

March 23, 2017
No. 16

STATE OF NEW HAMPSHIRE

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First Year of the 165th Session of the
New Hampshire General Court

SENATE CALENDAR

**THE SENATE WILL MEET IN SESSION ON WEDNESDAY, MARCH 29, 2017
AT 1:00 P.M. AND ON THURSDAY, MARCH 30, 2017 AT 10:00 A.M.**

LAI D ON THE TABLE

SB 2-FN-A, reducing the rates of the business profits tax and the business enterprise tax. **03/23/2017, pending motion, Committee Amendment 1013s, Finance, SJ 10**

SB 28, relative to salvage certificates of titles for motor vehicles. **01/19/2017, pending motion, Inexpedient to Legislate, Transportation, SJ 4, pg. 20**

SB 41-FN-A, establishing a fund to forgive certain educational debt and making an appropriation therefor. **03/23/2017, pending motion, Re-refer, Finance, SJ 10**

SB 54, relative to the licensure of alcohol and drug counselors. **02/23/2017, pending motion, Ought to Pass, Executive Departments and Administration, SJ 7, pg. 90**

SB 57-FN-A, making appropriations to the department of environmental services for the purposes of funding eligible drinking water and wastewater projects under the state aid grant program. **02/09/2017, pending motion, OT3rdg, Finance, SJ 5, pg. 51**

SB 77-FN-A, relative to expense deductions under the business profits tax. **03/09/2017, pending motion, Refer to Finance Rule 4-5, Ways and Means, SJ 8, pg. 119**

SB 94-FN-A, making a capital appropriation for affordable housing. **03/09/2017, pending motion, Refer to Finance Rule 4-5, Capital Budget, SJ 8, pg. 106**

SB 99-A, funding the New Hampshire Internet crimes against children task force. **02/23/2017, pending motion OT3rdg, Finance, SJ 7, pg. 91**

SB 105-FN-L, making an appropriation for the replacement of heat and hot water systems in the Concord school district. **02/23/2017, pending motion, Refer to Finance Rule 4-5, Education, SJ 7, pg. 87**

SB 112, establishing a council on the creative economy. **03/09/2017, pending motion, Inexpedient to Legislate, Election Law and Internal Affairs, SJ 8, pg. 109**

SB 117-FN, making an appropriation for stormwater management and flood resilience grants. **03/09/2017, pending motion, OT3rdg, Finance, SJ 8, pg. 115**

SB 133-FN, relative to security screening at state correctional facilities. **02/23/2017, pending motion, Ought to Pass, Executive Departments and Administration, SJ 7, pg. 100**

SB 135-FN, relative to the regulation of electricians. **02/23/2017, pending motion, Committee Amendment 0477s, Executive Departments and Administration, SJ 7, pg. 91**

SB 145, prohibiting smoking in motor vehicles when a passenger under the age of 16 is in the vehicle. **02/23/2017, pending motion, Re-refer, Health and Human Services, SJ 7, pg. 97**

SB 146-FN, requiring the department of health and human services to develop a centralized state system for transporting persons subject to involuntary emergency admission. **03/09/2017, No Pending Motion, Finance, SJ 8, pg. 115**

SB 149, authorizing individuals and certain businesses to purchase health insurance from out-of-state companies. **03/16/2017, pending motion, OT3rdg, Health and Human Services, SJ 9**

SB 153-FN-A, making an appropriation for early childhood intervention services. **03/09/2017, pending motion, OT3rdg, Finance, SJ 8, pg. 115**

SB 168, relative to increasing the maximum amount of the optional veterans tax credit. **02/23/2017, pending motion, Inexpedient to Legislate, Public and Municipal Affairs, SJ 7, pg. 101**

SB 174-L, relative to municipal parking surcharges and parking maintenance and operations. **03/09/2017, No Pending Motion, Public and Municipal Affairs, SJ 8, pg. 118**

SB 191-FN, relative to the definition of average daily membership in attendance. **02/23/2017, pending motion, Refer to Finance Rule 4-5, Education, SJ 7, pg. 87**

SB 196-FN-A, relative to liquor revenues deposited into the alcohol abuse prevention and treatment fund. **02/23/2017, pending motion, OT3rdg, Finance, SJ 7, pg. 92**

SB 203-FN, requiring the department of transportation to alleviate safety issues at an intersection in Ossipee. **03/09/2017, pending motion, OT3rdg, Finance, SJ 8, pg. 116**

SB 207-FN-A, relative to the tax on chewing tobacco. **03/16/2017, pending motion, Ought to Pass, Ways and Means, SJ 9**

SB 223-FN-A, relative to staffing recommendations from the quality assurance review of the division of children, youth and families. **03/16/2017, pending motion, Inexpedient to Legislate, Finance, SJ 9**

SB 227-FN, relative to a workforce development and training fund. **03/23/2017, pending motion, Re-refer, Finance, SJ 10**

SB 228-FN-A, establishing the New Hampshire college graduate retention incentive partnership (NH GRIP). **03/16/2017, pending motion, OT3rdg, Finance, SJ 9**

SB 236-FN, making the Medicaid expansion law permanent. **03/16/2017, pending motion, Committee Amendment 0791s, Health and Human Services, SJ 9**

SB 239-FN, establishing the position of associate commissioner in the department of health and human services, the office of the child advocate, and the oversight commission for children's services and juvenile justice. **03/23/2017, pending motion, Ought to Pass, Finance, SJ 10**

CONSENT CALENDAR REPORTS

WEDNESDAY, MARCH 29, 2017

COMMERCE

SB 85, amending the Uniform Securities Act.
Ought to Pass with Amendment, Vote 5-0.
Senator Soucy for the committee.

This bill makes corrections to certain definitions, some minor editorial changes, updates the federal law citations for the 2015 Bureau of Securities recodification bill which was passed by this body. This is a housekeeping measure and the committee amendment changes two incorrectly referenced federal citations.

SB 86, relative to the regulation of banks, trusts, and credit unions by the banking department.
Ought to Pass with Amendment, Vote 5-0.
Senator Innis for the committee.

This bill makes various changes to the banking law regulations in regards to banks, trusts and credit unions. During the public hearing, we heard a few concerns regarding the bill, the committee amendment addresses those concerns and is a compromise between the Banking Department, the Trust Council, and the Bankers Association.

SB 91, relative to the title loan default process.
Re-refer to Committee, Vote 5-0.
Senator Sanborn for the committee.

This bill requires a title loan lender to cease accruing and collecting interest on a title loan when it is in default. The bill had some opposition and needs to be worked out through the committee process which is the reason the committee unanimously supported rerefer to committee.

SB 92, relative to the consumer complaint process at the banking department.
Re-refer to Committee, Vote 5-0.
Senator Sanborn for the committee.

