsible for paying the medical care provider's reasonable attorney's fees and costs incurred in the proceedings under this chapter. The claimant shall certify to the court that a bond or other suitable security for payment of the medical care provider's reasonable attorney's fees and costs has been posted before the court shall consider the case.]~~ **No waiver signed by a claimant prior to 30 days from the date of medical injury shall be held valid.**

2 Notice and Waiver of Rights. Amend RSA 519-C:13, I to read as follows:

I. Claimants electing to pursue resolution of a medical injury under this chapter shall execute a notice and waiver of rights which contains the following wording:

WAIVER OF RIGHTS

By agreeing to submit a notice of injury to the medical care provider, I understand that my rights to seek legal remedies and a jury trial for my injuries guaranteed by Part I, Articles 14 and 20 of the New Hampshire Constitution may be affected.

I understand that I have the right to consult and retain an attorney to represent me regarding this matter, and that if an early offer settlement is reached, my attorney will be paid pursuant to RSA 519-C:5, I by the health care provider, in addition to any amount that is paid for my economic loss.

If I do not have an attorney when I sign this waiver form, the medical provider will appoint a neutral advisor to assist me in the early offer process and to explain, among other things, the differences between proceeding under this chapter or as provided in RSA 507-E and RSA 519-B. **I HAVE THE RIGHT TO WITHDRAW THIS WAIVER AND THE NOTICE OF INJURY ANY TIME PRIOR TO MIDNIGHT OF THE [FIFTH BUSINESS] TWENTY-FIRST DAY AFTER MY FIRST MEETING WITH THE ADVISOR, WHICH MUST OCCUR NO LATER THAN 10 BUSINESS DAYS FROM MY NOTIFICATION OF THE IDENTITY OF THE NEUTRAL ADVISOR.**

If after submitting a notice of injury, the medical care provider does NOT extend an early offer (RSA 519-C:1, III), I am free to pursue my legal remedies as defined in New Hampshire law without restriction.

If after submitting a notice of injury, the medical care provider does extend an early offer (RSA 519-C:1, III), I may either:

(1) Accept the early offer;

(2) Request a hearing before a hearing officer to determine whether the early offer includes all of the economic loss I am entitled to under the statute, and if necessary, the hearing officer may order the medical care provider to increase the early offer to meet the requirements of the early offer law; or

(3) Reject the early offer and seek legal remedies ***without penalty or consequence.***

I understand that ~~[if I reject an early offer and am later awarded economic damages equal to or less than 125 percent of the amount of the early offer, I will be responsible for paying the medical care provider's reasonable attorney's fees and costs incurred in proceedings under this chapter.~~

~~—I understand that if an early offer is made by the medical care provider and I accept that offer, disputes regarding the early offer can be resolved only in accordance with RSA 519-C:10 by a hearing officer listed with the judicial branch office of mediation and arbitration, at my request or the request of the medical care provider. If either party believes that the decision of the hearing officer is unlawful, that party may seek discretionary review in the New Hampshire court system; however, there is no assurance that the courts will undertake such review.]~~ ***I may seek a remedy through the courts of the state of New Hampshire without penalty or consequence.***

Date _____ Signature _____

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

2014-1746s

AMENDED ANALYSIS

This bill:

- I. Requires any waiver of rights by an injured patient to be signed 30 days or more after the medical injury.
- II. Modifies time limits regarding waiver of rights.

Senate Finance

May 8, 2014

2014-1811s

01/04

Amendment to HB 658-FN

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

1 New Chapter; Board of Registration of Medical Technicians. Amend RSA by inserting after chapter 328-H the following new chapter:

CHAPTER 328-I

BOARD OF REGISTRATION OF MEDICAL TECHNICIANS

328-I:1 Definitions. In this chapter:

- I. "Board" means the board of registration of medical technicians.
- II. "Commissioner" means the commissioner of the department of health and human services.
- III. "Department" means the department of health and human services.
- IV. "Health care facility" means health care facilities licensed under RSA 151.
- V. "Medical establishment" means a setting where health care services are provided to patients, including, but not limited to, the office of a physician, dentist, naturopath, advanced practice registered nurse, optometrist, podiatrist, or a clinic, laboratory, or place not licensed under RSA 151.
- VI. "Medical technician" means a health care worker who is not licensed or registered by a New Hampshire regulatory board and who assists licensed health care professionals in the diagnosis, treatment, and prevention of disease. For the purposes of this chapter, medical technicians shall be limited to health care workers with access to controlled substances and with access to or contact with patients in a health care facility or in a medical establishment.

328-I:2 Board, Membership, Terms, Administrative Attachment.

I. There shall be a board of registration of medical technicians consisting of 5 members. The members shall be:

- (a) The commissioner, or designee.
- (b) Four members appointed by the governor with the consent of the council as follows:
 - (1) Three licensed health care providers, one of whom shall have experience supervising medical technicians and one of whom shall be a licensed physician.
 - (2) One public member, who shall be a person who is not, and never was, a member of a health care profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to health care.

II. The members under subparagraph (b) shall be appointed to a term of 5 years. The commissioner shall serve coterminous with his or her term of office. No member shall serve more than 2 consecutive terms.

III. Appointed members of the board shall receive \$50 for each day actually engaged in the duties of the board and shall be reimbursed for all actual travel necessarily incurred in carrying out the provisions of this chapter.

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the department. In addition, the board shall be subject to the provisions of RSA 126-A:10-a.

328-I:3 Powers and Duties of the Board. The board shall:

I. Accept applications for certificates of registration under this chapter, and approving or denying such applications.

II. Renew certificates of registration.

III. Suspend or revoke certificates of registration upon the grounds listed in RSA 328-I:9, and conduct hearings regarding the denial, suspension, revocation and renewal of certificates as provided in RSA 328-I:11.

IV. Accept written complaints against registrants, conduct necessary investigations upon such written complaints, and resolve complaints.

V. Publicize the complaint procedure.

VI. Adopt rules pursuant to RSA 328-I:4.

VII. Maintain a database of registered medical technicians and share all information received with other licensing boards or advisory committees within this state, and with appropriate boards out of state and with any law enforcement entity, as allowed by RSA 91-A and in accordance with RSA 328-I:11, I.

VIII. Post a list of registrants and their status on its website.

IX. Prepare reports on any matter within the scope of this chapter.

X. Establish late fees and fees for transcribing and transferring records and other services.

328-I:4 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The registration application form and content, and the registration application procedures.

II. The application form, content, and procedure for a renewal or reinstatement of a registration to work as a medical technician.

III. The establishment of fees required under RSA 328-I:3, X.

IV. The conduct of investigations and hearings, in accordance with RSA 328-I:11.

V. Procedures for notice and hearing prior to denial, suspension, or revocation of a registration, and the imposition of administrative fines.

VI. Procedures for the handling and resolving complaints.

VII. Procedures for the approval or denial of an application.

VIII. Procedures for suspension or revocation of a registration.

IX. Procedures for appeal of decisions made pursuant to the provisions of this chapter and rules adopted pursuant to this chapter.

X. Procedures for sharing information with other in-state boards, out-of-state boards and law enforcement entities.

328-I:5 Registration of Medical Technicians Required.

I. Persons engaging in work as a medical technician in New Hampshire shall be registered in accordance with this chapter.

II. Any person who is not registered as a medical technician under this chapter, advertises himself or herself as being a medical technician, practices as a medical technician, or engages in such acts after receiving notice that such person's registration has been revoked shall be guilty of a misdemeanor.

III. The board, after hearing and upon making an affirmative finding under paragraph II, that the person is engaged in unlawful practice, may take action in any one or more of the following ways:

(a) A cease and desist order in accordance with paragraph IV.

(b) The imposition of an administrative fine not to exceed \$50,000.

(c) The imposition of an administrative fine for continuation of unlawful practice in the amount of \$1,000 for each day the activity continues after notice from the board that the activity shall cease.

(d) The denial or conditional denial of a license application, application for renewal, or application for reinstatement.

IV. The board is authorized to issue a cease and desist order against any person or entity engaged in unlawful practice. The cease and desist order shall be enforceable in superior court.

V. The attorney general, the board, or the prosecuting attorney of any county or municipality where the act of unlawful practice takes place may maintain an action to enjoin any person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to the board.

VI. In addition, every health care facility and medical establishment employing medical technicians, shall ensure that such technicians are registered in compliance with this chapter. Any health care facility violating this paragraph shall be subject to appropriate fines and penalties pursuant to RSA 151.

328-I:6 Initial Registration; Application, Fees.

I. The board may register any person who submits a completed application. The fee for registration under this chapter shall be \$110.

II. Completed applications shall include:

- (a) Payment of the non-refundable registration fee;
- (b) Reports of any pending criminal charges, criminal convictions, plea agreements in lieu of convictions, or complaints made to or dispositions made by licensing, certification or registration boards.
- (c) A complete set of fingerprints and a notarized criminal history record release form pursuant to RSA 328-I:7.
- (d) The applicant's work history over the last 10 years.

III. All applications shall include at a minimum, the applicant's name, social security number, place and date of birth, place of employment in New Hampshire and the home address and shall be duly signed and verified. Applications shall be available for public inspection.

IV. Upon approval of the application by the board, the applicant shall be registered as a medical technician for 2 years. Such registration shall take effect within 90 days after the filing of such completed application.

V. Any medical technician who changes his or her name, place or status of employment in New Hampshire, or residence shall notify the board in writing within 30 days. For failure to report such a change within 30 days, the board may suspend the medical technician's registration.

