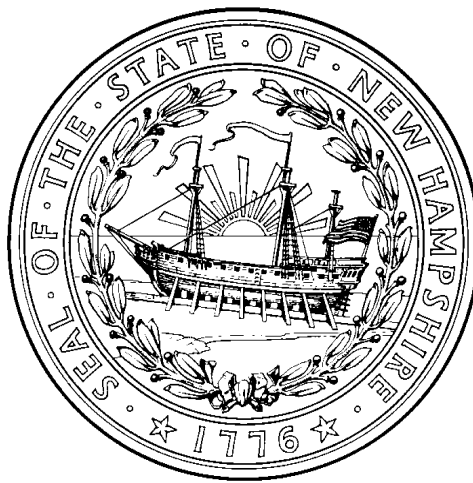


May 28, 2015  
No. 24

# STATE OF NEW HAMPSHIRE

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**First Year of the 164<sup>th</sup> Session of the  
New Hampshire General Court**

## SENATE CALENDAR

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**THE SENATE WILL MEET IN SESSION ON  
THURSDAY, JUNE 4, 2015 AT 10:00 A.M.**

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**VETO MESSAGE**

May 8, 2015

Governor's Veto Message Regarding Senate Bill 101

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on May 8, 2015, I have vetoed Senate Bill 101, an act prohibiting the state from requiring implementation of Common Core standards.

New Hampshire's economic competitiveness depends on our ongoing commitment to ensuring that our students and workers have the skills needed to compete in the future. Senate Bill 101 serves no real function as it prohibits non-existent requirements. But allowing it to become law would have real and lasting consequences to New Hampshire's economic competitiveness by sending a damaging signal that our state is not committed to the education standards necessary to prepare a 21<sup>st</sup> century workforce. That is why the business community and the education community joined together to oppose this legislation. The New Hampshire Business and Industry Association has called for a veto, writing "SB101 undermines New Hampshire's commitment to higher educational standards and sends a message mediocre is okay."

No school district is required to implement Common Core under current New Hampshire law, thus there is no need to pass a law exempting districts from compliance. School districts are already well aware that they have such a choice. In fact, Manchester underwent an extensive process to write its own standards. At the end of the day, Manchester ended up with standards that are quite similar to the Common Core standards, reflecting that Common Core is a common-sense framework – developed from the ground up in a bipartisan process led by Governors and Chief School Officers – for ensuring that our children are ready for careers and/or college.

Our schools need to prepare our young people to compete in the global, 21<sup>st</sup> century innovation economy, and college- and career-readiness standards are critical to that effort, which is why Common Core has the support of educators and businesses, and of Republicans and Democrats. As this bill has no practical impact, its purpose appears to be that of sending a message, and it is the wrong message. New Hampshire must be clear that it is committed to developing a 21<sup>st</sup> century workforce and citizenry, that it welcomes innovation, and that it is modernizing its education system to reflect those values. Legislation like Senate Bill 101 undermines the importance of high standards in education and the work that New Hampshire's Department of Education and Board of Education do every day to ensure that our students are college ready and prepared to enter the workforce. It also undermines similar locally led efforts as well.

Instead of legislation aimed at undermining college- and career-readiness standards like Common Core – we should be focused on continually improving the education we offer our children. This focus should help schools implement new standards effectively and build on New Hampshire's status as a leader in competency-based education. We should be celebrating and building on innovative programs like our groundbreaking Performance Assessment for Competency Education (PACE), a locally managed assessment process. PACE empowers our students and our teachers by reducing the level of standardized testing in favor of more locally managed assessments that will be integrated into a student's day-to-day work, and that improves the effectiveness of project-based 21<sup>st</sup> century learning.

As we work together to make sure that our students have access to a rigorous education, it is critical that we continue to do so in the New Hampshire way, with local school districts continuing to have the authority, flexibility and responsibility to meet the best interests of their children. And we need to continue to improve outreach so that we can enhance understanding of modern and rigorous standards among all stakeholders and citizens so that we are working together in a rapidly changing economy to prepare our young people for the future.

This legislation is unnecessary and its passage would send a message to the business and education community that New Hampshire does not value high standards in education, standards that will help prepare our future workforce for success in the innovation economy. Therefore, I have vetoed Senate Bill 101.

Respectfully submitted,

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Margaret Wood Hassan  
Governor

## LAID ON THE TABLE

**HB 227**, relative to eminent domain on public lands. **04/30/2015, pending motion, Inexpedient to Legislate, Public and Municipal Affairs, SJ 12, pg. 359**

**HB 276**, providing that school districts shall not be required to adopt the common core standards. **05/07/2015, pending motion, Inexpedient to Legislate, Education, SJ 13, pg. 384**

**HB 403-FN**, repealing the law relative to providing certain parameters for access to reproductive health care facilities. **05/14/2015, No Pending Motion, Judiciary, SJ 14, pg. 403**

**HB 411**, prohibiting the payment of subminimum wages to persons with disabilities. **04/30/2015, pending motion, OT3rdg, Commerce, SJ 12, pg. 348**

**HB 563-FN**, relative to funding for chartered public school pupils. **05/14/2015, pending motion, OT3rdg, Education, SJ 14, pg. 397**

**HB 658-FN**, prohibiting collective bargaining agreements that require employees to join a labor union. **04/30/2015, pending motion, Ought to Pass, Finance, SJ 12, pg. 358**

**SB 1-FN-A**, reducing the rate of the business profits tax. **03/19/2015, pending motion, OT3rdg, Finance, SJ 9, pg. 203**

**SB 2-FN-A**, reducing the rate of the business enterprise tax. **03/19/2015, pending motion, OT3rdg, Finance, SJ 9, pg. 203**

**SB 6-FN-A**, increasing the research and development tax credit against the business profits tax. **02/19/2015, pending motion, OT3rdg, Ways and Means, SJ 6, pg. 81**

**SB 34-FN-L**, establishing a voluntary tax disclosure program and a tax amnesty program in the department of revenue administration. **03/12/2015, pending motion, Refer to Finance Rule 4-5, Ways and Means, SJ 8, pg. 180**

**SB 37**, limiting the requirements for live testimony by medical professionals in civil actions. **03/26/2015, pending motion, Committee Amendment 0992s, Judiciary, SJ 10, pg. 303**

**SB 42**, relative to employee notification of contraceptive coverage. **03/05/2015, pending motion, Ought to Pass, Commerce, SJ 7 pg. 95**

**SB 79**, relative to appointment of inspectors of election. **02/12/2015, pending motion, Committee Amendment 0107s, Public and Municipal Affairs, SJ 5, pg. 69**

**SB 87**, relative to wake on a certain area of the Piscataqua River. **02/19/2015, pending motion, Inexpedient to Legislate, Transportation, SJ 6, pg. 82**

**SB 95**, relative to the authority of the department of state. **03/05/2015, pending motion, Re-refer to committee, Finance, SJ 7, pg. 99**

**SB 107-FN**, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union. **03/05/2015, no pending motion, Commerce, SJ 7, pg. 97**

**SB 130**, relative to participation in the immunization registry. **03/19/2015, pending motion, Re-refer to committee, Health and Human Services, SJ 9, pg. 205**

**SB 156-FN**, prohibiting discrimination against employees who are victims of domestic violence, sexual assault, or stalking. **03/05/2015, pending motion, Ought to Pass, Commerce, SJ 7, pg. 97**

**SB 185-FN**, extending the New Hampshire health protection program. **03/12/2015, pending motion, Inexpedient to Legislate, Health and Human Services, SJ 8, pg. 168**

**SB 196-FN-A-L**, appropriating funds to the department of environmental services for the purpose of funding eligible water supply land protection costs under the state aid grant program. **02/12/2015, pending motion, OT3rdg, Energy and Natural Resources, SJ 5, pg. 64**

**SB 201-FN-A**, increasing the annual limit on the new investment tax credit. **03/05/2015, pending motion, OT3rdg, Ways and Means, SJ 7, pg. 105**