This bill does two things: decreases some of the deadline times for which you have to file a response to complaints in the banking industry and decreases the time in which the investigation has to occur. There are questions as to whether banks could comply with the new requirements. It is important for all parties to come together on this bill which is the reason the committee voted to rerefer.

SB 93, relative to adoption of the Uniform Access to Digital Assets Act.

Ought to Pass with Amendment, Vote 5-0.

Senator Innis for the committee.

Currently NH law does not give fiduciaries the authority to manage a person's digital property like computer files, web domains and virtual currency as they can with tangible personal property. This bill adopts the revised uniform fiduciary access to digital assets act which has been adopted by many other states. The committee amendment makes it clear it doesn't supersede HIPPA laws and references the correct chapter.

EDUCATION

HB 166, relative to assessments administered to pupils in grades 3 through 8.

Ought to Pass, Vote 5-0.

Senator Watters for the committee.

This bill amends the schedule for a school district to administer the statewide assessment and requires a school district to develop and administer an assessment in those years in which the statewide assessment is not administered. The Committee believes that this bill will give greater local control and flexibility for assessments while relieving the burden on classroom educational time.

HB 210, relative to a code of ethics for certified educational personnel.

Ought to Pass, Vote 5-0.

Senator Ward for the committee.

This bill authorizes the state board of education to adopt rules establishing a code of ethics for certified educational personnel in the areas of a professional's responsibility to the education profession, students, school community, and responsible and ethical use of technology. The majority of professional organizations each have a code of ethics and this bill would provide the same for educators. This legislation is based on the model code of ethics for educators used across the country and only applies to those who are issued certification by the state.

HB 216, relative to educational assignments for pupils who have been suspended.

Ought to Pass, Vote 5-0.

Senator Kahn for the committee.

This bill requires a school to make educational assignments available to a suspended student during their period of suspension lasting ten or more school days. This legislation would assist students in staying up to date on their school work so that he or she is set up to succeed as much as possible upon returning to school after this disciplinary measure.

HB 221, relative to the national guard scholarship fund and the New Hampshire national guard education assistance act.

Ought to Pass, Vote 5-0.

Senator Giuda for the committee.

This bill makes a modification to the National Guard Scholarship Fund so that these scholarships may be awarded for the purposes of paying for licensing, certifications, books, and fees and not just four-year college tuition programs. For those in the New Hampshire National Guard who are not pursuing a degree, this bill will help these individuals pay for the above-mentioned costs so that they may become better members of the National Guard and productive, contributing members of their community and employees of businesses.

HB 233, relative to the submission of school emergency response plans.

Ought to Pass, Vote 5-0.

Senator Kahn for the committee.

This bill requires a school to submit its emergency response plan, and any updates to the plan, to the Department of Education on an annual basis. The Division of Homeland Security and Emergency Management can meet with schools to help craft an emergency response plan that meets each school's needs. Such emergency response plans help to allow schools to be better prepared in the event of natural disasters, active shooters, and the like.

HB 275, prohibiting the inclusion of statewide assessment results in a student's transcript without consent.

Ought to Pass, Vote 5-0.

Senator Watters for the committee.

This bill provides that a student's statewide assessment results shall not be a part of a student's transcript without parental consent or consent of a student age 18 years or older. The Senate Education Committee believes that whether or not a student performs well on a statewide assessment is not reflective of a student's potential in their future educational endeavors. A student would still be allowed to choose to include these results on their transcript.

ELECTION LAW AND INTERNAL AFFAIRS

SB 47, relative to enforcement of election laws.

Re-refer to Committee, Vote 5-0.

Senator Soucy for the committee.

This bill authorizes the Secretary of State to conduct investigations to determine whether election laws have been violated and to institute enforcement proceedings and impose penalties. Although this concept has merit, the committee needs more time for consideration of this bill.

ENERGY AND NATURAL RESOURCES

HB 428-FN, relative to crossbow hunting by persons 68 years of age and older.

Ought to Pass, Vote 5-0.

Senator Feltes for the committee.

This bill allows a person 68 years of age or older to hunt deer by crossbow during the archery deer season without obtaining an additional permit. Currently, the New Hampshire Fish & Game Department allows only those with qualifying disabilities to be able to use a crossbow. Over the years, more people have come to the Department stating they do not have a qualifying disability, but would like to use a crossbow. HB 428 would allow older hunters to continue to enjoy all that New Hampshire's hunting season has to offer, regardless of their age.

HEALTH AND HUMAN SERVICES

SB 151, relative to arbitration agreements in nursing home contracts.

Re-refer to Committee, Vote 5-0.

Senator Avar for the committee.

This bill would prohibit a nursing facility from requiring that a patient sign a mandatory arbitration agreement. At the hearing it was clear that there is still a lot of disagreement among all of the stakeholders. By re-referring this bill to committee it gives more time for them to try and reach a compromise.

SB 154, making oral contraceptives available without a prescription.

Re-refer to Committee, Vote 5-0.

Senator Gray for the committee.

This bill would allow pharmacies to dispense oral contraceptives to persons 18 years of age or older without a prescription. The committee felt that there were too many issues and unanswered questions to move the bill forward at this time. Re-referring this bill will allow more time for input from all stakeholders.

SB 158, relative to authorization for clinician-prescribed substance use disorder services.

Ought to Pass with Amendment, Vote 5-0.

Senator Avar for the committee.

This bill, as amended by the committee, would declare that if substance use disorder services are a covered benefit under a health benefit plan, no utilization review shall be required for 12 months for authorized or otherwise approved medications for a substance use disorder. Utilization reviews can be burdensome on both the patient and the provider and this would ensure that there are no gaps in care for patients undergoing this treatment.

REGULAR CALENDAR REPORTS

WEDNESDAY, MARCH 29, 2017

COMMERCE

SB 40, relative to electronic wills.

Ought to Pass with Amendment, Vote 5-0.

Senator Sanborn for the committee.

SB 82, relative to labeling for maple syrup.
Inexpedient to Legislate, Vote 3-0.
Senator Innis for the committee.

EDUCATION

HB 122, relative to withdrawal from a cooperative school district.
Re-refer to Committee, Vote 5-0.
Senator Giuda for the committee.

ELECTION LAW AND INTERNAL AFFAIRS

SB 110, establishing the painted turtle as the state reptile.
Ought to Pass with Amendment, Vote 5-0.
Senator Birdsell for the committee.

HB 91, relative to General John Stark Day.
Ought to Pass, Vote 5-0.
Senator Soucy for the committee.

HB 262, establishing the blackberry as the state berry.
Ought to Pass with Amendment, Vote 5-0.
Senator Birdsell for the committee.

ENERGY AND NATURAL RESOURCES

SB 119, relative to the length of a dock on a water body.
Ought to Pass with Amendment, Vote 4-1.
Senator Bradley for the committee.