328-I:7 Criminal History Record Checks.

I. Every applicant for initial registration or reinstatement shall submit to the board a notarized criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the board.

II. The applicant shall submit with the release form a complete set of 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 due to insufficient pattern, 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 board 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.

III. The board shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board.

IV. The board shall review the criminal record information prior to making a registration decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the board. The fee for renewal of certificates of registration shall be \$110. Certificates of registration for medical technician shall be renewed upon the payment of the renewal fee.

328-I:9 Refusal to Issue or Renew Certificate; Return of Certificate.

I. The board may deny the application for registration or refuse to issue a renewal thereof if it is determined after hearing that such applicant or registrant:

- (a) Has made a material false statement or concealed or omitted a material fact in connection with his or her application for registration;
- (b) Had a registration issued under this chapter suspended previously;
- (c) Has been convicted of a felony under the laws of the United States or any state or any offense involving moral turpitude;
- (d) Has willfully or repeatedly failed to comply with any other provision of this chapter or any rules adopted by the board; or
- (e) Is a habitual user of drugs or intoxicants.

II. Upon the suspension or revocation of a certificate of registration by the board and the issuance of a notice thereof, the registrant shall within 5 days, not including Sundays and holidays, deliver to the board the certificate of registration. If surrendered by mail, the certificate of registration shall be sent by registered or certified mail, postmarked no later than 3 days, not including Sundays and holidays, following notice of suspension or revocation. Failure to return a certificate of registration which has been revoked or suspended hereunder within the prescribed time shall constitute a misdemeanor.

328-I:10 Disciplinary Action; Remedial Proceedings.

I. The board is authorized to undertake investigations and disciplinary proceedings upon:

- (a) The board's initiative.
- (b) A written complaint made by any person complaining that a registrant has committed an act of misconduct and specifying the nature of the misconduct.
- (c) A written complaint made by any person that a person is engaged in unauthorized practice.
- (d) Notification by a licensing or certifying agency of this state that a registrant has been disciplined by that agency.
- (e) Notification by the regulatory authority of another domestic or foreign jurisdiction that a registrant has been disciplined in that jurisdiction.
- (f) A report made pursuant to the obligation to report imposed by this chapter.

II. The board may undertake non-disciplinary remedial proceedings (a) upon its own initiative or (b) upon written complaint of any person which charges that a person registered by the board is afflicted with a condition as set forth in paragraph VII and which specifies the grounds therefor.

III. Every facility administrator, or designee, for any licensed hospital, health clinic, ambulatory surgical center, or other health care facility within the state shall report to the board any disciplinary or adverse action, within 30 days after such action is taken, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a person registered by the board. Disciplinary or adverse action shall include the requirement that a registrant undergo counseling or be subject to any policy with regard to disruptive behavior.

IV. In cases involving imminent danger to life or health, the board may order suspension of a license pending hearing for a period of no more than 120 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 328-I:11. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension commensurate with the additional time extended.

V. The board, after hearing, may take disciplinary action against any person registered by it upon finding that the person:

(a) Has knowingly provided false information during any application for registration or employment, whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application.

(b) Is a habitual user of drugs or intoxicants.

(c) Has engaged in dishonest or unprofessional conduct, or has negligently or intentionally injured a patient while practicing as a medical technician or performing such ancillary activities.

(d) Has willfully or repeatedly violated any provision of this chapter or any substantive rule of the board.

(e) Has been convicted of a felony under the laws of the United States or any state.

VI. The board may take non-disciplinary remedial action against any person registered by it upon finding that the person is afflicted with physical or mental disability, disease, disorder, or condition deemed dangerous to the public health. Upon making an affirmative finding, the board, may take non-disciplinary remedial action:

(a) By suspension, limitation, or restriction of a registration for a period of time as determined reasonable by the board.

(b) By revocation of registration.

(c) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the board.

(d) By requiring the person to practice under the direction of a physician in a public institution, public or private health care program, or private practice for a period of time specified by the board.

VII. The board, upon making an affirmative finding under paragraph V, may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of a registration or probation for a period of time as determined reasonable by the board.

(c) By revocation of registration.

(d) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the board.

(e) By assessing administrative fines in amounts established by the board which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater.

VIII. The board may issue a non-disciplinary confidential letter of concern to a registrant advising that, the board believes the medical technician should modify or eliminate certain practices, and that continuation of the activities which led to the information being submitted to the board may result in action against the registrant's registration. This letter shall not be released to the public or any other licensing authority, except that the letter may be used as evidence in subsequent disciplinary proceedings by the board.

IX. Disciplinary or non-disciplinary remedial action taken by the board under this section may be appealed to the supreme court under RSA 541.

X. No civil action shall be maintained against the board or any member of the board or its agents or employees with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

XI. The board shall send all notices of hearing, and notices of suspension or revocation of registration to the department of health and human services and the department of safety.

XII. Allegations of professional misconduct or other violations of this chapter enforceable by the board shall be brought within 6 years from the time the board could reasonably have discovered the act, omission

or failure complained of, except that conduct which resulted in a criminal conviction or in a disciplinary action by a relevant licensing authority in another jurisdiction may be considered by the board without time limitation in making registration or disciplinary decisions if the conduct would otherwise be a ground for discipline under this chapter. The board may also consider registrant conduct without time limitation when the ultimate issue before the board involves a pattern of conduct or the cumulative effect of conduct which becomes apparent as a result of conduct which has occurred within the 6-year limitation period prescribed by this paragraph.

XIII. When an investigation of a complaint against a registrant is determined to be unfounded, the board shall dismiss the complaint and explain in writing to the complainant and the registrant its reason for dismissing the complaint. The board shall destroy all information collected during the course of the investigation after 6 years. The board shall retain a record only noting that an investigation was conducted and that the board determined the complaint to be unfounded. For the purpose of this paragraph, a complaint shall be deemed to be unfounded if it does not fall within the jurisdiction of the board, does not relate to the actions of the registrant, or is determined by the board to be frivolous.

328-I:11 Investigations; Procedure for Complaints; Hearings; Judicial Review.

I. The board may investigate possible misconduct by registrants and applicants for registration, as well as the unauthorized practice under this act and other matters within the scope of this chapter. Board investigations and the information gathered in such investigations, including information provided to the board under RSA 328-I:10, I and III and paragraphs III and V, shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders.

II. No certificate of registration shall be suspended or revoked until after a hearing before the board, which shall be held in accordance with RSA 541-A, and upon written notice mailed to the registrant by certified or registered mail. If, when a notice of hearing is mailed to a registrant at the address shown in the records of the board, such a registrant fails to attend such hearing, then the board may suspend his or her registration without a hearing pending his or her attendance at such hearing.

III. Upon the denial of an application for a certificate of registration, the board shall grant a hearing to an applicant therefor upon receipt of a request for a hearing made within 30 days after the applicant is notified of denial. The board shall have the power to require the attendance of witnesses and issue subpoenas duces tecum in the conduct of such hearing.

IV. If a certificate of registration is revoked or suspended or an application is denied, no such certificate shall be issued to such former registrant or applicant for at least 6 months, or thereafter, except in the discretion of the board.

V. The applicant or registrant may be heard in person or by counsel. The board shall notify the applicant of the time and place of the hearing. The board shall have the power to subpoena any person in this state, or document, record or other relevant evidence, and administer an oath to and take the testimony of any such person or cause his or her deposition to be taken.

328-I:12 Civil Claims. Any person injured by the actions of a person engaged as a medical technician in violation of any of the provisions of this chapter may bring a civil action to recover damages suffered by reason of the violation.

328-I:13 Administrative Fines. The board after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine in an amount which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater, upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the board shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter.

328-I:14 Investigative Costs. For any order issued in resolution of a disciplinary proceeding by the board, where the board has found misconduct sufficient to support disciplinary action, including but not limited to a violation of this chapter or an administrative rule adopted under this chapter, the board may require the registrant who is the subject of such finding to pay the board a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum shall not exceed \$5,000. This sum may be imposed

in addition to any otherwise authorized administrative fines levied by the board as part of the penalty. The investigative and prosecution costs shall be assessed by the board and any sums recovered shall be credited to the board's fund and disbursed by the board for any future investigations of complaints and activities that violate this chapter or rules adopted under this chapter.

328-I:15 Annual Report. The board shall make an annual report commencing on November 1, 2016 relative to the conduct of activities under this chapter to the speaker of the house of representatives, the president of the senate, and the governor and council.

2 New Section; Verification of Medical Technician Registration. Amend RSA 151 by inserting after section 3-c the following new section:

151:3-d Verification of Medical Technician Registration. Every facility administrator, or designee, for any health care facility licensed under this chapter shall verify with the board of registration of medical technicians established under RSA 328-I:2, prior to employing a medical technician, as defined in RSA 328-I:1, VI, that such medical technician is registered with the board.

Amend the bill by deleting section 5 and renumbering the original sections 6-7 to read as 5-6, respectively.

Energy and Natural Resources

May 7, 2014

2014-1778s

08/10

Amendment to HB 1129

Amend section 1 of the bill by deleting paragraph III.

Amend the bill by replacing section 4 with the following:

4 Report Required. The office of energy and planning shall submit an interim report of its findings and recommendations to the speaker of the house of representatives, the president of the senate, the senate energy and natural resources committee, the house science and technology committee, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014, and a final report on or before July 1, 2015.