**SB 205-FN**, relative to the governor's office and the legislature under the electioneering law. **03/12/2015, pending motion, Ought to Pass as Amended, Judiciary, SJ 8, pg. 173**

**SB 212-FN**, relative to the membership and duties of the juvenile justice advisory board and the Sununu Youth Services Center. **03/12/2015, pending motion, OT3rdg, Health and Human Services, SJ 8, pg. 168**

**SB 215-FN-A**, establishing an option to rebate the research and development tax credit against business profits taxes. **03/05/2015, pending motion, OT3rdg, Ways and Means, SJ 7, pg. 105**

**SB 217-FN**, establishing a job creation tax credit against business enterprise taxes. **03/05/2015, pending motion, OT3rdg, Ways and Means, SJ 7, pg. 106**

**SB 220-FN-A**, establishing a tax amnesty program and making an appropriation therefor. **03/12/2015, pending motion, Inexpedient to Legislate, Ways and Means, SJ 8, pg. 182**

**SB 228-FN-L**, relative to the maximum total education grant, adjustment of stabilization grants, and adequate education funding for full-day kindergarten pupils. **03/05/2015, pending motion, OT3rdg, Education, SJ 7, pg. 98**

**SB 229-FN-A**, appropriating funds to the department of environmental services for the purpose of restoring and protecting waters of the southeast watershed in accordance with EPA guidelines. **02/12/2015, pending motion, OT3rdg, Energy and Natural Resources, SJ 5, pg. 65**

**SB 233-FN-A**, relative to state revenue and expenditures for fiscal year 2015. **03/05/2015, pending motion, Inexpedient to Legislate, Finance, SJ 7, pg. 100**

**SB 253**, relative to the enactment of ordinances by municipalities permitting an assessment on hotel occupancy for the use of municipal services. **03/26/2015, pending motion, Re-refer to committee, Public and Municipal Affairs, SJ 10, pg. 311**

## CONSENT CALENDAR REPORTS

### JUDICIARY

**HB 225**, requiring the defendant to personally appear in the courtroom during a victim impact statement. Ought to Pass, Vote 5-0.  
Senator Lasky for the committee.

This bill requires the defendant in a criminal proceeding to personally appear in court when the victim or victim's next of kin addresses the judge. Commonly referred to as the "victim impact statement," this statement at the closure of the trial, and after the defendant has been found guilty, is a vital part of the family's healing. Testimony was convincing that having the defendant personally appear at this time is of great importance to the family.

**HB 285**, relative to discussion with legal counsel under the right-to-know law.  
Re-refer to committee, Vote 5-0.  
Senator Carson for the committee.

This is one of three bills on the right-to-know statute, RSA 91-A, being re-referred to committee. The purpose is to look at all three aspects in the different bills in the larger context of the entire statute.

**HB 287**, allowing citizens to record by audio or video a traffic stop by law enforcement officers.  
Inexpedient to Legislate, Vote 5-0.  
Senator Carson for the committee.

This bill seeks to place into statute the right to video or audio record a traffic stop by a law enforcement officer. This right has already been affirmed in case law. While we appreciate the sponsor's desire to codify this in statute, this bill actually is more narrow than the Supreme Court decisions, therefore we recommend that the bill not go forward.

**HB 309**, permitting landlords to remove tenants' property in certain circumstances.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Cataldo for the committee.

This bill permits a landlord to remove a tenant's property in certain circumstances, such as an abandoned vehicle in a parking lot. The amendment clarifies that the tenant will receive two different notices spanning a period of 7 days prior to the removal of the item(s).

**HB 613**, relative to governmental records exempted under the right-to-know law.  
Re-refer to committee, Vote 5-0.  
Senator Carson for the committee.

This is the second right-to-know bill being re-referred that raised a number of questions in committee which need to be reviewed within the larger context of RSA 91-A.

## **REGULAR CALENDAR REPORTS**

### **ENERGY AND NATURAL RESOURCES**

**HB 208-FN**, relative to allowance sales under the New Hampshire regional greenhouse gas initiative program.  
Ought to Pass with Amendment, Vote 3-2.  
Senator Feltes for the committee.

**HB 572-FN-L**, relative to taking land by eminent domain for high pressure gas pipelines and requiring payment of the land use change tax when land is taken by eminent domain to build energy infrastructure.  
Ought to Pass with Amendment, Vote 4-1.  
Senator Bradley for the committee.

### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 427**, relative to the definition of the New Hampshire fire code.  
Ought to Pass with Amendment, Vote 3-0.  
Senator Carson for the committee.

**HB 508**, relative to the dissolution of the New Hampshire medical malpractice joint underwriting association.  
Ought to Pass with Amendment, Vote 2-1.  
Senator Carson for the committee.

### **FINANCE**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2016 and June 30, 2017.  
Ought to Pass with Amendment, Vote 4-2.  
Senator Forrester for the committee.

**HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.  
Ought to Pass with Amendment, Vote 4-2.  
Senator Forrester for the committee.

**HB 550-FN**, relative to administration of the tobacco tax.  
Ought to Pass with Amendment, Vote 4-2.  
Senator Little for the committee.

**HB 614-FN**, implementing goals of the state 10-year energy strategy, modifying uses of the site evaluation committee fund, establishing fees for energy facility evaluation, and relative to public information sessions on proposed energy siting.  
Ought to Pass, Vote 6-0.  
Senator Reagan for the committee.

### **HEALTH AND HUMAN SERVICES**

**HB 330**, establishing an oversight commission for medical cost transparency.  
Ought to Pass with Amendment, Vote 3-0.  
Senator Sanborn for the committee.

**HB 383**, relative to the immunization/vaccination registry.  
Inexpedient to Legislate, Vote 2-1.  
Senator Carson for the committee.

**JUDICIARY**

**HB 270**, granting immunity from criminal prosecution to a person who reports a drug related emergency.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Pierce for the committee.

**HB 441**, relative to financial affidavits submitted in hearings regarding child support, property settlement, and alimony.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Pierce for the committee.

**HB 468-FN**, requiring a warrant to obtain electronic device location information.  
Ought to Pass with Amendment, Vote 5-0.  
Senator Pierce for the committee.

**HB 618-FN**, relative to penalties for the possession of marijuana.  
Inexpedient to Legislate, Vote 4-1.  
Senator Carson for the committee.

**HB 645-FN**, relative to the licensure and regulation of child day care agencies.  
Re-refer to committee, Vote 4-1.  
Senator Carson for the committee.

**PUBLIC AND MUNICIPAL AFFAIRS**

**HB 486**, authorizing towns and cities to establish special assessment districts.  
Ought to Pass with Amendment, Vote 3-1.  
Senator Boutin for the committee.

**TRANSPORTATION**

**HB 115**, relative to reports on gross appropriations from the highway fund in the tentative state budget.  
Ought to Pass with Amendment, Vote 3-2.  
Senator Daniels for the committee.

**AMENDMENTS**

**Senate Finance**  
**May 27, 2015**  
**2015-1962s**  
**10/04**

**Amendment to HB 1-A**

The Senate Amendment to HB 1-A is contained in a separate document labeled as Senate Calendar 24-Supplement, Dated May 28, 2015.

**Senate Finance**  
**May 27, 2015**  
**2015-1986s**  
**09/05**

**Amendment to HB 2-FN-A-LOCAL**

The Senate Amendment to HB 2-FN-A-LOCAL is contained in a separate document labeled as Senate Calendar 24-Supplement 2, Dated May 28, 2015.

**Senate Transportation**  
**May 26, 2015**  
**2015-1955s**  
**08/10**

**Amendment to HB 115**

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

AN ACT    relative to reports on gross appropriations from the highway fund in the tentative state budget and defining autocycle and making provisions for the operation and inspection of autocycles.

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

2 New Section; Autocycle. Amend RSA 259 by inserting after section 4-c the following new section:

259:4-d Autocycle. "Autocycle" means a 3-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride, is equipped with safety belts for all occupants and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall be deemed to be a motorcycle.