SB 126, relative to eligibility of hospitals with renewable energy projects for funds from the renewable energy fund.
Ought to Pass, Vote 4-1.
Senator Fuller Clark for the committee.

HB 591-FN, relative to suction dredging in the surface waters of the state.
Inexpedient to Legislate, Vote 4-0.
Senator Bradley for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 184-FN, relative to the license requirement for medical imaging and radiation therapy and relative to registration by practitioners with the board of medical imaging and radiation therapy.
Ought to Pass, Vote 4-0.

Senator Soucy for the committee.

HB 595-FN, relative to positions in the corporations division of the secretary of state's office.
Ought to Pass, Vote 3-0.
Senator Reagan for the committee.

HEALTH AND HUMAN SERVICES

SB 65, relative to vaccines administered by pharmacists.
Ought to Pass, Vote 4-0.
Senator Gray for the committee.

SB 150, relative to pharmacist administration of vaccines.
Ought to Pass, Vote 4-0.
Senator Gray for the committee.

SB 155, relative to implementation of the Medicaid managed care program.
Ought to Pass with Amendment, Vote 5-0.
Senator Bradley for the committee.

SB 157, relative to network adequacy and consumer rights under the managed care law.
Ought to Pass with Amendment, Vote 5-0.
Senator Fuller Clark for the committee.

SB 159, relative to qualifying medical conditions for the purposes of therapeutic cannabis.
Ought to Pass, Vote 4-0.
Senator Hennessey for the committee.

SB 160, authorizing religious nonmedical personnel, consistent with Centers for Medicare and Medicaid Services guidelines, to certify eligibility for walking disability plates and placards.
Ought to Pass, Vote 4-0.
Senator Fuller Clark for the committee.

SB 161, establishing a commission to evaluate the direct care workforce and preparedness of long-term care and support services for aging adults with dementia or other cognitive brain injuries.

Ought to Pass with Amendment, Vote 4-0.

Senator Avard for the committee.

JUDICIARY

SB 249, relative to procedures related to the disclosure of exculpatory evidence by police officers.

Ought to Pass, Vote 5-0.

Senator Carson for the committee.

HB 259-FN, relative to the records of the probate court.

Ought to Pass, Vote 4-0.

Senator French for the committee.

TRANSPORTATION

HB 479-FN, authorizing Rotary Foundation number plate decals.

Ought to Pass, Vote 4-0.

Senator Watters for the committee.

AMENDMENTS

Commerce

March 21, 2017

2017-1011s

01/06

Amendment to SB 40

Amend the bill by replacing section 2 with the following:

2 New Chapter; New Hampshire Electronic Wills Act. Amend RSA by inserting after chapter 551-A the following new chapter:

CHAPTER 551-B

NEW HAMPSHIRE ELECTRONIC WILLS ACT

551-B:1 Definitions. In this chapter:

I. "Certified paper original" means a tangible record that contains the text of an electronic will, including a self-proving affidavit concerning that will if applicable.

II. "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

III. "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record "Electronic signature" includes an electronic notary seal.

IV. "Electronic will" means an instrument, including a codicil, executed by a person in the manner prescribed by this chapter which disposes of the person's property on or after his or her death.

V. "Qualified custodian" means a person who meets the requirements of RSA 551-B:10, I.

551-B:2 Electronic Wills.

I. Every person of the age of 18 years and married persons under that age, of sane mind, may devise and dispose of their property, real and personal, and of any right or interest they may have in any property, by electronic will.

II. Except as otherwise provided in this chapter, all questions as to the force, effect, validity and interpretation of an electronic will that complies with this chapter shall be determined in the same manner as in the case of a will formally executed in accordance with RSA 551:2 or RSA 551:2-a.

551-B:3 Requirements for Electronic Wills. To be valid, an electronic will shall:

I. Be made by a testator qualifying under RSA 551-B:2.

II. Exist in an electronic record.

III. Contain the electronic signature of the testator.

IV. Be electronically signed by 2 or more credible witnesses, who shall, at the request of the testator and in the testator's presence, attest to the testator's electronic signature by placing their electronic signatures on the electronic will.

551-B:4 Self-Proved Electronic Wills. An electronic will is self proved if all of the following requirements are met.

I. The signatures of the testator and the attesting witnesses shall be followed by or logically associated with a declaration by the attesting witnesses, made under penalties of perjury that:

As a witness to the foregoing instrument, I hereby under oath do swear as follows:

1. The testator placed his or her electronic signature on the record as the testator's electronic will.

2. This was the testator's free and voluntary act for the purposes expressed in the electronic will.

3. Each witness (if applicable) placed his electronic signature on the electronic will at the request of the testator, in the testator's presence, and in the presence of the other witness(es).

4. To the best of my knowledge, at the time of the signing the testator was at least 18 years of age, or if under 18 years was a married person, and was of sane mind and under no constraint or undue influence.

II. The electronic will shall designate a qualified custodian to control the electronic record of the electronic will.

III. The electronic record containing the electronic will shall remain under the control of a qualified custodian.

IV. If probate of a certified paper original is sought, the electronic will shall have always been under the control of a qualified custodian before being reduced to such certified paper original.

551-B:5 Revocation of Electronic Wills.

I. Except as provided in paragraph II, no electronic will or clause in such will shall be revoked unless by:

(a) Some other valid will or codicil;

(b) Some writing executed in accordance with the requirements of RSA 557-B:3;

(c) Another electronic will executed in accordance with this chapter; or

(d) Canceling, rendering unreadable, obliterating or otherwise destroying the same, with the intent to revoke it, by:

(1) The testator;

(2) Some person at the testator's direction and in the testator's presence; or

(3) If the will is in the custody of a qualified custodian, by the qualified custodian at the testator's direction and in the testator's presence or pursuant to a writing of the testator executed in accordance with the requirements of RSA 551-B:3.

II. Divorce or annulment of the testator's marriage shall operate to revoke any provision of an electronic will as provided in RSA 551:13, II in the same manner as if such provisions were contained in a will formally executed in accordance with RSA 551:2.

III. Paragraphs I and II shall not control or affect any revocation of an electronic will, implied by law, from any change in the circumstances of the testator, or his or her family, devisees, legatees or estate, occurring between the time of making the will and the death of the testator.

551-B:6 Method and Place of Execution. For purposes of this chapter and for all purposes relating to the execution and filing of any document with any court in any proceeding involving or relating to an electronic will:

I. An individual shall be deemed to be in the presence of or appearing before another individual if:

(a) Such individuals are in the same physical location; or

(b) Such individuals are in remote physical locations but can communicate with each other by means of live video and audio conference.

II. Any requirement that a document be signed may be satisfied by an electronic signature.

III. If a law requires a document that was signed electronically to be presented in its original form, or provides consequences if the document is not presented in its original form, that law is satisfied by a tangible record that contains the text of the signed electronic record.