Senate Executive Departments and Administration

May 7, 2014

2014-1770s

10/05

Amendment to HB 1157

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

AN ACT relative to establishment of fees by certain regulatory boards and relative to licensure for mold remediation services.

Amend the bill by replacing all after section 13 with the following:

14 Findings. The general court finds that mold in a residential structure can constitute a significant health threat for the inhabitants. Homeowners who hire a professional to remediate a mold problem need assurance that the job will be done correctly. Failure to remediate a mold problem correctly not only is a waste of the homeowner's money but may also result in serious health issues if the mold is not removed correctly or at all. This consumer protection proposal gives homeowners a method to protect their health and the health of their families by assuring a level of competence in those they hire to remediate a mold problem.

15 New Chapter; Mold Remediation. Amend RSA by inserting after chapter 310-B the following new chapter:

CHAPTER 310-C

MOLD REMEDIATION

310-C:1 Definitions. In this chapter:

I. "Administrator" means the administrator of the joint board established in RSA 310-A:1-a.

II. "Mold remediation" means the removal, cleaning, sanitizing, demolition, or treatment of mold or mold-contaminated matter, live or dead, in a specific location after a mold assessment.

III. "Mold remediation license" means a license obtained from the administrator that permits an individual to remediate mold problems in a residential setting for a fee.

IV. "Third party certification" means a certification approved by a national non-profit organization whose programs are accredited by ANSI (American National Standards Institute), CESB (Council of Engineering and Scientific Specialty Boards), NCCA (National Commission for Certifying Agencies), or any other accrediting body that operates in compliance with the ISO (International Organization for Standardization) standard for accrediting organizations. Certifications are credentials of industry knowledge granted to individuals by a certification body for a limited time. The individual shall not own the designation; the designation shall be owned by the certifying body. Certification holders shall meet certain requirements set by third party certification organizations in order to be recertified.

310-C:2 Mold Remediation Certification.

I. No person shall perform residential mold remediation services for remuneration unless that person possesses a valid national third party certification for mold remediation and a valid mold remediation license for the state of New Hampshire.

II. The administrator shall establish a license for persons engaging in mold remediation. The administrator shall establish a fee for licensure in order to cover the cost of administering the licensing program.

III. All licenses shall expire on the last day of the month of the licensee's birth in the second year following the year of issuance. The administrator shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration of the license. If the renewal fee is not submitted within 12 months after the expiration date, the licensee's name shall be removed from current status, and application for reinstatement shall be required to return to current status. The administrator shall charge a reinstatement fee consisting of 20 percent of the renewal fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

IV. Any person who offers mold remediation services for a fee but does not comply with this chapter or rules adopted under this chapter shall be guilty of a violation and fined \$150.

V. The ethical and professional standards binding licensees shall include all provisions of the standards enforced by third party certification held by the mold remediation licensee and accredited by ANSI (American National Standards Institute), CESB (Council of Engineering and Scientific Specialty Boards), NCCA (National Commission for Certifying Agencies), or any other accrediting body that operates in compliance with the ISO (International Organization for Standardization) standard for accrediting organizations.

310-C:3 Rulemaking. The administrator of the joint board shall adopt rules pursuant to RSA 541-A, relative to:

- I. The application procedure for a license to practice under this chapter;
- II. How a license to practice under this chapter shall be renewed or reinstated; and
- III. The establishment of all fees required under this chapter.

16 New Paragraph; Administration of the Joint Board. Amend RSA 310-A:1-a by inserting after paragraph IV the following new paragraph:

- V. The regulation and licensure for mold remediation services under RSA 310-C.

17 Effective Date.

- I. Sections 14-16 of this act shall take effect January 1, 2015.
- II. The remainder of this act shall take effect July 1, 2014.

2014-1770s

AMENDED ANALYSIS

This bill provides that certain occupational and regulatory boards shall determine fees sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board budgeted for the biennium in which they will apply.

This bill requires persons providing residential mold remediation services in residential dwellings be certified by certain professional organizations and licensed by the administrator of the joint board.

Commerce
May 6, 2014
2014-1741s
06/04

Amendment to HB 1188

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

1 Discrimination in the Workplace; Definitions; Equal Pay. RSA 275:37 is repealed and reenacted to read as follows:

275:37 Equal Pay.

I. No employer or person seeking employees shall discriminate between employees on the basis of sex by paying employees of one sex at a rate less than the rate paid to employees of the other sex for equal work that requires equal skill, effort, and responsibility and is performed under similar working conditions, except where such payment is made pursuant to:

- (a) A seniority system;
- (b) A merit or performance-based system;
- (c) A system which measures earnings by quantity or quality of production;
- (d) Expertise;
- (e) Shift differentials;
- (f) A demonstrable factor other than sex, such as education, training, or experience.

II. An employer who is paying wages in violation of this section shall not reduce the wage rate of any other employee in order to comply with this section.

2 Enforcement. Amend RSA 275:38 to read as follows:

275:38 Enforcement. The labor commissioner shall have the power and it shall be his *or her* duty to enforce the provisions of this subdivision ***through appropriate actions in response to complaints***.

3 New Section; Non-Retaliation Provision. Amend RSA 275 by inserting after section 38 the following new section:

275:38-a Non-retaliation Provision.

I. No employer shall discharge or in any other manner discriminate against any employee because he or she:

(a) Makes a charge, files any complaint, or institutes or causes to be instituted any investigation, proceeding, hearing, or action under or related to this subdivision, including an investigation conducted by the employer, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, hearing, or action.

(b) Inquired about, discussed, or disclosed his or her wages or those of another employee.

II. This section shall not apply to any employee who has access to the wage information of other employees as a part of such employee's essential job functions who discloses the wages of such other employees to individuals who do not otherwise have access to such information, unless such disclosure is in response to a complaint or charge or in furtherance of an investigation, proceeding, hearing, or action under RSA 275:41-a including an investigation conducted by the employer. Nothing in this section shall be construed to limit the rights of an employee provided under any other provision of law.

4 Penalties. Amend RSA 275:40 to read as follows:

275:40 Penalties. Any employer who violates ~~[any provision hereof, or who discharges or in any other manner discriminates against any employee because such employee has made a complaint to his employer, the labor commissioner, or any other person, or instituted, or caused to be instituted any proceedings under or related to this subdivision, or has testified or is about to testify in any such proceeding, shall be]~~ ***the provisions of RSA 275:37, RSA 275:38-a, or RSA 275:41-b shall be guilty of a violation if a natural person or guilty of a misdemeanor if any other person, and notwithstanding RSA 651:2, IV(a), subject to a fine of not more than \$2,500.***

5 Procedures for Hearings and Appeals. Amend RSA 275:41-a to read as follows:

275:41-a Procedures for Hearings and Appeals. In a claim under RSA 275:37, the commissioner shall notify the employer by serving a copy of such claim and an order to file with the commissioner within ~~[10]~~ **30** days from the receipt of such notice any objections to such claim specifying the grounds therefor. ~~[Any claim under this section shall be commenced within one year of the accrual thereof and not afterwards.]~~ Service may be by certified mail with return receipt. If objection is not made within ~~[10]~~ **30** days, the commissioner may order that payment be made in accordance with the claim. If requested, a hearing shall be afforded at which time any party may appear, with counsel if desired, and present evidence and cross examine opposing witnesses. Any party, at the party's own expense, may cause a record to be made of the hearing. A written decision shall be made within 30 days after the hearing stating the decision and specifying the facts and conclusions upon which the decision is based. If wages are found to be due, an order for payment shall be issued. Any party aggrieved by the decision may appeal to the superior court not later than 20 days thereof by petition, setting forth that the decision is erroneous, in whole or in part, and specifying the grounds upon which the decision is claimed to be in error. Upon the filing of an appeal, the commissioner shall transfer to the court the record of the proceeding or a certified copy thereof. The scope of review by the superior court shall be limited to questions of law. After hearing and upon consideration of the record, the court may affirm, vacate, or modify in whole or in part the decision of the commissioner, or may remand the matter to the commissioner for further findings. In the absence of a ~~[reasonable]~~ **timely** appeal, the decision and order shall be final, shall be entered upon the docket of the superior court at the request of the prevailing party, may be enforced as judgment of said court, and shall be a lien upon the property of the employer situated in the state for a period of 3 years from the time of the decision. It is a requirement of this subdivision for purposes of RSA 275:37 that a final order be immediately satisfied by the employer.

6 New Sections; Pay Disclosure; Data Collection. Amend RSA 275 by inserting after section 41-a the following new sections:

275:41-b Pay Disclosure.

I. No employer shall require the following as a condition of employment:

(a) That an employee refrain from disclosing the amount of his or her wages.

(b) That an employee sign a waiver or other document that purports to deny the employee the right to disclose the amount of his or her wages, salary, or paid benefits.

II. No employer shall discharge, formally discipline, or otherwise discriminate against an employee who discloses the amount of his or her wages, salary, or paid benefits.

275:41-c Pay Equity Information. The commissioner shall make available on the department of labor website, and through any other forum that the department may use to distribute compensation differentials information, accurate information on compensation differentials, including statistics, explanations of employee rights, historical analyses of such differentials, instructions for employers on compliance, and any other information that will assist the public in understanding and addressing such differentials. The commissioner of labor and the commissioner of employment security shall jointly compile and produce such information.

275:41-d Notice Required. The commissioner shall make available on the department of labor website the following notice: "It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor." This notice shall also include the address, phone number, and email address of department personnel to be contacted with complaints under this subdivision, as well as an internet link to RSA 275:37.