3 Registration of Autocycles. Amend RSA 261:81-a to read as follows:

261:81-a Registration of Other Motorized Devices. If other than a motorcycle, **autocycle**, motor-driven cycle, or moped, any person seeking to register a motorized 2- or 3-wheeled vehicle or device shall provide proof of manufacture to meet United States Department of Transportation motor vehicle safety standards to the satisfaction of the director.

4 Driver Education; Autocycles. Amend RSA 263:19, III to read as follows:

III. Any person who wishes to obtain a motorcycle endorsement shall not be required to complete the [20] **40** hours of practice driving time specified in paragraph II, but shall successfully complete a program authorized pursuant to RSA 263:34-b, **except that no such endorsement shall be required for the operation of an autocycle.**

5 New Section; Autocycle License Not Required. Amend RSA 263 by inserting after section 30 the following new section:

263:30-a Autocycle License Not Required. No person shall operate an autocycle unless he or she has a valid driver's license.

6 Under 18 Seatbelt Required. Amend RSA 265:107-a, I-a to read as follows:

I-a. No person who is less than 18 years of age shall drive a motor vehicle **or autocycle** on any way unless such person is wearing a seat or safety belt which is properly adjusted and fastened.

7 Protective Headgear. Amend RSA 265:122, I-IV to read as follows:

I. No person less than 18 years of age may drive or ride upon a motorcycle **or autocycle** unless he **or she** wears protective headgear of a type approved by the director. Such headgear shall be equipped with either a neck or chin strap.

II. The director is hereby authorized and empowered to adopt rules pursuant to RSA 260:5 covering the types of protective headgear and the specifications therefor and to establish and maintain a list of approved headgear which meet [his] established specifications.

III. If federal law is altered so that the mandatory wearing of protective headgear on motorcycles **or autocycles** by persons less than 18 years of age is not required as a condition to the receipt by the state of any federal funds, paragraphs I and II shall be void.

IV. Any motorcycle **or autocycle** operator who transports a person under the age of 18 years, when such person is in violation of paragraph I, shall be guilty of a violation.

8 Inspection Authorized. Amend RSA 266:1, III to read as follows:

III. If the owner of the vehicle is a company or corporation or other than a natural person, the annual inspection shall be made during the month designated by the director as the registration month for such legal entity. Vehicles registered as antique motor vehicles and antique motorcycles and which are 40 years old and over shall be inspected biennially. Antique motor vehicles and custom vehicles shall be inspected in the month of April. Without regard to the owner's birth date or registration month, motorcycles, **autocycles**, and recreational vehicles shall be inspected annually by July 1.

9 Effective Date.

I. Section 1 of this act shall take effect on July 1, 2015.

II. The remainder of this act shall take effect on January 1, 2016.

2015-1955s

## AMENDED ANALYSIS

This bill adds the house public works and highways committee and the senate transportation committee to the recipients of reports on gross appropriations from the highway fund in the state budget.

This bill also defines “autocycle” and makes provisions for the operation, and inspection thereof.

**Energy and Natural Resources****May 27, 2015****2015-1970s****01/04****Amendment to HB 208-FN**

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

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

II. All amounts [~~in excess of the threshold price of \$1 for any allowance sale~~] shall be ***allocated to the commercial and industrial retail electric customers and the residential retail electric customers consistent with the kilowatt-hour delivery sales of electric distribution utilities as determined by the commission. All of the commercial and industrial retail electric customer allocations shall be*** rebated to all [~~retail electric ratepayers~~] ***commercial and industrial retail customers*** in the state on a per-kilowatt-hour basis, in a timely manner to be determined by the commission.

III. All remaining proceeds received by the state from the sale of allowances, excluding the amount used for commission and department administration under paragraph I, shall be allocated by the commission as follows:

(a) At least [~~15~~] **30** percent to the low-income core energy efficiency program.

(b) Beginning January 1, [~~2014~~] **2016**, [~~up to \$2,000,000~~] ***the remainder*** annually to utility core programs for municipal, ***school district***, and local government energy efficiency projects, including projects by local governments that have their own municipal utilities. Funding elements shall include, but not be limited to, funding for direct technical and project management assistance to identify and encourage comprehensive projects and incentives structured to assist municipal and local governments funding energy efficiency projects. In calendar years 2014, 2015, and 2016, any unused funds allocated to municipal and local government projects under this paragraph remaining at the end of the year shall roll over and be added to the new calendar year program funds and continue to be made available exclusively for municipal and local government projects. Beginning in calendar year 2017, and all subsequent years, funds allocated to municipal and local government projects under this paragraph shall be offered first to municipal and local governments as described in this paragraph for no less than 4 full calendar months. If, at the end of this time, municipal and local governments have not submitted requests for eligible projects that will expend the funds allocated to municipal and local government projects under this paragraph within that program year, the funds shall be offered on a first-come, first-serve basis to business and municipal customers who fund the system benefits charge.

~~[(c) The remainder to all fuels, comprehensive energy efficiency programs administered by qualified parties which may include electric distribution companies as selected through a competitive bid process. The funding shall be distributed among residential, commercial, and industrial customers based upon each customer class's electricity usage to the greatest extent practicable as determined by the commission. Bids shall be evaluated based on, but not limited to, the following criteria:-~~

~~(1) A benefit/cost ratio analysis including all fuels.~~

~~(2) Demonstrated ability to provide a comprehensive, fuel neutral program.~~

~~(3) Demonstrated infrastructure to effectively deliver such program.~~

~~(4) Experience of the bidder in administering energy efficiency programs.~~

~~(5) Ability to reach out to customers.~~

~~(6) The validity of the energy saving assumptions described in the bid.]~~



2 Repeal. RSA 125-O:23, IV and V, relative to use of remaining proceeds received by the state from the sale of allowances, are repealed.

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

**2015-1970s**

#### AMENDED ANALYSIS

This bill changes the allocation of proceeds received from allowance sales under the New Hampshire regional greenhouse gas initiative program.

**Senate Judiciary**

**May 26, 2015**

**2015-1950s**

**04/03**

#### Amendment to HB 270

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

AN ACT granting immunity from arrest, prosecution, or conviction to a person who requests medical assistance to save the life of an overdose victim.

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

1 Legislative Intent. It is the intent of the general court to encourage a witness or victim of a drug overdose to request medical assistance in order to save the life of an overdose victim by establishing a state policy of protecting the witness or victim from arrest, prosecution, and conviction for the crime of possession of the controlled drug that is the agent of the overdose. It is the intent of the general court to provide immunity from arrest, prosecution, or conviction for possessing, or having under his or her control, a controlled drug in violation of RSA 318-B:2, where medical assistance has been requested for someone experiencing an overdose. It is the intent of the general court that these protections shall prohibit any state action that would result in the imposition of incarceration against a person who requests medical assistance. This state action includes, but is not limited to, criminal prosecution, revocation of bail, violation of pretrial release, violation of probation, revocation of parole, or revocation of furlough, pursuant to RSA 318-B:17-b.

2 New Section; Controlled Drug Act; Immunity From Liability. Amend RSA 318-B by inserting after section 28-a the following new section:

318-B:28-b Immunity From Liability.

I. As used in this section:

(a) "Drug overdose" means an acute condition resulting from or believed to be resulting from the use of a controlled drug which a layperson would reasonably believe requires medical assistance.

(b) "Medical assistance" means professional services provided to a person experiencing a drug overdose by a health care professional licensed, registered, or certified under state law who, acting within his or her lawful scope of practice, may provide diagnosis, treatment, or emergency services for a person experiencing a drug overdose.

(c) "Requests medical assistance" shall include a request for medical assistance as well as providing care to someone who is experiencing a drug overdose while awaiting the arrival of medical assistance to aid the overdose victim.

II. It shall be a complete defense to an offense of possessing or having under his or her control, a controlled drug in violation of RSA 318-B:2 that a person in good faith and in a timely manner requests medical assistance for another person who is experiencing a drug overdose. A person who in good faith and in a timely manner requests medical assistance for another person who is experiencing a drug overdose shall not be arrested, prosecuted, or convicted for possessing, or having under his or her control, a controlled drug in violation of RSA 318-B:2, if the evidence for the charge was gained as a proximate result of the request for medical assistance.