IV. A document shall be deemed to be executed in this state if all of the following requirements are met:

(a) The person creating the document states that he or she is executing, and that he or she intends to execute, the document in and pursuant to the laws of this state;

(b) The attesting witnesses or the notary public whose electronic signatures are contained in the electronic will were physically located within this state at the time the electronic will was executed in accordance with RSA 551-B:2; and

(c) In the case of an electronic will, the electronic will designates a qualified custodian who, at the time of execution, is domiciled in this state or who is incorporated or organized under the laws of this state.

551-B:7 Application of Electronic Requirements to Advance Directives. For purposes of RSA 137-J, and for all purposes relating to the execution of an advance directive under RSA 137-J:14, I(a) and the execution, or filing with a court, of any document relating to any advance directive executed under RSA 137-J:14, I(a), including the disclosure statements required by RSA 137-J:19 and RSA 137-J:20, the provisions of RSA 551-B:6 shall apply to the execution of the advance directive under RSA 137-J:14, I(a) and to the execution of such related documents or disclosure statements.

551-B:8 Application of Electronic Requirements to Powers of Attorney. For purposes of RSA 506, and for all purposes relating to the execution and filing of any document with any court in any proceeding involving or relating to any power of attorney, the provisions of RSA 551-B:6 shall apply to the execution of the power of attorney and to the execution of the disclosure statements required by RSA 506:6, VI and RSA 506:6, VII.

551-B:9 Probate of Electronic Wills.

I. An electronic will deemed to be executed in this state may be proved and allowed in the court of probate, in common form or solemn form, and the courts of this state shall have jurisdiction over such wills. The venue for the probate of electronic wills shall be as provided in RSA 547:8 and 547:9 or in the county in which the qualified custodian or executor has its domicile or registered office.

II. A certified paper original of the electronic will may be offered for and admitted to probate in the same manner as if it were the original will formally executed in accordance with RSA 551:2.

III. A certified paper original of a self-proved electronic will shall be presumed to be valid.

IV. During his or her life, an individual may commence a judicial proceeding to determine the validity of his or her electronic will, subject only to the electronic will's subsequent modification or revocation, in accordance with RSA 552:18, in the same manner as if it were the original will formally executed in accordance with RSA 551:2. For purposes of commencing the proceeding under this section, the individual shall be domiciled in this state or own real property in this state or the individual's electronic will shall be deemed to be executed in this state under RSA 551-B:6.

V. An electronic will that is executed or deemed executed in another state in accordance with the laws of such other state or of this state shall be a valid electronic will in this state.

551-B:10 Qualified Custodians; Requirements.

I. To serve as a qualified custodian of an electronic will, a person shall:

- (a) For a given testator and electronic will, not be an heir, beneficiary, or devisee.
- (b) Be domiciled in and a resident of this state or be incorporated or organized in the state.
- (c) Consistently employ a system for ensuring the safekeeping of electronic records.
- (d) Create and store in the electronic record of the electronic will each of the following:

(1) A photocopy, photograph, facsimile or other visual record of a document taken by the qualified custodian contemporaneously to the execution of the electronic will that provides, for the testator and each of the attesting witnesses, satisfactory proof of the identity within the meaning of RSA 456-B:2, VI.

(2) An audio and video recording of the testator and attesting witnesses taking the actions described in RSA 551-B:3 or RSA 551-B:4.

(e) Furnish for any court hearing a matter involving an electronic will that is currently or was previously stored by the qualified custodian any information requested by the court pertaining to the qualified custodian's qualifications, policies, and practices related to the creation, sending, communication, receipt, maintenance, storage, and production of electronic wills.

II. In dealing with the electronic record of an electronic will, the qualified custodian:

(a) Shall provide access or information concerning or the certified paper original of such electronic will only to the testator and such other persons as directed by the written instructions of the testator and, after the testator's death, the executor or any person beneficially interested; and

(b) May, in its absolute discretion, elect to destroy such electronic record at any time following:

- (1) The 5th anniversary of the admission of any will of the testator to probate;
- (2) The 5th anniversary of the revocation of such electronic will;
- (3) The 5th anniversary of ceasing to serve as qualified custodian under paragraphs IV or V; or
- (4) The 100th anniversary of the execution of such electronic will.

III. Upon the written instructions of the testator executed in accordance with RSA 551-B:3, a qualified custodian who at any time maintains custody of the electronic record of the testator's electronic will shall cancel, render unreadable, or obliterate the electronic record containing the electronic will.

IV. A qualified custodian who at any time maintains custody, the electronic record of an electronic will may elect to cease to serve in such capacity by:

(a) If the outgoing qualified custodian is not designating a successor qualified custodian:

(1) Delivering 30 days' written notice that the outgoing qualified custodian of the electronic will has elected to cease serving in such capacity to the testator, if then living, or, after the death of the testator, to the testator's executor or a person beneficially interested; and

(2) Delivering the certified paper original of, and all records concerning, the electronic will to the testator, if then living, or, after the death of the testator, to the executor or such person beneficially interested.

(b)(1) If the outgoing qualified custodian is designating a successor qualified custodian:

(A) Delivering 30 days' written notice that the outgoing qualified custodian of the electronic will has elected to cease to serve in such capacity to the testator (if then living, or, after the testator's death, to the duly appointed administrator of the testator's estate) and to a successor qualified custodian designated by the outgoing qualified custodian.

(B) Delivering the electronic record of the electronic will to such successor qualified custodian.

(C) Delivering to such successor qualified custodian an affidavit of the outgoing qualified custodian stating that:

- (i) The outgoing qualified custodian is eligible to act as a qualified custodian in this state;
- (ii) The outgoing qualified custodian is the qualified custodian designated by the testator in the electronic will or otherwise duly appointed to act in such capacity;
- (iii) An electronic record was created at the time the testator made the electronic will;
- (iv) The electronic record has been in the control of one or more qualified custodians since the time the electronic record was created, and the identity of such qualified custodians; and
- (v) The electronic record has not been altered since the time the electronic record was created.

(2) For the purposes of making the affidavit under this subparagraph, the outgoing qualified custodian shall be entitled to rely conclusively on any affidavits delivered by a predecessor qualified custodian in connection with its designation or appointment as qualified custodian provided that all such affidavits are delivered to the successor qualified custodian.

V. Upon the written request of the testator during his or her life, a qualified custodian who at any time maintains custody of the electronic record of the testator's electronic will shall cease to serve in such capacity and shall deliver either to the testator, the certified paper original, or to a successor qualified custodian designated in writing by the testator:

- (a) The electronic record; and
- (b) The affidavit of the outgoing qualified custodian as described in subparagraph IV(b)(1)(C).

VI. No qualified custodian shall effectively succeed to office as a qualified custodian of an electronic will, and no outgoing qualified custodian shall be effectively discharged from office, unless and until such successor shall affirmatively agree in writing to serve in such capacity.