7 New Paragraph; Notification, Posting, and Records. Amend RSA 275:49 by inserting after paragraph VI the following new paragraph:

VII. Keep posted in a place accessible to his or her employees the following: "It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor." This notice shall also include the address, phone number, and email address of department personnel to be contacted with complaints under this subdivision, as well as an internet link to RSA 275:37.

8 Limitations of Actions. Amend RSA 275:41 to read as follows:

275:41 Limitation of Actions. Any action to recover unpaid wages and liquidated damages based on violation of RSA 275:37, [must] ***shall*** be commenced within [one year of the accrual thereof and not afterwards] ***3 years of discovery of the violation. No action brought under this section shall include any violation that occurred more than 4 years prior to the commencement of such action.***

9 Effective Date. This act shall take effect January 1, 2015.

2014-1741s

AMENDED ANALYSIS

This bill modifies provisions of law regarding pay equity.

Senate Executive Departments and Administration

May 7, 2014

2014-1768s

03/04

Amendment to HB 1210

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

AN ACT correcting certain references to divisions of the department of revenue administration and legalizing a Hanover school district bond warrant article.

Amend the bill by replacing all after section 6 with the following:

7 Hanover School District; Bond Warrant Article. All votes and proceedings related to bond warrant Article #2 that was passed by a 3/5 vote at the annual meeting of the Hanover school district held on March 4, 2014, and in particular, (1) the bond hearing proceedings that resulted in a violation of the RSA 33:8-a, I requirement that the school district hold a separate public bond hearing and that notice of such public hearing on the bond be published in a newspaper of general circulation within the school district at least 7 days prior to the day of the hearing and (2) the posting of the warrant for such annual meeting that resulted in a violation of the RSA 197:7 requirement that an attested copy of the warrant be posted at the place of the meeting, are hereby legalized, ratified, and confirmed.

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

2014-1768s

AMENDED ANALYSIS

This bill corrects statutory references to divisions of the department of revenue administration to reflect changes enacted in 2013, 247. This bill also legalizes a Hanover school district bond warrant article.

Senate Judiciary

May 6, 2014

2014-1731s

04/10

Amendment to HB 1227

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

AN ACT making changes to parole and parole board procedures and relative to jail sentences as a condition of probation.

Amend the bill by inserting after section 9 the following and renumbering the original sections 10-11 to read as 11-12, respectively:

10 Sentences; Sentences and Limitations. Amend RSA 651:2, V(i) to read as follows:

(i) The court may include, as a condition of probation [~~for a felony offense~~], a jail sentence of up to 30 days that a probation/parole officer may impose in segments of one to 7 days over the course of the probation period, in response to any violation of a condition of probation, in lieu of a violation of probation hearing. Such jail sanction shall be served at the county jail facility closest to or in reasonable proximity to where the probationer is under supervision.

2014-1731s**AMENDED ANALYSIS**

This bill makes various changes to the procedures for parole of prisoners and allows the court to include a jail sentence to be imposed by a probation/parole officer as a condition of probation for felony and misdemeanor offenses.

Senate Executive Departments and Administration**May 7, 2014****2014-1776s****04/10****Amendment to HB 1331**

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

AN ACT relative to the membership and reporting date of the interbranch criminal and juvenile justice council and establishing a committee to study state procurement.

Amend the bill by replacing all after section 3 with the following:

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. Sections 1-3 of this act shall take effect 60 days after its passage.

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

2014-1776s**AMENDED ANALYSIS**

This bill:

I. Adds members to and changes the reporting date of the interbranch criminal and juvenile justice council.

II. Requires the council to review and report on the effectiveness of changes made to probation and parole procedures and to the sentencing of offenders implemented by 2010, 247.

III. Establishes a committee to study state procurement.

Senate Judiciary
May 7, 2014
2014-1750s
05/03

Amendment to HB 1343

Amend the bill by replacing section 1 with the following:

1 Guardian Ad Litem; Appointment and Cost of Services. Amend RSA 461-A:16, IV to read as follows:

IV. When a guardian ad litem is appointed pursuant to this section, the court shall establish a maximum fee for the appointment. The guardian ad litem may exceed the maximum fee for the appointment, or additional fees may be authorized, only with the prior approval of the presiding judge and when all parties have been notified. The fees for services for the guardian ad litem and others utilized by the guardian and approved by the court shall be a charge against the parties in a proportional amount as the court may determine.

2014-1750s

AMENDED ANALYSIS

This bill directs the court to establish a maximum fee for a guardian ad litem appointed under RSA 461-A and requires notice to the parties and prior approval of the court before the fee may be exceeded.

Senate Executive Departments and Administration
May 7, 2014
2014-1783s
06/03

Amendment to HB 1368

Amend RSA 332-G:8 as inserted by section 1 of the bill by replacing it with the following:

332-G:8 Criminal Conviction. No board or commission shall disqualify a person from practicing, pursuing, or engaging in any occupation, trade, vocation, profession, or business for which a license, permit, certificate, or registration is required under this title, nor suspend or revoke such license, certificate, or registration because of a prior conviction of a crime in and of itself. However, a board or commission may deny a license or certificate, or the renewal of a license or certificate, or may suspend or revoke such license or certificate, because of a prior conviction after considering the nature of the crime and whether there is a substantial and direct relationship to the occupation, trade, vocation, or profession for which the person has applied, and may consider information about the rehabilitation of the convicted person, and the amount of time that has passed since the conviction or release.

Energy and Natural Resources
May 7, 2014
2014-1775s
08/09

Amendment to HB 1376

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

AN ACT establishing a committee to study the safe delivery of oil and gas, including natural gas and propane, throughout the state of New Hampshire.

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

1 Committee Established. There is established a committee to study the safe delivery of oil and gas, including natural gas and propane, throughout the state of New Hampshire.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall, in consultation with the department of environmental services, the public utilities commission, the office of energy and planning, the department of transportation, and the department of safety:

I. Review existing Pipeline and Hazardous Materials Safety Administration reports on New Hampshire pipeline safety, and Federal Railroad Administration reports on New Hampshire rail safety.

II. Review the safety of the existing pipeline system and other means for the delivery of both oil and gas throughout New Hampshire.

III. Review the safety, environmental, and economic impact of any expansion or repurposing of pipelines and rail lines for the delivery of oil and gas. As part of this review, determine, in conjunction with the department of transportation, the feasibility and cost of repurposing a section of rail known as the Portsmouth Bypass Spur Rail line. The department of transportation may seek a request for a proposal to determine such feasibility and cost, the expense of which shall be covered by any or all interested parties.

IV. Review the safety record and management plans for New Hampshire and the other Northeastern states of Pennsylvania, New York, Massachusetts, Vermont, and Maine for the moving of gas and oil, including but not limited to diluted bitumen, over land transport, meaning rail or road.

V. Review the adequacy of state and municipal emergency plans to deal with spills, leaks, fires, and explosions caused by either oil or gas accidents.

VI. Determine the adequacy of financial responsibility requirements for cleanup and damages caused by either oil or gas accidents.

4 Chairperson. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, the state library, the websites of the department of environmental services, the public utilities commission, and the office of energy and planning, and newspapers of general circulation in the state on or before May 1, 2015.

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

2014-1775s

AMENDED ANALYSIS

This bill establishes a committee to study pipeline safety and development in the state of New Hampshire.

Energy and Natural Resources

May 7, 2014

2014-1762s

06/04

Amendment to HB 1383

Amend RSA 485:11 as inserted by section 4 of the bill by replacing it with the following:

485:11 Backflow Device Requirements and Tests, Installations, Repairs and Replacements. There shall be a backflow prevention device installed at every connection to a public water system if the facility connected may pose a hazard to the quality of water supplied by the public water system as determined by the department. Where applicable, the facility receiving water from a public water supply shall be responsible for having such drinking water distribution system protective backflow prevention devices inspected and tested by individuals certified by a third party who has been approved by the department to conduct backflow device inspection and testing certification. The facility shall also have backflow devices installed, maintained, repaired, and replaced by individuals qualified by either a plumbers license or by certification by the department under RSA 332-E:3, III proving competency in distribution system operation. The activities to be conducted by qualified individuals shall be specifically limited to the inspection and testing,

maintenance, repair or replacement, and installation of the water meters, meter horns, backflow preventers, and assembly devices directly adjacent to and required as part of the protection for the drinking water distribution system. Testing of drinking water distribution system protective backflow prevention devices, where applicable, shall occur after installation or repair to ensure that new and repaired devices are working properly. Testing shall also occur twice annually for existing devices unless the public water supplier determines that the facility poses a low hazard, in which case testing shall occur annually. A residential property shall not be considered a low hazard facility but may be considered a high hazard facility if it has an irrigation system, private well connection, or other feature that may cause a public health risk. If an outside irrigation system is the sole reason a residential property is considered a hazard to the public water supply distribution system, such irrigation system shall be tested annually during the period when the irrigation system is operated. The facility receiving water from a public water supplier is responsible for ensuring that the backflow prevention device is working properly to prevent backflow into the public water system.

Senate Executive Departments and Administration

May 7, 2014

2014-1774s

01/09

Amendment to HB 1400

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

AN ACT establishing New Hampshire's presidential primary centennial anniversary commission and adding Millsfield to a certain election law.