III. It shall be a complete defense to an offense of possessing or having under his or her control, a controlled drug in violation of RSA 318-B:2 that a person who is experiencing a drug overdose, in good faith and in a timely manner, requests medical assistance for himself or herself. A person who in good faith requests, or

is the subject of a good faith request for medical assistance shall not be arrested, prosecuted, or convicted for possessing, or having under his or her control, a controlled drug in violation of RSA 318-B:2, if the evidence for the charge was gained as a proximate result of the request for medical assistance.

IV. The acts protected in paragraphs II and III shall extend to protect persons from arrest and prosecution for a violation of a condition of pretrial release, probation, parole, or furlough, or for any other offense arising from the act of requesting medical assistance, or a forfeiture proceeding pursuant to RSA 318-B:17-b.

V. The immunity provisions of this section shall also apply to prohibit the arrest, prosecution, or conviction of persons described in paragraphs II, III, and IV to the extent the arrest, prosecution, or conviction is based on the use or derivative use of evidence gained as a proximate result of a request for medical assistance for a drug overdose, and does not preclude the arrest, prosecution, or conviction of the person for possessing, or having under his or her control, a controlled drug in violation of RSA 318-B:2, if the evidence for the charge was obtained from an independent source.

3 Applicability. This act shall apply to a person who requests medical assistance for a drug overdose on or after the effective date of this act.

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

**2015-1950s**

#### AMENDED ANALYSIS

This bill permits a witness or victim of a drug overdose to request medical assistance in order to save the life of an overdose victim by protecting the witness or victim from arrest, prosecution, and conviction. The bill provides immunity from arrest, prosecution, or conviction for a person who, in good faith and in a timely manner, requests medical assistance for someone who is experiencing a drug overdose or for themselves if they are experiencing a drug overdose.

**Senate Judiciary**

**May 26, 2015**

**2015-1952s**

**05/03**

#### Amendment to HB 309

Amend the introductory paragraph of RSA 540-A:3, II-b(c)(1) as inserted by section 1 of the bill by replacing it with the following:

- (1) First notice, at least 7 days prior to removal of the item, by:

Amend the introductory paragraph of RSA 540-A:3, II-b(c)(2) as inserted by section 1 of the bill by replacing it with the following:

- (2) Final notice, at least 24 hours, but not more than 48 hours, prior to removal of the item, by:

**Health and Human Services**

**May 26, 2015**

**2015-1949s**

**01/06**

#### Amendment to HB 330

Amend RSA 400-A:67, II as inserted by section 1 of the bill by inserting after subparagraph (h) the following new subparagraphs:

- (i) One member representing a self-funded workers' compensation trust, appointed by the governor.
- (j) A licensed physician who provides care for workers' compensation patients, appointed by the governor.

Amend RSA 400-A:67, V and VI as inserted by section 1 of the bill by replacing them with the following:

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

VI. The commission shall make an interim report with its findings and any recommendations for proposed legislation on or before November 1, 2015 and a final report on November 1, 2016 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.

Amend the bill by replacing paragraph I of section 3 of the bill with the following:

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

#### **Senate Executive Departments and Administration**

**May 27, 2015**

**2015-1974s**

**05/10**

#### **Amendment to HB 427**

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

AN ACT directing the state building code review board to study inclusion of the 2015 editions of the Life Safety Code and the Uniform Fire Code NFPA1 in the New Hampshire fire code.

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

1 State Building Code Review Board; Study of the New Hampshire Fire Code and the 2015 Editions of the Life Safety Code and the Uniform Fire Code NFPA1. The state building code review board, established in RSA 155-A:10, shall study inclusion of the 2015 editions of the Life Safety Code and the Uniform Fire Code NFPA1 in the New Hampshire fire code, as defined in RSA 153:1, VI-a. The board shall submit its findings and recommendations to the chairpersons of the executive departments and administration committees for the house of representatives and the senate on or before January 1, 2016.

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

**2015-1974s**

#### **AMENDED ANALYSIS**

This bill requires the state building code review board to study inclusion of the 2015 editions of the Life Safety Code and the Uniform Fire Code NFPA 1 in the New Hampshire fire code.

#### **Senate Judiciary**

**May 26, 2015**

**2015-1951s**

**05/10**

#### **Amendment to HB 441**

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

AN ACT permitting the department of health and human services to share information in a termination of parental rights case with a foster parent who intends to adopt the child; and relative to financial affidavits submitted in hearings regarding child support, property settlement, and alimony.

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

1 Title. Section 2 of this act shall be known as "Christopher's Law."

2 Termination of Parental Rights; Confidentiality of Records. Amend RSA 170-C:14, I to read as follows:

170-C:14 Confidentiality of Records. ~~[Any other law concerning public hearings and records notwithstanding.]~~

I. All hearings held in termination proceedings shall be in closed court without admittance of any person other than essential officers of the court, the parties, their witnesses, counsel, and representatives of the agencies present to perform their official duties.

II. All papers and records, including birth certificates, pertaining to the termination, whether part of the permanent record of the court or of a file in the department, in an agency or office of the town clerk, or *in* the division of vital records administration are subject to inspection only upon written consent of the court for good cause shown.

**III. Notwithstanding paragraph II, if the New Hampshire department of health and human services has petitioned for termination of parental rights under this chapter and the child named in the petition resides with a foster parent who intends to adopt the child, the department may share information regarding the status of the case with the child's foster parent.**

**IV.** If any person shall violate any of the provisions of this section, he **or she** shall be subject to the following penalty:

(a) If the offense occurs prior to November 1, 1973, he **or she** shall be fined \$500 or be imprisoned for 6 months, or both.

(b) If the offense occurs on or after November 1, 1973, he **or she** shall if a natural person be guilty of a misdemeanor, and any other person shall be guilty of a felony.

3 Annulment, Divorce, and Separation; Financial Affidavits. Amend RSA 458:15-b, I to read as follows:

**I. Prior to a hearing regarding child support, property settlement, or alimony, both parties shall submit financial affidavits. The financial affidavits shall be accepted as prima facie evidence of the facts reflected therein unless challenged by a party. Any party aggrieved by a false statement in a financial affidavit filed pursuant to this chapter may file a civil action for money damages. In any such civil action, a party proving that the other party made a knowing false statement on a financial affidavit shall be entitled to receive treble damages and attorney's fees.**

**I-a.** Except as provided in paragraph III, all financial affidavits filed under this chapter shall be confidential and accessible only to the parties, their attorneys, the guardian ad litem, department of health and human services employees responsible for child support administration, persons specified in RSA 161-B:7, III, and state and federal officials for the purpose of carrying out their official functions.

4 Effective Date.

I. Section 3 of this act shall take effect January 1, 2016.

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

**2015-1951s**

#### AMENDED ANALYSIS

This bill:

I. Permits the department of health and human services to share information regarding the status of a petition to terminate parental rights with a foster parent if the foster parent intends to adopt the child.

II. Provides that the financial affidavits submitted by the parties prior to a hearing regarding child support, property settlement, or alimony shall be accepted as prima facie evidence of their content.

III. Permits a party aggrieved by a false statement in a financial affidavit to bring a civil action for damages.

**Senate Judiciary**

**May 13, 2015**

**2015-1727s**

**04/05**

#### Amendment to HB 468-FN

Amend RSA 644-A:1 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph and renumbering the original paragraphs IV-IX to read as V-X, respectively:

IV. "Individual" means a natural person.

Amend RSA 644-A:5 and RSA 644-A:6 as inserted by section 1 of the bill by replacing them with the following:

**644-A:5 Action Against a Person.** This chapter shall not be construed to create a cause of action against a person or its officers, employees, or agents for providing location information to a government entity in accordance with the provisions of this chapter.