VII. If a qualified custodian is an entity, an affidavit of a duly authorized officer or agent of such entity shall constitute the affidavit of the qualified custodian.

551-B:11 Affidavit for Certified Paper Original. A person who creates a certified paper original shall make an affidavit that satisfies the following requirements.

I.(a) If the electronic will has always been under the control of a qualified custodian, the qualified custodian shall state in an affidavit that:

- (1) The qualified custodian is eligible to act as a qualified custodian in this state;
- (2) The qualified custodian is the qualified custodian designated by the testator in the electronic will or appointed to act in such capacity under RSA 551-B:10, IV(b) or V;
- (3) An electronic record was created at the time the testator made the electronic will;
- (4) The electronic record has been in the control of one or more qualified custodians since its creation, and the identity of such qualified custodians;
- (5) To the best of his, her or its knowledge, the electronic record has not been altered since its creation;
- (6) The certified paper original is a true, correct, and complete tangible manifestation of the electronic will; and
- (7) The qualified custodian has in its custody the records required under 551-B:10, I(d).

(b) For purposes of making this affidavit, the qualified custodian shall be entitled to rely conclusively on any affidavits delivered by a predecessor qualified custodian in connection with its designation or appointment as qualified custodian.

II. If the electronic will has not always been under the control of a qualified custodian, the person who discovered the electronic will and the person who reduced the electronic will to paper shall each state in an affidavit to the best of their knowledge:

- (a) When the electronic will was created, if not indicated in the electronic will itself;
- (b) When and how the electronic will was discovered, and by whom;
- (c) All of the people who had access to the electronic will;
- (d) The method in which the electronic will was stored and what safeguards were in place to prevent alterations to the electronic will;
- (e) Whether the electronic will has been altered since its creation; and
- (f) That the certified paper original is a true, correct, and complete tangible manifestation of the electronic will.

III. A person who acts in reliance upon a certified paper original without knowledge that the representations contained therein are incorrect shall not be liable to any person for so acting and may assume without inquiry the existence of the facts contained in the certified paper original.

Commerce
 March 22, 2017
 2017-1046s
 08/10

Amendment to SB 85

Amend RSA 421-B:2-202(11) as inserted by section 5 of the bill by replacing it with the following:

(11) A nonissuer sale of notes or bonds secured by a mortgage to no more than 5 ***purchasers as determined in accordance with RSA 421-B:2-202-A(1)*** [persons], in total, in all jurisdictions combined;

Amend RSA 421-B:3-302(a)(1)(B) as inserted by section 10 of the bill by replacing it with the following:

(B) for notice filings for federal covered securities described in section 18(b)(4)(A) and section 18(b)(4)(D) of the Securities Act of 1933, the name of a registered broker-dealer who will effect transactions in this state;

Commerce
 March 22, 2017
 2017-1049s
 08/04

Amendment to SB 86

Amend RSA 383-B:10-1004 as inserted by section 10 of the bill by replacing it with the following:

383-B:10-1004 Interstate Establishment or Acquisition of Branch Offices by Depository Banks.

(a) A depository bank may establish a branch in any state or may acquire one or more branch offices of a foreign bank in any state under federal law and the laws of the other state. The depository bank shall ***submit an application to establish or acquire a branch office to the commissioner under RSA 383-A:6-602. The depository bank may proceed to establish or acquire the branch office if it is permitted to do so by the commissioner under RSA 383-A:6-604.*** ~~[be required to follow all procedures and to obtain all approvals necessary to establish or acquire a branch office under New Hampshire law. The depository bank shall provide the commissioner with written notice of the proposed establishment or acquisition of a branch as required under RSA 383-A:6-602 and file with the commissioner a copy of each application or notice filed with federal or other state regulatory authorities relating to the transaction at the same time such application or notice is filed with such federal or other state regulatory authorities. A depository bank may proceed to establish or acquire the branch if it is permitted to do so by the commissioner under RSA 383-A:6-604.]~~ The depository bank shall have all the powers under the laws of the state in which each branch office is located, subject to the duties and restrictions thereof. In addition to any regulation by regulatory authorities in the state where a branch office is located, each branch of the depository bank located outside of New Hampshire shall be subject to regulation by the commissioner as if such branch office were located in New Hampshire and shall comply with New Hampshire law in the conduct of its banking business in such other state unless otherwise required or permitted under the laws of such other state.

(b) A foreign bank may establish one or more new branch offices in New Hampshire or may acquire one or more branch offices from a depository bank or a national bank or federal savings bank having its principal place of business in New Hampshire. The foreign bank shall ***submit an application to establish or acquire the branch office to the commissioner under RSA 383-A:6-602. The foreign bank may proceed to establish or acquire the branch office if it is permitted to do so by the commissioner under RSA 383-A:6-604.*** ~~[be required to obtain all approvals necessary to establish or acquire a branch of fice under RSA 383-B:7-702:]~~ No branch office may be established or acquired if it will result in a violation of the deposit limitation contained in RSA 383-B:7-702(a). The foreign bank shall ~~[provide the commissioner with written notice of the proposed establishment or acquisition of a branch office as required under RSA 383-A:6-602 and]~~ file with the commissioner a copy of each application or notice filed with federal or other state regulatory authorities relating to the establishment or acquisition of a branch office or branch offices at the same time such application or notice is filed with such federal or other state regulatory authorities. ~~[A foreign bank may proceed to establish or acquire the branch if it is permitted to do so by the commissioner under RSA 383-A:6-604.]~~ The foreign bank shall have all the powers held by a depository bank with respect to the operation of the branch office or branch offices located in New Hampshire under New Hampshire law, subject to the duties and restrictions thereof. Each branch office located in New Hampshire of a foreign bank,

other than a national bank or federal savings association, shall be regulated by the commissioner as if the branch office were a branch office of a depository bank. Any foreign bank having a branch office located in New Hampshire shall comply with New Hampshire law in the conduct of its banking business in New Hampshire. No branch office of a foreign bank shall be permitted to engage in any activity not permissible for a depository bank. Notwithstanding the foregoing, if the foreign bank is a national bank or a federal savings association, it shall comply with New Hampshire law to the maximum extent allowed under federal law.

Amend RSA 383-C:7-702 as inserted by section 11 of the bill by replacing it with the following:

383-C:7-702 Opening or Relocation of Trust Office. Before opening or relocating a trust office, ~~[other than an opening or relocation that is expressly provided in the trust company's business plan approved by the commissioner, a trust company that, under the MOECA components under the Uniform Interagency Trust Rating System, has a composite rating of at least 2 as a result of its most recent examination by the commissioner, shall provide the commissioner with written notice of its proposal to open or relocate a trust office as required under RSA 383-A:6-602. All other trust companies]~~ **a trust company that has been transacting business for more than 3 years** shall submit ~~[an application]~~ **a notice** to establish a trust office under RSA 383-A:6-602. **During the first 3 years of transacting business, a company shall submit an application to open or relocate a trust office unless the opening or relocation is expressly provided in the trust company's business plan as approved by the commissioner.** A trust company **that submits such an application** may proceed with the opening or relocation of the trust office if permitted by the commissioner under RSA 383-A:6-604.