Amend the section heading and amending language of section 1 of the bill and the chapter heading, section heading and paragraph I of RSA 19-O as inserted by section 1 of the bill by replacing them with the following:

1 New Chapter; New Hampshire's Presidential Primary Centennial Anniversary Commission. Amend RSA by inserting after chapter 19-N the following new chapter:

CHAPTER 19-O

NEW HAMPSHIRE'S PRESIDENTIAL

PRIMARY CENTENNIAL ANNIVERSARY COMMISSION

19-O:1 New Hampshire's Presidential Primary Centennial Anniversary Commission.

I. There is established the New Hampshire presidential primary centennial anniversary commission.

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

2 Repeal. RSA 19-O, relative to the New Hampshire presidential primary centennial anniversary commission, is repealed.

3 Election Procedure; Early Closing of Polls in Dixville [~~and~~], Hart's Location, **and Millsfield**. Amend RSA 659:3-a to read as follows:

659:3-a Early Closing of Polls in Dixville [~~and~~], Hart's Location, **and Millsfield**. The polls may not be closed pursuant to RSA 659:3 in Dixville [~~or~~], Hart's Location, **or Millsfield** until every person domiciled in the town who is not on the checklist has been contacted by the town clerk to see if they wish to register to vote prior to the closing of the polls.

4 Effective Date.

I. Section 2 of this act shall take effect December 1, 2016.

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

2014-1774s

AMENDED ANALYSIS

This bill establishes the New Hampshire's presidential primary centennial anniversary commission.

This bill also adds Millsfield to the law governing early closing of polls in Dixville and Hart's location.

Commerce
May 7, 2014
2014-1745s
06/01

Amendment to HB 1407

Amend the bill by replacing section 1 with the following:

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

Use of Social Media and Electronic Mail

275:71 Definition. In this subdivision, “personal account” means an account, service, or profile on a social networking website that is used by a current or prospective employee primarily for personal communications unrelated to any business purposes of the employer. This definition shall not apply to any account, service, or profile created, maintained, used, or accessed by a current or prospective employee for business purposes of the employer or to engage in business-related communications.

275:72 Use of Social Media and Electronic Mail.

I. No employer shall request or require that an employee or prospective employee disclose login information for accessing any personal account or service through an electronic communication device.

II. No employer shall compel an employee or applicant to add anyone, including the employer or the employer’s agent, to a list of contacts associated with an electronic mail account or personal account or require an employee or applicant to reduce the privacy settings associated with any electronic mail or personal account that would affect a third party’s ability to view the contents of the account.

III. No employer shall take or threaten to take disciplinary action against any employee for such employee’s refusal to comply with a request or demand by the employer that violates this subdivision.

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

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

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

(c) Request or require an employee to disclose login information for access to:

(1) An account or service provided by virtue of the employee’s employment relationship with the employer; or

(2) An electronic communications device or online account paid for or supplied by the employer.

V. If, through the use of an electronic device or program that monitors an employer’s network or the use of employer provided devices, an employer inadvertently receives an employee’s password, or other authentication information, the employer is not liable for having this information, but shall not use this information to access an employee’s personal accounts.

VI. Nothing in this section shall prohibit an employer from:

(a) Obtaining information about an employee or prospective employee that is in the public domain;

(b) Conducting an investigation:

(1) To ensure compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct based on information about activity on an employee’s personal account or service received from an employee or other source.

(2) Of an employee’s actions based on the receipt of specific information about the unauthorized transfer of an employer’s proprietary information, confidential information, or financial data to a personal online account or service by an employee or other source.

VII. In any investigation conducted under paragraph VI, the employer may require the employee’s cooperation to share only the content that has been received by the employer, in order to make a factual determination.

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

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

Senate Judiciary

May 6, 2014

2014-1733s

05/03

Amendment to HB 1409

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

AN ACT establishing a commission to study housing discrimination against individuals who receive federal housing assistance or who have been victims of domestic violence, stalking, or sexual assault.

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

1 New Section; Commission to Study Housing Discrimination Against Individuals Who Receive Federal Housing Assistance or Who Have Been Victims of Domestic Violence, Stalking, or Sexual Assault. Amend RSA 354-A by inserting after section 26 the following new section:

354-A:27 Commission to Study Housing Discrimination Against Individuals Who Receive Federal Housing Assistance or Who Have Been Victims of Domestic Violence, Stalking, or Sexual Assault.

I. There is established a commission to study housing discrimination against individuals who receive federal housing assistance or who have been victims of domestic violence, stalking, or sexual assault.

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

- (a) The president of Families in Transition, or designee.
- (b) The executive director of the New Hampshire housing finance authority, or designee.
- (c) The executive director of New Hampshire Legal Assistance, or designee.
- (d) The executive director of the New Hampshire Coalition Against Domestic and Sexual Violence, or designee.
- (e) The president of the New Hampshire Association of Realtors, or designee.
- (f) The executive director of The Way Home, or designee.
- (g) Two small property owners who are members of the New Hampshire Property Owners Association, appointed by the president of the senate.
- (h) One large property owner who is not a member of the New Hampshire Property Owners Association, appointed by the speaker of the house of representatives.
- (i) Two members of the house judiciary committee, appointed by the speaker of the house of representatives.
- (j) One member of the senate judiciary committee, appointed by the president of the senate.

III. Members of the commission shall serve without compensation, except that legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study housing discrimination against individuals who receive federal housing assistance or who have been victims of domestic violence, stalking, or sexual assault. The commission shall consider:

- (a) Whether the state law against discrimination, RSA 354-A, should be amended to prohibit discrimination against individuals who receive federal housing assistance or who have been victims of domestic violence, stalking, or sexual assault; and
- (b) How to best protect tenants from such discrimination in a manner that does not unfairly burden landlords.

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

VI. 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.

2 Repeal. RSA 354-A:27, relative to the commission to study housing discrimination against individuals who receive federal housing assistance or who have been victims of domestic violence, stalking, or sexual assault, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 1, 2014.

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

2014-1733s

AMENDED ANALYSIS

This bill establishes a commission to study housing discrimination against individuals who receive federal housing assistance or who have been victims of domestic violence, stalking, or sexual assault.

Senate Judiciary

May 6, 2014

2014-1732s

05/01

Amendment to HB 1410

Amend the bill by replacing section 5 with the following:

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

Health, Education and Human Services

May 6, 2014

2014-1719s

01/04

Amendment to HB 1434

Amend the bill by inserting after section 13 the following and renumbering the original section 14 to read as 15:

14 Directives for Medical Decisions; Requirement to Act in Accordance With Principal's Wishes and Best Interests. Amend RSA 137-J:6 to read as follows:

137-J:6 Requirement to Act in Accordance With Principal's Wishes and Best Interests. After consultation with the attending physician or APRN and other health care providers, the agent *or surrogate* shall make health care decisions in accordance with the agent's *or surrogate's* knowledge of the principal's wishes and religious or moral beliefs, as stated orally or otherwise communicated by the principal, or, if the principal's wishes are unknown, in accordance with the agent's *or surrogate's* assessment of the principal's best interests and in accordance with accepted medical practice.

Senate Finance

May 8, 2014

2014-1808s

08/01

Amendment to HB 1499-FN

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

AN ACT amending the definitions of "full-time" and "part-time" work; and establishing a committee to study the unemployment trust fund.

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

1 Definitions; Employment. Amend RSA 282-A:9, VIII-IX to read as follows:

VIII. "Full-time work" is ~~[work in employment of at least 37.5 hours a week]~~ ***services for the number of hours that is considered full-time by the industry in which the individual is seeking work, or by the person or entity for which services are or will be performed, but not less than 35 hours per week.***

IX. "Part-time work" is ~~[work in employment of at least 20 hours a week but less than 37.5 hours a week]~~ ***services of at least 20 hours per week but for fewer hours in a week than full-time work as defined by paragraph VIII. Such services shall include self-employment.***

2 New Subdivision; Unemployment Trust Fund Study Committee. Amend RSA 282-A by inserting after section 82-a the following new subdivision:

Unemployment Trust Fund Study Committee

282-A:82-b Unemployment Trust Fund Study Committee.

I. There is established a committee to study the unemployment trust fund.

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

(a) Three members of the senate, 2 of whom shall be appointed by the president of the senate, and one of whom shall be appointed by the senate minority leader.

(b) Three members of the house of representatives, 2 of whom shall be appointed by the speaker of the house of representatives, and one appointed by the minority leader of the house of representatives.

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

IV. The committee shall study the effect on the unemployment compensation trust fund of the contribution rate reduction trigger levels in RSA 282-A:82 and RSA 282-A:82-a, as well as the effect of increasing benefits paid to recipients.

V. The chairperson of the committee shall be the first named senate member, who shall call the first meeting within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

3 Repeal. RSA 282-A:82-b, relative to the unemployment trust fund study committee is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2014.

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

2014-1808s

AMENDED ANALYSIS

This bill:

I. Amends the definitions of "full-time" and "part-time" work.

II. Establishes a committee to study the unemployment trust fund.

Energy and Natural Resources

May 7, 2014

2014-1767s

06/03

Amendment to HB 1602

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

1 Purpose. The purpose of allowing the public utilities commission to determine if divestiture of Public Service Company of New Hampshire's (PSNH) remaining generation assets is in the economic interests of

PSNH's retail customers should be to maximize economic value for PSNH's retail customers, minimize risk to PSNH's retail customers, reduce stranded costs for PSNH's retail customers, promote the settlement of outstanding issues involving stranded costs, and provide for continued operation or possible repowering of PSNH's generation assets.