**644-A:6 Penalties**

I. Any individual acting or purporting to act for or on behalf of a federal, state, or local agency who purposely violates this chapter shall be guilty of a class B misdemeanor.

II. An individual or person who is injured as a result of a violation of this chapter may file a civil action against a government entity, individual, or person that fails to comply with the provisions of this chapter.

**Public and Municipal Affairs**

**April 29, 2015**

**2015-1497s**

**10/05**

**Amendment to HB 486**

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

AN ACT authorizing towns and cities to establish special assessment districts, and relative to voting requirements of the zoning board of adjustment.

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

1 Purpose. It is the intent and purpose of section 2 of this act to:

Amend RSA 52-A:1, III as inserted by section 2 of the bill by replacing it with the following:

III. "Public facilities" means capital improvements, including but not limited to transportation, sanitary sewer, solid waste, drainage, potable water, communication infrastructure, and parks and recreational facilities that have a life expectancy of 3 or more years.

Amend RSA 52-A:2, I as inserted by section 2 of the bill by replacing it with the following:

I. Consistent with the provisions of this chapter, any town or city may establish special assessment districts for a part of the area of the town or city, within which may be provided public facilities and services from funds derived from service charges, special assessments, or other charges within the special assessment district.

Amend RSA 52-A:4, I(d) as inserted by section 2 of the bill by replacing it with the following:

(d) Designate a representative of the petitioners solely for the purpose of payment of mailing costs under RSA 52-A:5, I.

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

3 Power of Zoning Board of Adjustment; Vote. Amend RSA 674:33, III to read as follows:

III. ~~[The concurring]~~ **A majority** vote of [3] **the** members of the board **present and voting** shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass.

**2015-1497s**

**AMENDED ANALYSIS**

This bill allows a town or city to establish one or more special assessment districts to provide public facilities and services and for which special assessments and charges may be levied and collected to pay for those public facilities and services.

This bill also modifies the voting requirement on certain matters decided by the zoning board of adjustment.

**Senate Executive Departments and Administration**

**May 28, 2015**

**2015-1991s**

**01/09**

**Amendment to HB 508**

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

1 Statement of Purpose. The purpose of this act is to provide a mechanism for the orderly resolution of the obligations of the New Hampshire medical malpractice joint underwriting association (NHMMJUA), including the further and additional return of excess surplus funds to all policy holders. The general court also finds and determines that the NHMMJUA has currently, and may have in the future, funds in excess of the amount required for it to fulfill its obligations. These are excess surplus funds not declared as such at the

time the NHMMJUA interpleaded \$110,000,000 into the New Hampshire superior court in compliance with RSA 404-C:14. Like the funds previously distributed to policyholders, these additional excess surplus funds have resulted from premiums paid under assessable and participating medical malpractice insurance policies, also belong to the policyholders who paid these premiums, and shall be returned to them in a manner consistent with the previous distribution.

2 New Hampshire Medical Malpractice Joint Underwriting Association (NHMMJUA). RSA 404-C:14, II-V are repealed and reenacted to read as follows:

II.(a) All funds held as of the effective date of this section by the NHMMJUA in excess of the outstanding reserves and IBNR reserves as reflected on its financial statements for all post-1985 operations, shall constitute newly-declared excess surplus funds and shall not be less than \$50,000,000. All such newly-declared excess surplus funds, like other excess surplus funds already returned to policyholders, have resulted from premiums paid under assessable and participating medical malpractice insurance policies, belong to the policyholders who paid these premiums, and shall be returned as directed under this section. All distributions made to policyholders shall be subject to a claim from the NHMMJUA to reclaim a pro rata portion of the distribution to satisfy any actual claim liability in excess of the estate in liquidation reserved for such claims.

(b) An independent actuarial report, which shall be conducted by a qualified actuary selected by the board of the NHMMJUA, shall be performed within 60 days of the effective date of this act and concluded by March 31, 2016. Copies of this report shall be provided to the governor, the speaker of the house of representatives, the president of the senate, the insurance commissioner, the Merrimack superior court, and any interested party. Any excess funds identified by this report shall be deemed a surplus and shall be interpleaded into the Merrimack county superior court, docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholder's claims to surplus funds.

(c) Within 60 days from the effective date of this section, all excess surplus funds, except for those identified under subparagraph (b) and except for a dissolution reserve of \$1,000,000 for liquidation expenses, hardship claims by current NHMMJUA policyholders, or other administrative expenses incurred in the dissolution of the NHMMJUA detailed in RSA 404-C:15, shall be interpleaded into the Merrimack county superior court, docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholders' claims to excess surplus funds. Notwithstanding any other provision of law to the contrary, in no event shall any insurer which is a member of the NHMMJUA, as defined in Ins 1703.01(i), be assessed, nor shall there be a surcharge as provided in Ins 1703.07(f)(2), with respect to any deficit arising from the distribution of excess surplus funds described in this paragraph.

III. All funds held as of the effective date of this section by the NHMMJUA in the stabilization reserve fund (SRF) shall also constitute excess surplus funds. Within 60 days from the effective date of this section, the NHMMJUA shall interplead all the moneys in the SRF into the Merrimack county superior court, docket no. 217-2010-CV-00414 for return on a pro rata basis to the policyholders who made payments to the SRF.

IV. Within 3 years of any liquidation proceeding commenced to dissolve the NHMMJUA, any portion of the dissolution reserve that is not utilized for liquidation expenses, hardship claims by current NHMMJUA policyholders, or other administrative expenses shall be additional excess surplus funds and shall be interpleaded by the NHMMJUA into the Merrimack county superior court, docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholders' claims to these remaining excess surplus funds. If more than 3 years is necessary, the insurance commissioner may petition the Merrimack county superior court for additional time.

V. Funds that cannot be distributed to a policyholder in the court proceedings referenced in this section due to the inability to locate the policyholder after reasonable efforts shall revert to the New Hampshire Medical Society. Undistributed funds that revert to the New Hampshire Medical Society as provided in this section shall be used to provide grants in aid to health care providers servicing medically underserved populations through the New Hampshire department of health and human services state loan repayment program.

3 New Sections; Dissolution of the New Hampshire Medical Malpractice Joint Underwriting Association. Amend RSA 404-C by inserting after section 14 the following new sections:

404-C:15 Conclusion of the New Hampshire Medical Malpractice Joint Underwriting Association's Business; Issuance of Policies.

I. No earlier than 30 days after the excess surplus funds less the dissolution reserve have been interpleaded as required by RSA 404-C:14, II, the insurance commissioner shall petition the superior court for

Merrimack county for the receivership of the New Hampshire medical malpractice joint underwriting association (NHMMJUA) pursuant to RSA 402-C. The receivership of the NHMMJUA shall include the stabilization reserve fund trust established in 1986 to pay deficits of the association incurred as a result of policies issued prior to January 1, 1986. Subject to such receivership, the NHMMJUA shall be a continuation of the same unincorporated association in existence immediately before the effective date of this section. The NHMMJUA shall be an insurer organized in this state for purposes of RSA 402-C.

II. To facilitate the orderly resolution of the obligations of the NHMMJUA and transition of policyholders to coverage in the private market, the commissioner, as receiver shall:

(a) Not cancel a NHMMJUA policy in effect upon his or her appointment as receiver unless the policyholder fails to comply with the terms of the policy, including the payment of premium.

(b) Not accept new applications for insurance for new policyholders after September 1, 2015.

(c) Renew any association policy in effect as of the effective date of this section, but shall not issue any NHMMJUA policy with an effective date after September 1, 2015, except that until September 1, 2015, the receiver may issue extended reporting coverage on policies issued before September 1, 2015.

(d) Issue notice of nonrenewal in compliance with RSA 417-C to policyholders with renewal dates on or after September 1, 2015.