Amend the bill by replacing all after section 11 with the following:

12 Amendment of Bylaws. Amend RSA 383-E:3-311 to read as follows:

383-E:3-311 Amendment of Bylaws. The board of directors of a credit union may, by majority vote, amend the bylaws if the credit union files ~~[a notice of]~~ **an application describing** the proposed amendment under RSA 383-A:6-601 and it is permitted to do so by the commissioner based on the considerations set forth in RSA 383-E:3-301, as applicable.

13 Material Change in Operating Conditions. Amend RSA 383-E:3-312 to read as follows:

383-E:3-312 Material Change in Operating Conditions. If a board of directors of a credit union proposes to make a material change in the strategic plan, funding plan or other factors considered by the commissioner in granting a charter to the credit union within 5 years of its receipt of a certificate to engage in business under RSA 383-E:3-310, the board may not make such change unless it ~~[gives notice thereof]~~ **submits an application seeking approval of the change** to the commissioner as provided in RSA 383-A:6-602 and it is permitted to do so by the commissioner.

14 Transactions Involving Assets and Liabilities. Amend RSA 383-E:4-417 to read as follows:

383-E:4-417 Transactions Involving Assets and Liabilities. A credit union may purchase assets from and assume liabilities of, or sell assets and transfer liabilities to, a bank, state credit union, federal credit union, or foreign credit union if it files an application with the commissioner under RSA 383-A:6-602 ~~[and is permitted to do so by the commissioner under RSA 383-A:6-604]~~, subject to other federal or state regulatory approvals.

15 Branching Authority. Amend RSA 383-E:9-901(b) and (c) to read as follows:

(b) ~~[A credit union that is well capitalized under applicable federal law and has a composite CAMELS rating of at least 2 as a result of its most recent examination by its federal regulatory authority or the commissioner, shall provide the commissioner with notice of its proposal to establish or acquire a branch office as required under RSA 383-A:6-602.]~~ All ~~[other]~~ credit unions shall submit an application to establish **or acquire** a branch office **to the commissioner** under RSA 383-A:6-602. A credit union may proceed to establish or acquire the branch office if it is permitted to do so by the commissioner **under RSA 383-A:6-604**.

(c) A foreign credit union may establish or acquire a branch office in this state if a state credit union would be permitted to do so in the state in which its principal office is located under conditions no more restrictive than those imposed by the laws of this state as determined by the commissioner. The foreign credit union shall submit ~~[a notice or]~~ **an** application to establish or acquire a branch **office** to the commissioner under RSA 383-A:6-602. ~~[and may proceed to do so if permitted by the commissioner.]~~ **The foreign credit union may proceed to establish or acquire the branch office if it is permitted to do so by the commissioner under RSA 383-A:6-604.**

16 Branch Closings and Relocations. Amend RSA 383-E:9-902 to read as follows:

383-E:9-902 Branch Closings and Relocations.

(a) A credit union may close a branch office upon the affirmative vote of a majority of its board of directors, but the closing shall not occur until the credit union has filed notice of the branch office closing with the commissioner under RSA 383-A:6-602 ~~[and it is permitted to do so by the commissioner]~~. The credit union shall be required to comply with federal requirements for branch closings.

(b) A credit union may relocate a branch office upon the affirmative vote of a majority of its board of directors, but the relocation shall not occur until the credit union has filed notice of the branch office relocation with the commissioner under RSA 383-A:6-602 ~~[and it is permitted to do so by the commissioner]~~. The credit union shall be required to comply with federal requirements for branch relocations.

17 Regulatory Approval Procedures. Amend RSA 383-A:6-601 through RSA 383-A:6-603 to read as follows:

383-A:6-601 Notices and Applications. This article applies to all persons *who are (i)* seeking to engage in an act or transaction under the Banking Act or Credit Union Act that requires the prior review and approval by the commissioner, *or (ii) required to provide notice to the commissioner under the Banking Acts or the Credit Union Act*. The commissioner shall have the power to adopt rules relating to the forms and procedures related to filings required under this article.

83-A:6-602 Filing Procedure.

(a) A person seeking to engage in any act or transaction under the Banking Acts ~~[and]~~ *or* the Credit Union Act, that requires the prior review of the commissioner shall ~~[make a notice filing or]~~ submit a written application, as appropriate, with the commissioner. ~~[For purposes of this article, "filer" means the person filing the notice or application.]~~

(b) *A person required to provide notice to the commissioner under the Banking Acts or the Credit Union Act shall submit a written notice to the commissioner in such form as the commissioner may prescribe.*

(c) *For purposes of this article, "filer" means the person filing the notice or application.* The filer shall provide such relevant information as the commissioner may require with respect to the act or transaction under law or rules adopted by the commissioner.

~~[(e)]~~ (d) The filer shall pay an administrative fee in accordance with RSA 383-A:6-609. No notice or application shall be considered by the commissioner until payment of the enumerated fee has been received.

~~[-(d)]~~ (e) The filer shall provide to the commissioner a copy of any application ~~[and]~~ *or* notice filed with any other regulatory authority relating to the act or transaction at the time the application ~~[and]~~ *or* notice is made.

383-A:6-603 Substantial Completeness of Filing.

(a) The commissioner shall examine each ~~[notice or]~~ application filed under RSA 383-A:6-602 to determine whether it complies with applicable filing requirements, including payment of any required fee. No later than 30 days after receipt of the filing by the commissioner, the ~~[notice or]~~ application shall be deemed substantially complete unless the commissioner notifies the filer within the 30-day period that it is not substantially complete or requests the person to submit additional information.

(b) The filer may re-file the ~~[notice or]~~ application with required modifications or submissions. If the re-filing is made within 90 days after receipt of commissioner's notice, then the initial filing fee shall cover the re-filing, and no additional filing fee shall be required to be paid. If the re-filing is made after the expiration of the 90-day period, then a new fee must be paid. The commissioner shall then determine whether the re-filed ~~[notice or]~~ application is substantially complete within 30 days after receipt of the re-filing and shall so notify the person.

(c) ~~[-A notice or]~~ *An* application deemed substantially complete under this section shall be subject to final determination by the commissioner under RSA 383-A:6-604.

18 Regulatory Approval Procedures; Determination. RSA 383-A:6-604 is repealed and reenacted to read as follows:

383-A:6-604 Determination.

(a) Within 10 business days after receipt of a notice, the commissioner shall issue a written acknowledgment of receipt of the notice to the filer.