2 Divestiture of PSNH Generation Assets. Amend RSA 369-B:3-a to read as follows:

369-B:3-a Divestiture of PSNH Generation Assets. ~~[The sale of PSNH fossil and hydro generation assets shall not take place before April 30, 2006.]~~

I. Before January 1, 2015, the commission shall commence and expedite a proceeding to determine whether all or some of PSNH's generation assets should be divested. On or before March 31, 2015, the commission shall submit a progress report to the legislative oversight committee on electric utility restructuring established under RSA 374-F:5. Notwithstanding RSA 374:30, [subsequent to April 30, 2006,] the commission may order PSNH [may] to divest all or some of its generation assets if the commission finds that it is in the economic interest of retail customers of PSNH to do so, and provides for the cost recovery of such divestiture.

II. Prior to any divestiture of its generation assets, PSNH may modify or retire such generation assets if the commission finds that it is in the [public] ***economic*** interest of retail customers of PSNH to do so, and provides for the cost recovery of such modification or retirement.

3 New Section; Divestiture of PSNH Generation Assets; Employee Protections. Amend RSA 369-B by inserting after section 3-a the following new section:

369-B:3-b Employee Protections. In the event of divestiture of any or all of PSNH's generation assets, the employee protections set forth in Section X of the original proposed settlement defined in RSA 369-B:2, VIII, shall be provided to affected employees.

4 Definitions; Stranded Costs. Amend RSA 374-F:2, IV to read as follows:

IV. "Stranded costs" means costs, liabilities, and investments, such as uneconomic assets, that electric utilities would reasonably expect to recover if the existing regulatory structure with retail rates for the bundled provision of electric service continued and that will not be recovered as a result of restructured industry regulation that allows retail choice of electricity suppliers, unless a specific mechanism for such cost recovery is provided. Stranded costs may only include costs of:

(a) Existing commitments or obligations incurred prior to the effective date of this chapter;

(b) Renegotiated commitments approved by the commission; ~~[and]~~

(c) New mandated commitments approved by the commission, including any specific expenditures authorized for stranded cost recovery pursuant to any commission-approved plan to implement electric utility restructuring in the territory previously serviced by Connecticut Valley Electric Company, Inc.;

(d) Costs approved for recovery by the commission in connection with the divestiture of Public Service Company of New Hampshire generation assets pursuant to RSA 369-B:3-a; and

(e) All costs incurred as a result of fulfilling employee protection obligations pursuant to RSA 369-B:3-b.

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

2014-1767s

AMENDED ANALYSIS

This bill:

I. Authorizes the public utilities commission to determine whether PSNH generation assets should be divested.

II. Permits the public utilities commission to order PSNH to divest all or some of its generation assets.

III. Adds certain costs associated with the divestiture of PSNH generation assets to stranded costs.

IV. Provides certain employee protections in the event PSNH generation assets are divested.

Senate Ways and Means
 May 6, 2014
 2014-1711s
 01/10

Amendment to HB 1613

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

AN ACT relative to the Medicaid enhancement tax.

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

1 Medicaid Enhancement Tax; Definition; Hospital. Amend RSA 84-A:1, III to read as follows:

III. "Hospital" means general hospitals [~~and special hospitals for rehabilitation~~] required to be licensed under RSA 151 that provide inpatient and outpatient hospital services, but not including government facilities.

2 New Paragraph; Medicaid Enhancement Tax; Definition of Outpatient Hospital Services. Amend RSA 84-A:1 by inserting after paragraph IV-a the following new paragraph:

IV-b. "Outpatient hospital services" means the following when provided as an outpatient service:

- (a) Adult day care.
- (b) Ambulance.
- (c) Ambulatory surgical centers.
- (d) Dental.
- (e) Diabetes education.
- (f) Durable medical equipment.
- (g) Emergency advanced life support (ALS) training programs.
- (h) Laboratory, excluding outpatient laboratory services when that is the only service provided.
- (i) Nutrition consultations.
- (j) Physician services.
- (k) Podiatry.
- (l) Psychiatric distinct part unit (DPU).
- (m) Retail pharmacy.
- (n) Rural health clinic.
- (o) Senior center clinic.
- (p) Wound care clinic.

3 Imposition of Tax. Amend RSA 84-A:2 to read as follows:

84-A:2 Imposition of Tax.

I. For the taxable period beginning July 1, 2014 and ending June 30, 2015, a tax is imposed at a rate of 5.5 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending during the first full calendar year preceding the taxable period.

II. For the taxable period beginning July 1, 2015 and ending June 30, 2016, a tax is imposed at a rate of 5.25 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending during the first full calendar year preceding the taxable period.

III. For the taxable period beginning July 1, 2016 and ending June 30 2017, a tax is imposed at a rate of 5.0 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending during the first full calendar year preceding the taxable period.

IV. For the taxable period beginning July 1, 2017 and ending June 30, 2018, a tax is imposed at a rate of 4.75 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending during the first full calendar year preceding the taxable period.

V. For the taxable period beginning July 1, 2018 and ending June 30, 2019, a tax is imposed at a rate of 4.50 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending during the first full calendar year preceding the taxable period.

4 Tax Due. RSA 84-A:3 is repealed and reenacted to read as follows:

84-A:3 Tax Due.

I. For the taxable period beginning July 1, 2014, and for every taxable period thereafter, each hospital shall pay 25 percent of its Medicaid enhancement tax due and payable for the taxable period no later than the fifteenth day of October, January, March, and June of the taxable period. Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before the last day of the month in which such payment is due.

II. If the return required by RSA 84-A:4 shows an additional amount of tax to be due, such additional amount is due and payable at the time the return is due.

5 Returns. Amend RSA 84-A:4 to read as follows:

84-A:4 Returns. Every hospital shall on or before the ~~[tenth]~~ ***fifteenth*** day of ~~[the month following the expiration of]~~ ***June in*** the taxable period make a return to the commissioner. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it must contain for the correct computation of net patient services revenue and the tax assessed upon such amount. All returns shall be signed by the taxpayer or by its authorized representative, subject to the pains and penalties of perjury. If such return shows an overpayment of the tax due, the commissioner shall refund or credit the overpayment to the hospital in accordance with RSA 21-J:28-a.

6 Method of Payment; Reference Corrected. Amend RSA 84-A:5, I to read as follows:

I. The payments required by RSA 84-A:3~~[-H-a]~~ shall be made by electronic transfer of moneys to the state treasurer and deposited to the uncompensated care fund established by RSA 167:64.

7 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.

8 Uncompensated Care Fund; Definition; Hospital. Amend RSA 167:63, IV to read as follows:

IV. "Hospital" means general hospitals ~~[and special hospitals for rehabilitation]~~ required to be licensed under RSA 151, but not including government facilities.

9 Uncompensated Care Fund. RSA 167:64 is repealed and reenacted to read as follows:

167:64 Uncompensated Care Fund.

I. For purposes of this section, "uncompensated care costs" shall include: any charity care cost, and any portion of Medicaid-covered patient care costs unreimbursed by Medicaid payments, that the commissioner determines meet the criteria under 42 U.S.C. section 1396r-4(g) governing hospital-specific limits on disproportionate share hospital payments under Title XIX of the Social Security Act and the provisions of all federal regulations promulgated thereunder.

II. There is hereby established in the state treasury an uncompensated care fund which shall be accounted for distinctly and separately from all other funds and shall consist of the moneys collected pursuant to RSA 84-A. Moneys in the uncompensated care fund shall be continually appropriated to the department for the purposes of this subdivision. Investment earnings of the fund shall be credited to the fund. Moneys paid into the fund shall be exempt from any state budget reductions, and, except as provided in paragraph III, the commissioner is authorized to expend these funds, together with matching federal funds, only as follows:

(a) The commissioner may provide reimbursement for uncompensated care costs in accordance with the approved schedule of payments through either Medicaid rate adjustments or disproportionate share hospital payment adjustments, or a combination thereof, provided however that no hospital shall receive any such reimbursement for uncompensated care costs unless it is a qualified hospital as defined in subparagraph (b)(1). Funds available under this section shall also be used to make medical provider payments. Expenditure of revenues deposited to the uncompensated care fund shall be made for the following purposes in the following order of priority:

(1) To support medical provider payments as budgeted in each year of the biennium. To reduce hospital losses associated with providing services to Medicaid recipients the commissioner shall make Medicaid rate adjustments such that for the fiscal year ending June 30, 2016, not less than \$83,460,000 shall be appropriated for hospital provider payments.

(2) To support the state's Medicaid enhancement tax unrestricted revenue account as budgeted in each year of the biennium.

(3) To make disproportionate share hospital payments to support up to 75 percent of the uncompensated care costs of New Hampshire's hospitals with critical access designation as available funding allows, to be shared among such hospitals in proportion to the amount of uncompensated care provided.

(4) To make a disproportionate share hospital payment to each hospital that meets the criteria set forth for "deemed disproportionate share hospitals" as that term is defined under 42 U.S.C. section 1396r-4 in an amount as budgeted in each year of the biennium.

(5) To support the uncompensated care costs of New Hampshire's hospitals without critical access designation in proportion to the amount of uncompensated care provided by each hospital consistent with the requirements of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated under this section.