(e) Upon the nonrenewal of any claims-made policy issued by the NHMMJUA that is in force as of the effective date of this section, calculate the amount of tail coverage premium collected, using reasonable actuarial methodologies and standards of practice, and return the tail coverage premium to the policyholder. For the purpose of this subparagraph, "tail coverage premium" shall mean that portion of the premium collected by the NHMMJUA and separately identified in NHMMJUA's financial statements, and which would have been used to provide tail coverage if tail coverage had been provided under the terms of the policy. Return of the tail coverage premium shall only be provided to those claims-made policyholders who will not otherwise receive tail coverage under their claims-made policies.

(f) Cause all additional excess surplus funds occurring as part of this liquidation to be interpleaded into the Merrimack county superior court, docket no. 217-2010-CV-00414 for the purpose of adjudicating all policyholders' claims to such additional excess surplus funds.

(g) Use the dissolution reserve funds for dissolution expenses, hardship claims by current NHMMJUA policyholders' or other administrative expenses incurred in the dissolution of the NHMMJUA as approved by the court. The hardship fund shall be available to provide grants payable directly to midwives certified under RSA 326-D and other health care providers who are licensed or approved by the state, who have in-force policies with the NHMMJUA as of the effective date of this section, and who can demonstrate by application to the receiver that they will suffer significant adverse economic hardship as a result of an increase of at least 25 percent in the cost of medical malpractice insurance coverage in the private market as compared to their most recent coverage from the NHMMJUA as of the effective date of the section. Any grant provided shall not exceed the difference between the cost of insurance through the NHMMJUA plus 25 percent and the premium charged in the private market for the most comparable coverage available. The receiver's determination of grant eligibility shall be subject to court approval. The hardship fund shall be administered until exhausted or until the termination of the receivership, whichever occurs first. If funds remain in the hardship fund at the termination of the receivership, the receiver shall, with court approval, transfer any remaining funds to a charitable organization that promotes aid to health care providers servicing medically underserved populations.

III. The NHMMJUA shall have no in-force insurance business after December 31, 2016, other than extended reporting coverage elected under policies issued on or before December 31, 2015.

IV. This section shall constitute a plan of complete liquidation for the NHMMJUA pursuant to section 331 of the Internal Revenue Code of 1986, as amended, for federal income tax purposes effective on the effective date of this section.

#### 404-C:16 Receivership of the Association.

I. The insurance commissioner, as receiver of the NHMMJUA, shall, consistent with this section, RSA 404-C:15, RSA 404-C:17, and the provisions of chapter 402-C, wind-down its business, seeking to facilitate the payment of all policyholder coverage obligations in full and in the normal course of business.

II. After the effective date of this section, the commissioner, as receiver, shall explore and identify options to have any or all of the risks under policies issued by the NHMMJUA assumed by an insurer or insurers. Subject to the approval of the supervising court after providing policyholders an opportunity to be heard, the receiver may enter an agreement or agreements with an insurer or insurers to provide for the assumption of any or all of the risks under policies issued by the NHMMJUA. Any such agreement shall be on commercially reasonable terms and provide for continued protection for the NHMMJUA's policyholders against liability and expense in accordance with the coverage terms of their policies, as well as providing for established obligations to claimants under such policies.

III. Upon appointment of the commissioner as receiver of the association, no assessments of any kind shall thereafter be made by the receiver or ordered by the court.

IV. The board members and officers of the NHMMJUA shall continue to be officers, trustees, officials, or employees of the state subject to RSA 99-D through the date of the rehabilitation order.

V. Until liquidated, the NHMMJUA shall continue as a legally cognizable unincorporated association solely for the purpose of winding down the NHMMJUA, consistent with this chapter. The provisions of this section and RSA 402-C shall control the management of claims and obligations of the association and shall supersede the provisions of administrative rules governing the operation of the NHMMJUA.

#### 404-C:17 Closure of the NHMMJUA.

I. Subject to the provisions of RSA 404-C:15 and RSA 404-C:16, the NHMMJUA's obligations shall be wound up through rehabilitation under chapter 402-C.

II. Upon the resolution of all the association's obligations, and upon the approval of the supervising court, the association shall thereupon be liquidated and the receiver discharged.

III. The provisions of RSA 404-C:15 – RSA 404-C:17 shall not alter, and shall not be construed to alter, any vested contractual rights that any class of NHMMJUA policyholders have with respect to excess surplus of the NHMMJUA. Excess surplus funds shall be returned to policyholders through the interpleader action referenced in RSA 404-C:15.

4 Applicability of Act. This act shall be liberally construed to effect its stated purpose which shall constitute an aid and guide to interpretation. This act is intended to provide authority for the performance of all duties authorized under this act, and all powers granted under this act shall be broadly interpreted to effectuate such intent and purposes and not as a limitation of powers.

5 Repeal. RSA 404-C:15 - RSA 404-C:17, relative to the dissolution of the New Hampshire medical malpractice joint underwriting association, is hereby repealed.

6 Applicability; Effective Date of Repeal. Section 5 of this act shall take effect upon the date of dissolution and the end of the receivership of the New Hampshire medical malpractice joint underwriting association as certified by the insurance commissioner to the director of the office of legislative services and the secretary of state.

#### 7 Effective Date.

I. Section 5 of this act shall take effect as provided in section 6 of this act.

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

### **Senate Finance**

**May 27, 2015**

**2015-1984s**

**03/09**

### **Amendment to HB 550-FN**

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

AN ACT relative to administration of the tobacco tax and relative to the sale or exchange of an interest in a business organization under the business profits tax.

Amend the bill by inserting after section 12 the following and renumbering the original section 13 to read as 15:

13 Business Profits Tax; Additions and Deductions. Amend RSA 77-A:4, XIV to read as follows:



XIV.(a) In the case of a business organization where an interest or beneficial interest in the organization has been sold or exchanged, an addition to gross business profits of an amount equal to the net increase in the basis of all underlying assets transferred or sold through the sale or exchange of the interest. The increase in the basis of the assets shall be determined in accordance with the provisions of the Internal Revenue Code as defined by RSA 77-A:1, XX.

***(b) Notwithstanding subparagraph (a), if the net increase in basis is the result of any sale or exchange of an interest or beneficial interest in the business organization related to the exchange of securities of its affiliated publicly traded company, then the addition to gross business profits under subparagraph (a) shall not apply and the business organization shall not be allowed to depreciate or amortize the increase in basis.***

14 Application. Section 13 of this act shall apply to and be effective for taxable periods beginning after December 31, 2014.

**2015-1984s**

#### AMENDED ANALYSIS

This bill makes a variety of changes to the tobacco tax laws, including changing and adding certain definitions and removing references to metering machines. This bill clarifies activities which constitute unauthorized sales of tobacco products. The bill also adds records of tobacco stamps sold and tobacco products distributed to required taxpayer records.

This bill also limits the inclusion in the business profits tax of the net increase due to certain sales or exchanges of an interest or beneficial interest in a business organization.

#### **Energy and Natural Resources**

**May 27, 2015**

**2015-1982s**

**09/04**

#### **Amendment to HB 572-FN-LOCAL**

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

AN ACT relative to taking land by eminent domain for high pressure gas pipelines and relative to the siting of high pressure gas pipelines.

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

1 New Paragraph; Acquisition of Property. Amend RSA 371:15 by inserting after paragraph VI the following new paragraph:

VII.(a) When private real property which is used for residential purposes is proposed to be acquired in part for the construction of a high pressure gas pipeline, the owners of the property shall have the option to require the taker to condemn and take in fee any property within 200 feet of the proposed pipeline including all buildings and improvements thereon if all owners, excluding lien holders and mortgagees, of the private real property make such an election and provide the court and the taker with written notice of their election within 30 days after receipt of the notice under RSA 371:4. If the taker acquires the entire or partial tract of land with buildings and improvements thereon pursuant to this section or by agreement with the owners, the entire acquisition shall be deemed to be an acquisition for a public purpose and for use in the taker's business.

(b) If any owner chooses to avail himself of the provisions of paragraph I, the utility seeking condemnation shall provide a perimeter survey of the applicable tract to each owner without cost if:

(1) Requested by an owner at time of electing to avail himself or herself of the provisions of paragraph I; and

(2) A perimeter survey of the premises does not already exist.