(b) Within 60 days after the application is deemed substantially complete under RSA 383-A:6-603, the commissioner shall issue:

(1) A decision approving or denying the application, in whole or in part, including any conditions of approval the commissioner deems necessary or advisable; or

(2) A notice that further investigation or examination is required, including the possibility of soliciting public comment by hearing or otherwise.

(c) Upon completion of any further investigation or examination under subsection (b)(2), the commissioner shall issue a decision approving or denying the application, in whole or in part, including any conditions of approval the commissioner deems necessary or advisable.

19 Dissolution. Amend RSA 383-C:10-1004 through RSA 383-C:10-1006 to read as follows:

383-C:10-1004 ***Application for*** Dissolution [Notice].

(a) ~~[A] Before a~~ trust company ~~[seeking to]~~ ***may*** dissolve its charter ***under RSA 383-A:10-1002 or RSA 383-A:10-1003, the trust company*** shall file ~~[a]~~ ***with the commissioner an application for*** dissolution ~~[notice with the commissioner under RSA 383-A:6-602 and this section].~~

(b) The ~~[dissolution notice]~~ ***application*** shall include a comprehensive plan of dissolution setting forth the proposed disposition of all assets and liabilities in reasonable detail to effect the liquidation or reorganization. ~~[Among other things, the]~~

(c) ~~The~~ plan of dissolution shall ~~[provide for the]~~ ***include arrangements for:***
 (1) ~~The~~ discharge or assumption of all of the trust company's known or unknown claims and liabilities; ~~[and the transfer of all of its responsibilities as a trustee or other fiduciary to a successor trustee or trustees or other fiduciaries. Additionally, the dissolving]~~

(2) ***With respect to each trust of which it serves as a trustee, trust advisor, or trust protector, the appointment of a successor trustee, trust advisor, or trust protector; and***

(3) ***With respect to each other account or arrangement of which it serves as a fiduciary, the appointment of a successor fiduciary.***

(d) ***In connection with any further investigation or examination that the commissioner conducts in accordance with RSA 383-A:6-604, the*** trust company shall provide to the commissioner ~~[such other]~~ ***any*** certifications, affidavits, documents, ~~[or]~~ ***and*** information with respect to the dissolution as the commissioner may ~~[require to understand how]~~ ***request concerning:***

(1) ***How*** assets and liabilities will be disposed of; ~~[, the]~~

(2) ***The*** timetable for effecting disposition of trust company assets and liabilities~~;~~; and

(3) ~~[the]~~ ***The*** dissolving trust company's proposal for dealing with any claims that are asserted after the dissolution has been completed.

383-C:10-1005 Commissioner Determination. After receipt of ~~[a notice of trust company]~~ ***an application for*** dissolution under RSA 383-C:10-1004, the commissioner shall make a determination under RSA 383-A:6-604.

383-C:10-1006 Completion of Plan of Dissolution.

(a) Upon issuance ~~[by the commissioner of a no-objection letter or a determination]~~ of ***the commissioner's decision approving*** ~~[approval in response to]~~ a ***trust company's application for*** dissolution ~~[notice under RSA 383-C:10-1004]~~, the trust company may dissolve in accordance with the terms of its ***application for*** dissolution ~~[notice]~~ and plan for dissolution.

(b) Upon completion of all actions required under the plan for dissolution and ***compliance with*** any conditions prescribed by the commissioner, the ~~[dissolving]~~ trust company shall submit a report of its actions to the commissioner. ~~[and the dissolving]~~

(c) ***The*** trust company's board of directors shall certify, under oath, that ~~[it]~~ ***the report*** is true and correct.

(d) Following receipt of the report, the commissioner may examine the trust company to determine whether: ~~[the commissioner is satisfied that all]~~

(1) *All* required actions have been taken to liquidate or reorganize the trust company in accordance with the plan for dissolution; and

(2) *The trust company complied with* any conditions prescribed *by the commissioner*. ~~[Following receipt of the dissolving]~~

(e) *After receiving the* trust company's report, ~~[and after]~~ determining that the *required actions under the* plan for dissolution *have been completed*, and *determining that the trust company complied with* any conditions prescribed *by the commissioner* ~~[have been satisfied]~~, the commissioner shall notify the ~~[dissolving]~~ trust *company* that the dissolution has been completed and is final~~[,]~~.

(1) *The* ~~[which]~~ notice shall supplement the ~~[prior no-objection or]~~ approval of *the application for* dissolution issued by the commissioner under RSA 383-A:6-604. ~~[Thereupon, the dissolving]~~

(2) *After receiving the notice, the* trust company shall surrender its charter to the commissioner, and the commissioner shall issue a certificate of dissolution, ~~[to be filed]~~ *which the trust company shall file* with the secretary of state *in accordance with RSA 383-C:10-1007*.

(f) If the commissioner is not satisfied that all required actions have been taken *or the trust company has not complied with all of the conditions prescribed by the commissioner*, then the commissioner shall notify the dissolving trust company what additional actions shall be taken to be eligible for a certificate of dissolution~~[, which]~~.

(1) *The* notice shall supplement the ~~[prior no-objection or]~~ approval of *the application for* dissolution issued by the commissioner under RSA 383-A:6-604.

(2) In the notice, the commissioner may establish a deadline for the submission of evidence that the additional actions have been taken.

(3) The commissioner may extend the deadline for good cause shown.

(4) If, *before the deadline*, the ~~[applicant]~~ *trust company* fails to ~~[file a supplemental report showing]~~ *submit evidence* that the additional actions have been taken ~~[before the deadline, or submits a report that is found not to be satisfactory by]~~ *or* the commissioner *determines that the submitted evidence is inadequate or otherwise unsatisfactory*, then the commissioner may ~~[issue an order under RSA 383-A:6-604 denying the dissolution and reversing any prior approval or no-objection]~~ *revoke its approval of the application for dissolution*.

20 Repeal. RSA 383-A:6-605, relative to further investigation or examination, is repealed.

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

Commerce
March 22, 2017
2017-1048s
08/10

Amendment to SB 93

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

1 New Chapter; Revised Uniform Fiduciary Access to Digital Assets Act. Amend RSA by inserting after chapter 554 the following new chapter:

CHAPTER 554-A

REVISED UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT

554-A:1 Short Title. This chapter may be cited as the Revised Uniform Fiduciary Access to Digital Assets Act.

554-A:2 Definitions. In this chapter:

(a) "Account" means an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user.

(b) "Agent" means an attorney-in-fact granted authority under a durable or nondurable power of attorney.

(c) “Carries” means engages in the transmission of an electronic communication.

(d) “Catalogue of electronic communications” means information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person.

(e) “Conservator” means a person who is appointed by the court to manage the estate of one who requests the appointment of a conservator.

(f) “Content of an electronic communication” means information concerning the substance or meaning of the communication which:

(1) Has been sent or received by a user;

(2) Is in electronic storage by a custodian providing an electronic communication service to the public or is carried or maintained by a custodian providing a remote computing service to the public; and

(3) Is not readily accessible to the public.