(b)(1) The commissioner is hereby authorized and directed to develop and implement a schedule of payments for reimbursement of the uncompensated care costs consistent with the level of funding made available for such payments in each year of the biennium, incurred by those hospitals that are qualified as follows:

(A) The hospital is a "deemed disproportionate share hospital" as defined by criteria set forth under 42 U.S.C. section 1396r-4 and is not otherwise receiving a disproportionate share hospital payment; or

(B) The hospital participates in the provider network of the state Medicaid care management program which shall be evidenced by written proof of an agreement in principle by July 1, 2015 with a final agreement by August 1, 2015.

(2) The reimbursement of uncompensated care costs paid in state fiscal year 2016 and state fiscal year 2017 shall be in accordance with the schedule of payments to hospitals that takes effect on or after July 1, 2015, subject to the prior review and approval of the federal Centers for Medicare and Medicaid Services, and shall be structured in a manner that is consistent with all federal laws and regulations governing:

(A) Title XIX disproportionate share hospital payment adjustments and other rate payments;

(B) Conditions for receiving federal financial participation; and

(C) Permissible sources of state financial participation as provided for under 42 C.F.R. part 433 and all other applicable federal regulations.

III. One percent of the funds made available for uncompensated care payments, shall be placed in a separate class line reserved for the expenses of the department in administering this subdivision.

IV. The balance of the moneys remaining in the fund at the end of each fiscal year shall lapse into the general fund.

10 New Paragraph; Uncompensated Care Fund; Waiver Request. Amend RSA 167:65 by inserting after paragraph IV the following new paragraph:

V.(a) Submit a waiver request pursuant to the process outlined in 42 C.F.R. section 433.68 for the purpose of waiving RSA 84-A, Medicaid enhancement tax liability for HealthSouth Rehabilitation Hospital and Northeast Rehabilitation Hospital, and such waiver request to be submitted the United States Department of Health and Human Services no later than October 1, 2014; and

(b) Provide a complete copy of such waiver request to HealthSouth Rehabilitation Hospital and Northeast Rehabilitation Hospital simultaneously with its submission to the United States Department of Health and Human Services.

11 Contingency; Medicaid Enhancement Tax; Uncompensated Care Fund; Definition of Hospital. Sections 1 and 8 of this act, deleting special hospitals for rehabilitation from the definition of “hospital” under the Medicaid enhancement tax and the uncompensated care fund, shall take effect on the approval date of the waiver request required in section 10 of this act, and shall apply to the taxable period ending June 30, 2014 and to every taxable period thereafter. The commissioner of health and human services shall certify the effective date to the secretary of state and the director of legislative services upon receipt of such approval.

12 Effective Date.

I. Sections 1 and 8 of this act shall take effect as provided in section 11 of this act.

II. Sections 3-7 of this act shall take effect July 1, 2014.

III. Section 9 of this act shall take effect July 1, 2015.

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

2014-1711s

AMENDED ANALYSIS

This bill revises services taxable under the Medicaid enhancement tax and changes the rate of the tax over a 5-year period. 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.

Commerce

May 7, 2014

2014-1748s

08/04

Amendment to HB 1615

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

AN ACT relative to allocation from the annual license renewal fee for pharmacists to the impaired pharmacist program.

Amend the bill by replacing sections 1-2 with the following and renumbering the original section 3 to read as 2:

1 Impaired Pharmacist Program. Amend RSA 318:29-a, VI(b) to read as follows:

(b) The board may allocate [§3] ***an amount determined by the board*** from each pharmacist annual license renewal fee it collects to provide funding for the impaired pharmacist program as set forth in subparagraph VI(a).

2014-1748s

AMENDED ANALYSIS

This bill allows the New Hampshire pharmacy board to determine the allocation from annual license renewal fee for pharmacists to the impaired pharmacist program.

Senate Finance

May 8, 2014

2014-1810s

01/05

Amendment to HB 1630-FN-A

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Section 4 of this act shall take effect 60 days after its passage.

II. Section 5 of this act shall take effect on December 15, 2015.

III. The remainder of this act shall take effect on July 1, 2015.

Senate Finance

May 6, 2014

2014-1709s

04/10

Amendment to HB 1634-FN

Amend the bill by inserting after section 11 the following and renumbering the original section 12 to read as 13:

12 Contingency. If the position of director of plant and property management in the department of administrative services is filled on or before the effective date of section 5 of this act and if SB 222 of the 2014 legislative session becomes law, the person in that position shall, subject to the provisions of RSA 4:1 and any other applicable law, serve as the director of procurement and support services in the department of administrative services for the remainder of his or her term of office.

Senate Finance

May 8, 2014

2014-1809s

01/08

Amendment to HB 1635-FN-A

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

AN ACT relative to community mental health programs and making appropriations therefor and relative to disposition of funds obtained by the attorney general.

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

II. The appropriations in paragraph I shall be made available for the sole purpose of expanding and enhancing mental health service capacity in integrated community settings pursuant to the comprehensive settlement agreement with the United States Department of Justice concerning Amanda D., et al. v. Hassan, et al.; United States v. New Hampshire, No.1:12-CV-53 (SM) and in accordance with RSA 14:35-b. The governor is hereby authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. General fund moneys appropriated under this paragraph may be offset by funds received from the Medicaid section 1115 demonstration waiver authorized under RSA 126-A:67. Sums appropriated in this section shall not be expended for any other purpose and shall not lapse.

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

2 New Section; Disposition of Funds Obtained by the Attorney General. Amend RSA 7 by inserting after section 6-d the following new section:

7:6-e Disposition of Funds Obtained by the Attorney General.

I. No money received by the attorney general, on behalf of the state or its citizens as a result of any civil judgment, settlement of a claim, settlement of threatened litigation, suit, petition, or other action or threatened action, shall be expended or otherwise distributed until authorized by the fiscal committee of the general court, except in those instances where the disposition of money received by the attorney general is already provided for in statute. Additionally, whenever the department of justice receives judgment or settlement money in excess of \$1,000,000, the first 10 percent of those funds shall be transferred to the revenue stabilization reserve account established in RSA 9:13-e.

II. Upon resolving a matter described in paragraph I, the attorney general shall promptly report to the fiscal committee of the general court any money received under this section. All reports under this paragraph shall include, but shall not be limited to:

- (a) The date of the judgment or settlement.
- (b) The reason for the judgment or settlement.

- (c) The purpose for which the judgment or settlement is to be used.
- (d) The amount of the judgment or settlement.
- (e) An accounting of the allocation of each judgment or settlement.

III. This section shall not apply to fines received by the attorney general in criminal cases, penalty assessment funds, drug forfeiture funds as provided in RSA 318-B:17-b through RSA 318-B:17-d, fines or civil penalties authorized by state law as a result of enforcement actions taken by state agencies or the attorney general, and money received on behalf of a victim or the state as restitution.

3 Effective Date.

- I. Section 2 of this act shall take effect 60 days after its passage.
- II. The remainder of this act shall take effect upon its passage.

2014-1809s

AMENDED ANALYSIS

This bill makes appropriations to the department of health and human services and the department of justice to pay costs related to mental health services in integrated community settings pursuant to a comprehensive settlement agreement with the United States Department of Justice.

This bill also:

- I. Requires the fiscal committee of the general court to approve the expenditure or distribution of monetary settlements received by the state.
- II. Requires the deposit of a portion of judgments over a specified amount in the revenue stabilization reserve account.
- III. Requires the attorney general to submit a report to the fiscal committee of the general court relative to all legal settlements received by the state.

Senate Transportation

May 6, 2014

2014-1736s

06/01

Amendment to HB 2014

Amend the bill by replacing section 6 with the following:

6 Turnpike System; Funds Provided. Amend RSA 237:7 I(h) to read as follows:

(h) Improvements to central New Hampshire turnpike.

RSA 237:2, **IV(h)**, VII, **VII(b)**, **VII(c)**, IX. ~~[485,200,000]~~ **\$574,900,000**

Amend the bill by replacing section 9 with the following:

9 Department of Transportation; Project Added to Unfunded Priorities.

I. The following project shall be added to the turnpikes portion of the unfunded priorities of the 10-year transportation improvement plan 2015-2024: Merrimack, removal of toll on exit 11 at \$1,600,000.

II. The project under paragraph I shall be contingent upon the relocation of the Bedford main line toll south of its present location on the F.E. Everett turnpike, and the town of Merrimack's acceptance of Continental Boulevard as a municipal highway.

Amend the bill by replacing section 13 with the following:

13 Department of Transportation; Salem to Manchester. The funding for the project named Salem to Manchester, project number 10418C, shall be removed from the unfunded priorities of the 10-year transportation improvement plan 2015-2024, and added to highway fund portion of such plan at \$200,000,000. This project shall be funded with bond proceeds issued pursuant to RSA 6:13-d, I as inserted by SB 367-FN-A of the 2014 legislative session.

Amend the bill by replacing section 15 with the following:

15 Ten Year Transportation Improvement Plan 2015-2024; Expenditure of Certain Road Toll Revenue. The Ten Year Transportation Improvement Plan 2015-2024 shall incorporate and be consistent with the provisions of RSA 260:32-b, expenditure of certain road toll revenue, as inserted by SB 367-FN-A of the 2014 legislative session.

Amend the bill by replacing all after section 15 with the following:

16 Contingency. If SB 367-FN-A of the 2014 legislative session becomes law, sections 13 and 15 of this act shall take effect at 12:01 on the day such act takes effect. If SB 367-FN-A of the 2014 legislative session does not become law, sections 13 and 15 of this act shall not take effect.