2 Eminent Domain; By Pipeline Companies. Amend RSA 371:15, IV to read as follows:

IV. In trying any question of damages before said commissioners or by jury, the appraisal for taxation of such real estate, and, in cases where less than the whole interest in real estate is sought to be acquired, the appraisal for taxation of such whole interest, by the selectmen or tax assessors for the tax year in which such application shall have been filed, and for as many preceding years as the commissioners or the court may

consider relevant, shall be competent as evidence of value *if such value is mutually agreed upon by the parties. If the parties disagree upon value, then each party shall agree on the choice of 2 licensed appraisers and fair market value shall be determined by the average of the 2 appraisals. The taker shall pay the cost of the appraisals.* The damages as determined shall be awarded to the owner or apportioned among the several owners in accordance with their several interests as determined and judgment shall be entered accordingly.

3 Eminent Domain; By Pipeline Companies. Amend RSA 371:15, VI to read as follows:

VI. No lands or rights of way or easements therein shall be taken by eminent domain under the provisions of this chapter in any public property, **public or private conservation lands**, or within the location of any railroad or other public utility company; provided that such pipeline or pipelines may be constructed **under public or private conservation lands or** under or through any public highway or street, public park or reservation or other public property if the method of such construction, compensation, if any, and the plans and specifications therefor have been approved by the authority having jurisdiction over the maintenance of such public highway or street, public park or reservation, **conservation lands**, or other public property; and provided further that such pipeline or pipelines may be constructed over or across the location of any railroad or other public utility company by agreement with such railroad or other public utility company or, in the event of failure so to agree, then with the approval of the public utilities commission and in such manner as may be determined by said commission. Provided, however, that nothing herein shall be deemed to repeal any of the provisions of this chapter relative to acquisition of rights in public waters and on public lands.

4 New Section; Siting of High Pressure Gas Pipelines. Amend RSA 162-H by inserting after section 10-a the following new section:

162-H:10-b Siting of High Pressure Gas Pipelines; Rulemaking; Intervention.

I. To meet the objectives of this chapter, and with due regard to meeting the energy needs of the residents and businesses of New Hampshire, the general court finds that appropriately sited high pressure gas pipelines subject to committee approval have the potential to assist the state in accomplishing these goals. Accordingly, the general court finds that it is in the public interest for the site evaluation committee to establish criteria or standards governing the siting of high pressure gas pipelines in order to ensure that the potential benefits of such systems are appropriately considered and unreasonable adverse effects avoided through a comprehensive, transparent, and predictable process. When establishing any criteria, standard, or rule for a high pressure gas pipeline or when specifying the type of information that a high pressure gas pipeline applicant shall provide to the committee for its decision-making, the committee shall rely upon the best available evidence.

II. For the adoption of rules, pursuant to RSA 541-A, relative to the siting of high pressure gas pipelines, the committee shall address the following:

- (a) Impacts to natural, scenic, recreational, visual, and cultural resources.
- (b) Health and safety impacts, including but not limited to, proximity to high pressure gas pipelines that could be mitigated by appropriate setbacks from any high pressure gas pipeline.
- (c) Project-related sound and vibration impact assessment prepared in accordance with professional standards by an expert in the field.
- (d) Impacts to the environment, air and water quality, plants, animals, and natural communities.
- (e) Site fire protection plan requirements.
- (f) Best practical measures to ensure quality construction that minimizes safety issues.
- (g) Best practical measures to avoid, minimize, or mitigate adverse effects.
- (h) Criteria to maintain property owners' ability to use and enjoy their property.

III. As soon as practicable, but no later than one year from the effective date of this section, the committee shall adopt rules, pursuant to RSA 541-A, consistent with paragraphs I and II of this section.

IV. The committee shall consider intervention in Federal Energy Regulatory Commission proceedings involving the siting of high pressure gas pipelines in order to protect the interest of the state of New Hampshire.

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

2015-1982s

## AMENDED ANALYSIS

This bill:

- I. Allows a residential owner an eminent domain option when land is taken by a utility for a high pressure gas.
- II. Clarifies the amount of damages to be awarded to the owner of property acquired by eminent domain.
- III. Requires rules to be adopted governing the siting of high pressure gas pipelines and provides guidelines for such rules.
- IV. Requires the site evaluation committee to consider intervention in Federal Energy Regulatory Commission proceedings involving siting of high pressure gas pipelines.

## HEARINGS

***TUESDAY, JUNE 2, 2015*****FINANCE**, Room 103, SH

Sen. Forrester (C), Sen. Little (VC), Sen. Morse, Sen. Reagan, Sen. D'Allesandro, Sen. Woodburn

9:00 a.m.

**SENATE BUDGET BRIEFING ON:**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2016 and June 30, 2017, and **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

***FRIDAY, JUNE 5, 2015*****WAYS AND MEANS**, Room 100, SH

Sen. Boutin (C), Sen. D'Allesandro (VC), Sen. Sanborn, Sen. Morse, Sen. Feltes

10:00 a.m.

**WORK SESSION ON THE SALE OR EXCHANGE OF AN INTEREST IN A BUSINESS ORGANIZATION UNDER THE BPT.*****TUESDAY, JUNE 9, 2015*****FINANCE**, Room 103, SH

Sen. Forrester (C), Sen. Little (VC), Sen. Morse, Sen. Reagan, Sen. D'Allesandro, Sen. Woodburn

1:00 p.m.

**WORK SESSION ON RSA 5-B POOLED RISK MANAGEMENT PROGRAMS**

## MEETINGS

***FRIDAY, MAY 29, 2015***

**COMMISSION TO STUDY MENTAL HEALTH IMPLEMENTATION IN NEW HAMPSHIRE** (RSA 135-C:63-b)

10:00 a.m.

Room 205, LOB

Regular Meeting

***MONDAY, JUNE 1, 2015*****STATE COMMITTEE ON AGING** (RSA 161-F:7, I)

10:00 a.m.

DHHS, Brown Building  
129 Pleasant Street  
Concord, NH

Regular Meeting

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

1:15 p.m.

Room 207, LOB

Regular Meeting

**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

***TUESDAY, JUNE 2, 2015*****WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3)**

10:00 a.m. Room 205, LOB Regular Meeting

***WEDNESDAY, JUNE 3, 2015*****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 5, 2015*****JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

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

**NEW HAMPSHIRE STATE HOUSE BICENTENNIAL COMMISSION (RSA 17-R:1)**

10:00 a.m. Room 308, LOB Regular Meeting

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

11:00 a.m. Room 212, LOB Regular Meeting

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

2:00 p.m. NH Department of Revenue Administration Rules and Definitions  
 109 Pleasant Street Subcommittee Meeting  
 Concord, NH

***MONDAY, JUNE 8, 2015*****COMMISSION TO STUDY SEXUAL ABUSE PREVENTION EDUCATION IN ELEMENTARY AND SECONDARY SCHOOLS (RSA 189:69)**

9:00 a.m. Room 101, LOB Regular Meeting

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

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

***FRIDAY, JUNE 12, 2015*****COASTAL RISK AND HAZARDS COMMISSION (RSA 483-E:1)**

9:00 a.m. NH DES Portsmouth Regional Office Regular Meeting  
 Pease International Tradeport  
 222 International Drive  
 Portsmouth, NH

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

9:30 a.m. NH Department of Revenue Administration Poles, Wires and Conduits  
 109 Pleasant Street Subcommittee Meeting  
 Concord, NH

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

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

## ***MONDAY, JUNE 15, 2015***

### **INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E)**

1:30 p.m.	Trial Courts Center 45 Chenell Drive Concord, NH Protection Plan	Regular Meeting Presentation on the authorization of the New Hampshire Health
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## ***THURSDAY, JUNE 18, 2015***

### **COMMISSION ON POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D)**

2:30 p.m.	NH Department of Health and Human Services 129 Pleasant Street Concord, NH	Regular Meeting
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## ***FRIDAY, JUNE 19, 2015***