17 Effective Date.

I. Sections 13 and 15 of this act shall take effect as provided in section 16 of this act.

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

MEETINGS

FRIDAY, MAY 9, 2014

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

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

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

11:00 a.m. Room 205, LOB Regular Meeting

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

1:30 p.m. Room 206, LOB Lyme Disease Subcommittee

MONDAY, MAY 12, 2014

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

9:00 a.m. Room 100, SH Regular Meeting

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21)

3:00 p.m. Room 100, SH Regular Meeting

TUESDAY, MAY 13, 2014

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2)

1:30 p.m. Room 201, LOB Regular Meeting

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

2:30 p.m. Room 201, LOB Regular Business

COMMISSION TO STUDY AND UPDATE THE RULES AND PROCEDURES OF THE LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:11)

3:00 p.m. Room 104, LOB Regular Meeting

COMMISSION TO OVERSEE THE CONSTRUCTION OF THE ISLES OF SHOALS 400TH ANNIVERSARY MEMORIAL (HB 25, Chapter 195:45, Laws of 2013)

3:30 p.m. Room 201, LOB Regular Meeting

THURSDAY, MAY 15, 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, MAY 16, 2014

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

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

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

10:00 a.m. Town Hall Regular Meeting
 205 Nimble Hill Road
 Newington, NH

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

10:30 a.m. Room 101, LOB Non-Public Session on the Complaint
 Review Committee

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

COMMITTEE TO STUDY THE LAWS RELATING TO CONDOMINIUM AND HOMEOWNERS' ASSOCIATIONS (RSA 356-B:70)

1:00 p.m. Room 202, LOB Regular Meeting

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

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

MONDAY, MAY 19, 2014

COMMITTEE TO STUDY THE LAWS RELATING TO CONDOMINIUM AND HOMEOWNERS' ASSOCIATIONS (RSA 356-B:70)

10:00 a.m. Room 202, LOB Regular Meeting

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

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

NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2)

10:00 a.m. NH Higher Education Assistance Foundation Quarterly Meeting
 4 Barrell Court
 Concord, NH

TUESDAY, MAY 20, 2014

NEW HAMPSHIRE CONSERVATION NUMBER PLATE ADVISORY COMMITTEE (RSA 261:97-d)

10:00 a.m. Room 207, LOB Regular Meeting

THURSDAY, MAY 22, 2014

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

12:30 p.m. Holiday Inn Retreat with Gerri King
 172 Main Street
 Concord, NH

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

1:00 p.m. Rooms 210-211, LOB Special Meeting
 Laws of 2014, Chapter 3 (SB 413)
 An act relative to health insurance
 coverage.

COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T)

2:00 p.m. NH Medical Society Regular Meeting
 7 North State Street
 Concord, NH

FRIDAY, MAY 23, 2014

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

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

FRIDAY, MAY 30, 2014

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

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

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

9:30 a.m. NH Department of Revenue Administration Regular Meeting
109 Pleasant Street
Concord, NH

MONDAY, JUNE 2, 2014

COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F)

8:30 a.m. Room 103, SH Regular Meeting

WEDNESDAY, JUNE 4, 2014

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

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

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, JUNE 6, 2014

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

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

MONDAY, JUNE 9, 2014

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

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

FRIDAY, JUNE 13, 2014

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

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

MONDAY, JUNE 16, 2014

COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F)

10:00 a.m. Room 103, SH Public Hearing on the CBT report
prior to release

WEDNESDAY, JUNE 18, 2014

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

8:30 a.m. Fuller Library Quarterly Meeting
29 School Street
Hillsborough, NH

FRIDAY, JUNE 20, 2014

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

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

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

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

* * * * *

SENATE BILLS AMENDED BY THE HOUSE

SB 229, relative to the use and disclosure of protected health information.

SB 231-FN, relative to regulation of tractors and utility vehicles.

SB 233, relative to property tax exemption for district fire mutual aid systems.

SB 236, relative to delivery of the final budget and recommendation of the municipal budget committee to the governing body.

SB 241, establishing the division of economic development fund.

SB 243, relative to the carry forward of a credit against the business profits tax, rulemaking concerning the real estate transfer tax, the disclosure of certain department of revenue administration records, and the tax on unstamped tobacco products.

SB 247, relative to ignition interlock device violations and interlock device removal protocols.

SB 248, establishing a committee to study policies and procedures for the development and maintenance of state-owned abandoned rail corridors.

SB 253, relative to grounds for termination of parental rights.

SB 259-FN-A, establishing a palliative care center for health care consumers and providers and continually appropriating a special fund.

SB 270, establishing a commission to study mental health implementation in New Hampshire.

SB 289, relative to validated wills and revising the uniform trust act.

SB 295, prohibiting an employer from using credit history in employment decisions.

SB 305, relative to licensure of motor vehicle dealers.

SB 311, authorizing the executive director of the fish and game department to execute an agreement allowing reciprocal snowmobile riding privileges with the states of Vermont and Maine.

SB 317-FN, relative to trafficking in persons.

SB 333, relative to property taxation of manufactured housing.

SB 346, relative to rectifiers.

SB 384, 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.

SB 391, 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.

SB 392, establishing a commission on rural affairs.

SB 393, relative to the housing finance authority and surplus lands housing program.

* * * * *

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, 204, 205, 206, 213, 215, 222, 231, 235, 238, 240, 245, 259, 262, 264, 281, 283, 303, 308, 315, 317, 318, 321, 323, 327, 331, 335, 339, 340, 345, 346, 366, 367, 369, 370, 404, 405, 409, 413, 414, 416

HOUSE BILLS: 118, 226, 255, 256, 263, 319, 439, 461, 466, 496, 485, 489, 584, 597, 624, 649, 650, 654, 657, 1104, 1132, 1135, 1142, 1145, 1150, 1152, 1160, 1176, 1232, 1242, 1308, 1335, 1359, 1368, 1372, 1381, 1411, 1439, 1457, 1484, 1488, 1489, 1494, 1498, 1499, 1548, 1567, 1570, 1571, 1572, 1579, 1581, 1587, 1617, 1620, 1622, 1624, 1631, 1634

* * * * *

ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2014 BILLS:

SENATE BILLS: 196, 201, 215, 249, 298, 254, 326, 351, 367, 413

HOUSE BILLS: 227, 496, 1224, 1249, 1290, 1555, 1572, 1629

* * * * *

NOTICES

WEDNESDAY, MAY 14, 2014

The New Hampshire Soft Drink Association cordially invites all House and Senate members and legislative staff to enjoy a hot breakfast on Wednesday, May 14th from 8:00 a.m. to 10:00 a.m. in the State House Cafeteria. Please come and see how the beverage industry in New Hampshire is delivering jobs, choice and recycling innovation for the people of New Hampshire. Experts will be on hand to demonstrate how plastic bottles are recycled and reused. It is a great demonstration to see. Please RSVP to jgrimbilas@biancoba.com See you there!

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

* * * * *

THURSDAY, MAY 15, 2014

Career and Technical Student Organizations from across New Hampshire will be in Concord at the State House on May 15th. They will be starting their day in the cafeteria at 8:00 a.m. for a presentation and will be available to meet with legislators throughout the day.

Senator Jeff Woodburn

* * * * *

WEDNESDAY, MAY 21, 2014

All Senators, Representatives and Staff are invited to the Biennial Legislative Health Screening Day presented by Health Services. The event will be held on Wednesday, May 21st on the 3rd floor of the LOB from 9:00 a.m. to 1:00 p.m. There will be screenings for blood pressure, blood sugar, glaucoma, fall prevention balance, and even chair massages by Seacoast Career School and much more. Got questions? Bring them to our participating professionals including dentist, pharmacists and ophthalmologist for quick and up to date information. There will be door prizes and refreshments.

Senator Nancy F. Stiles

* * * * *

THURSDAY, MAY 22, 2014

The Propane Gas Association of New England is hosting its annual Outdoor Living Safety Day on the State House lawn on Thursday, May 22nd from 8:00 a.m. to 2:00 p.m. Ten propane companies will be grilling and displaying propane powered vehicles. NH Clean Cities and the Fire Marshall will be in attendance as well. All are welcome.

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

* * * * *

FRIDAY, JUNE 13, 2014

The 40th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Legislative Golf Tournament for the benefit of the American Heart Association is scheduled for Friday, June 13, 2014 at Beaver Meadow Golf Club located in Concord, NH. The entry fee for this annual tournament is \$80 per legislator and legislative staff and \$100 for all others. Entry fees must be received by Friday, June 6th.

Registration begins at 7:15 a.m. and the shotgun start is scheduled for 8:30 a.m. The format is a "Scramble".

Sign-up as a foursome or sign-up by yourself in order to be placed in a foursome (*subject to availability of open slots*).

Please return your completed entry form and payment no later than June 6th. (*Please note that, for planning purposes, payment must be made no later than June 6th. All entry forms received after Friday, June 6th will be assessed a \$25 late admittance fee per player. Cancellation must occur two weeks prior to the tournament date to receive a refund*)

Checks should be made payable to: NH Legislative Golf Committee.

Mailed to: Bob Blaisdell, Demers & Blaisdell, Inc., 72 North Main Street, Suite 301, Concord, NH 03301.

40th Annual Bill White & Junie Blaisdell Ceremonial & Memorial Legislative Golf Tournament
Beaver Meadow Golf Course
Concord, NH

Name: 1. _____
2. _____
3. _____
4. _____

Telephone: _____ Amount Enclosed: _____

Senator Chuck W. Morse, Senate President

* * * * *

SENATE SCHEDULE

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)