### **ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a)**

9:00 a.m.	PUC Office 21 South Fruit Street Concord, NH	Regular Meeting
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### **JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

9:00 a.m.	Rooms 305-307, LOB	Regular Meeting
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### **GUARDIAN AD LITEM BOARD (RSA 490-C:1)**

11:00 a.m.	Room 101, LOB	Non-Public session of the Complaint Review Committee
1:00 p.m.	Room 101, LOB	Regular Meeting

## ***MONDAY, JUNE 22, 2015***

### **COMMISSION TO STUDY SEXUAL ABUSE PREVENTION EDUCATION IN ELEMENTARY AND SECONDARY SCHOOLS (RSA 189:69)**

9:00 a.m.	Room 101, LOB	Regular Meeting
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### **OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)**

9:00 a.m.	Room 305, LOB	Regular Meeting
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### **NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q)**

1:30 p.m.	Room 205, LOB	Regular Meeting
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## ***THURSDAY, JUNE 25, 2015***

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

2:00 p.m.	NH Medical Society 7 North State Street Concord, NH	Regular Meeting
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## ***FRIDAY, JUNE 26, 2015***

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

9:00 a.m.	Rooms 305-307, LOB	Continued Meeting
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### **ASSESSING STANDARDS BOARD (RSA 21-J:14-a)**

9:30 a.m.	NH Department of Revenue Administration 109 Pleasant Street Concord, NH	Regular Meeting
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**GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, TREATMENT, AND RECOVERY (RSA 12-J:1)**

9:30 a.m. Rooms 301-303, LOB Regular Meeting

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

9:30 a.m. Room 204, LOB Regular Meeting

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

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

***TUESDAY, JUNE 30, 2015***

**WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3)**

10:00 a.m. Room 205, LOB Regular Meeting

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**SENATE BILLS AMENDED BY THE HOUSE**

**COMMERCE**

**SB 106-FN**, restricting the sale or possession of synthetic drugs.

**SB 186**, reestablishing the commission to study soft tissue injuries under workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

**SB 211-FN**, relative to taxation of employee leasing companies under the business enterprise tax.

**ENERGY AND NATURAL RESOURCES**

**SB 170**, requiring the public utilities commission to ensure ratepayer protections with electric power suppliers and extending the time for the site evaluation committee to adopt certain rules.

**HEALTH AND HUMAN SERVICES**

**SB 108-FN**, relative to health care associated infections.

**SB 135-FN**, relative to lead poisoning in children.

**JUDICIARY**

**SB 116-FN**, repealing the license requirement for carrying a concealed pistol or revolver.

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**FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING 2015 BILLS:**

**SENATE BILLS:** 1, 2, 8, 20, 25, 29, 30, 34, 40, 84, 93, 104, 106, 108, 112, 113, 114, 115, 116, 117, 120, 125, 132, 133, 135, 138, 151, 157, 186, 188, 190, 191, 192, 195, 202, 203, 205, 210, 211, 213, 214, 216, 217, 227, 228, 229, 230, 238, 239, 256, 258, 259, 260, 261, 265

**HOUSE BILLS:** 25, 108, 109, 177, 200, 206, 255, 258, 380, 391, 422, 450, 455, 476, 521, 550, 553, 554, 564, 577, 584, 593, 597, 616, 618, 628, 648

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**ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2015 BILLS:**

**SENATE BILLS:** 11, 14, 20, 38, 56, 60, 80, 134, 161, 171, 187, 194, 244

**HOUSE BILLS:** 119, 126, 130, 158, 175, 275, 279, 310, 336, 361, 408, 422, 467, 520, 522, 607, 664

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# NOTICES

## FRIDAY, MAY 29, 2015

The Propane Gas Association of New England is hosting its annual Outdoor Living Safety Day on the State House lawn on Friday, May 29<sup>th</sup>, 9:00 a.m. to 2:00 p.m. 12 NH propane companies will be grilling and discussing propane safety for the summer season. The Governor and State Fire Marshal have been invited. All are welcome to stop by and visit.

Senator Jeb Bradley, Senate Majority Leader  
Senator Jeff Woodburn, Senate Minority Leader

## FRIDAY, MAY 29, 2015

The Spring and Summer has two health promotions sponsored by the Governor's Council on Physical Activity & Health. The first is the "Granite Walk of Ages" that is the kick off for the Governor's "90 Day Challenge", at White Park in Concord on Friday, May 29<sup>th</sup> with registration at 10:00 a.m. to 10:30 a.m. There will be a 1 mile walk to the State House at 11:00 a.m. for reading of the proclamation followed by walking around the capitol & returning walk to White Park. Sign up and registration for the 90 Day Challenge will also be available at White Park from 10:00 a.m. to 10:30 a.m.

If you can't make the Granite Walk of Ages on May 29<sup>th</sup>, you can register now for the 90 Day Challenge. Visit [www.nhmoves.org/90daychallenge](http://www.nhmoves.org/90daychallenge), complete and submit the online registration form at the bottom of the website. Within a week you'll receive the 90 Day Challenge Passport in an email to print. It is FREE, easy to participate, and good for your health. Use the Passport to track your daily activity and for free access to select State Parks. See Passport for eligibility details. Hurry, the 90 Day Challenge begins on June 1<sup>st</sup>.

Senator Nancy F. Stiles

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## WEDNESDAY, JUNE 3, 2015

To all members of the Senate, House and Staff. The OWLS will be hosting a bake sale in the Ante Room of the House of Representatives on Wednesday June 3<sup>rd</sup>, during Session. Please enjoy the wonderful baked goods.

Senator Chuck W. Morse, Senate President

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## THURSDAY, JUNE 11, 2015

All Senate members and legislative staff are cordially invited to OHRV Appreciation Day on Thursday, June 11<sup>th</sup> from 11:00 a.m. to 3:00 p.m. on the State House Plaza. Please join the New Hampshire Off Highway Vehicle Association (NHOHVA), their local clubs and members, and OHRV dealers from New Hampshire Automobile Dealers Association as they kick off the 2015 riding season. There will be food, new models on display, and NHOHVA will also be showcasing their Youth Safety Simulator which is helping educate young riders! Club members and dealers from around the State will be happy to provide you with information and speak with you about the exciting ways the OHRV industry is helping the economy of New Hampshire.

Senator Jeb Bradley, Senate Majority Leader  
Senator Jeff Woodburn, Senate Minority Leader

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## FRIDAY, SEPTEMBER 11, 2015

The 41st Annual Bill White & Junie Blaisdell Ceremonial & Memorial Legislative Golf Tournament for the benefit of Veterans Count, the philanthropic arm of Easter Seals NH Military & Veterans Services, is scheduled for Friday, September 11<sup>th</sup> 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, September 4<sup>th</sup>.

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 Friday, September 4<sup>th</sup>. (Please note that, for planning purposes, payment must be made no later than Friday, September 4<sup>th</sup>. All entry forms received after Friday, September 4<sup>th</sup> 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.

**41<sup>st</sup> Annual Bill White & Junie Blaisdell Ceremonial & Memorial Legislative Golf Tournament  
Beaver Meadow Golf Course  
Concord, NH**

Names of Players:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Telephone: \_\_\_\_\_ Amount Enclosed: \_\_\_\_\_

Senator Chuck W. Morse, Senate President

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## SENATE SCHEDULE

Thursday, June 04, 2015	Deadline to ACT on all House bills.
Thursday, June 11, 2015	Deadline to FORM Committees of Conference.
Thursday, June 18, 2015	Deadline to SIGN Committee of Conference Reports.
Thursday, June 25, 2015	Deadline to ACT on Committee of Conference Reports.
Friday, July 03, 2015	Independence Day (State Holiday)
Monday, September 07, 2015	Labor Day (State Holiday)
Wednesday, November 11, 2015	Veterans' Day (State Holiday)
Thursday, November 26, 2015	Thanksgiving Day (State Holiday)
Friday, November 27, 2015	Day after Thanksgiving (State Holiday)
Friday, December 25, 2015	Christmas Day (State Holiday)