(g) “Court” means the circuit court having jurisdiction over the protected person.

(h) “Custodian” means a person that carries, maintains, processes, receives, or stores a digital asset of a user.

(i) “Designated recipient” means a person chosen by a user using an online tool to administer digital assets of the user.

(j) “Digital asset” means an electronic record in which an individual has a right or interest. The term shall not include an underlying asset or liability unless the asset or liability is itself an electronic record.

(k) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(l) “Electronic communication” has the meaning set forth in 18 U.S.C. Section 2510(12), as amended.

(m) “Electronic communication service” means a custodian that provides to a user the ability to send or receive an electronic communication.

(n) “Fiduciary” means an original, additional, or successor personal representative, conservator, guardian of the estate, agent, trustee, or any person so appointed by the court.

(o) “Guardian of the estate” means one appointed by the court to manage the estate of the incapacitated person as specified by a court order.

(p) “Information” means data, text, images, videos, sounds, codes, computer programs, software, databases, or the like.

(q) “Online tool” means an electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person.

(r) “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(s) “Personal representative” means an executor, administrator, special administrator, or person that performs substantially the same function under law of this state other than this chapter.

(t) “Power of attorney” means a record that grants an agent authority to act in the place of a principal.

(u) “Principal” means an individual who grants authority to an agent in a power of attorney.

(v) “Protected person” means an individual for whom a conservator or a guardian of the estate has been appointed. The term includes an individual for whom an application for the appointment of a conservator or guardian of the estate is pending.

(w) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(x) “Remote computing service” means a custodian that provides to a user computer-processing services or the storage of digital assets by means of an electronic communications system, as defined in 18 U.S.C. Section 2510(14), as amended.

(y) “Terms of service agreement” means an agreement that controls the relationship between a user and a custodian.

(z) “Trustee” means a fiduciary with legal title to property under an agreement or declaration that creates a beneficial interest in another. The term includes a successor trustee.

(aa) “User” means a person that has an account with a custodian.

(bb) “Will” includes a codicil, testamentary instrument that only appoints an executor, and instrument that revokes or revises a testamentary instrument.

554-A:3 Applicability.

(a) This chapter shall apply to:

(1) A fiduciary acting under a will or power of attorney executed before, on, or after the effective date of this chapter;

(2) A personal representative acting for a decedent who died before, on, or after the effective date of this chapter;

(3) A conservatorship or guardianship proceeding commenced before, on, or after the effective date of this chapter; and

(4) A trustee acting under a trust created before, on, or after the effective date of this chapter.

(b) This chapter applies to a custodian if the user resides in this state or resided in this state at the time of the user’s death.

(c) This chapter shall not apply to a digital asset of an employer used by an employee in the ordinary course of the employer’s business.

(d) This chapter shall not apply to a digital asset that includes protected health information as defined under 45 C.F.R. section 160.103 unless the requirements to access such information under applicable federal and state law are satisfied.

554-A:4 User Direction for Disclosure of Digital Assets.

(a) A user may use an online tool to direct the custodian to disclose to a designated recipient or not to disclose some or all of the user’s digital assets, including the content of electronic communications. If the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney, or other record.

(b) If a user has not used an online tool to give direction under subsection (a) or if the custodian has not provided an online tool, the user may allow or prohibit in a will, trust, power of attorney, or other record, disclosure to a fiduciary of some or all of the user’s digital assets, including the content of electronic communications sent or received by the user.

(c) A user’s direction under subsection (a) or (b) overrides a contrary provision in a terms-of-service agreement that does not require the user to act affirmatively and distinctly from the user’s assent to the terms of service.

554-A:5 Terms of Service Agreement.

(a) This chapter shall not change or impair a right of a custodian or a user under a terms-of-service agreement to access and use digital assets of the user.

(b) This chapter shall not give a fiduciary or designated recipient any new or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or designated recipient acts or represents.

(c) A fiduciary’s or designated recipient’s access to digital assets may be modified or eliminated by a user, by federal law, or by a terms-of-service agreement if the user has not provided direction under RSA 554-A:4.

554-A:6 Procedure for Disclosing Digital Assets.

(a) When disclosing digital assets of a user under this chapter, the custodian may at its sole discretion:

(1) Grant a fiduciary or designated recipient full access to the user’s account;

(2) Grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the tasks with which the fiduciary or designated recipient is charged; or

(3) Provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account.

(b) A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under this chapter.

(c) A custodian need not disclose under this chapter a digital asset deleted by a user.

(d) If a user directs or a fiduciary requests a custodian to disclose under this chapter some, but not all, of the user's digital assets, the custodian need not disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or request imposes an undue burden, the custodian or fiduciary may seek an order from the court to disclose:

- (1) A subset limited by date of the user's digital assets;
- (2) All of the user's digital assets to the fiduciary or designated recipient;
- (3) None of the user's digital assets; or
- (4) All of the user's digital assets to the court for review in camera.

554-A:7 Disclosure of Content of Electronic Communications of Deceased User. If a deceased user consented or a court directs disclosure of the contents of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication sent or received by the user if the representative gives the custodian:

- (a) A written request for disclosure in physical or electronic form;
- (b) A certified copy of the death certificate of the user;
- (c) A certified copy of the letter of appointment or court order;
- (d) Unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney, or other record evidencing the user's consent to disclosure of the content of electronic communications; and
- (e) If requested by the custodian:
 - (1) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;
 - (2) Evidence linking the account to the user; or
 - (3) A finding by the court that:

(A) The user had a specific account with the custodian, identifiable by the information specified in subparagraph (1);

(B) Disclosure of the content of electronic communications of the user would not violate 18 U.S.C. Section 2701 et seq., as amended, 47 U.S.C. Section 222, as amended, or other applicable law;

(C) Unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or

(D) Disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate.

554-A:8 Disclosure of Other Digital Assets of Deceased User. Unless the user prohibited disclosure of digital assets or the court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a catalogue of electronic communications sent or received by the user and digital assets, other than the content of electronic communications, of the user, if the representative gives the custodian:

- (a) A written request for disclosure in physical or electronic form;
- (b) A certified copy of the death certificate of the user;
- (c) A certified copy of the letter of appointment or court order; and

(d) If requested by the custodian:

(1) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(2) evidence linking the account to the user;

(3) an affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the estate; or

(4) a finding by the court that:

(A) the user had a specific account with the custodian, identifiable by the information specified in subparagraph (1); or

(B) disclosure of the user's digital assets is reasonably necessary for administration of the estate.

554-A:9 Disclosure of Content of Electronic Communications of Principal. To the extent a power of attorney expressly grants an agent authority over the content of electronic communications sent or received by the principal and unless directed otherwise by the principal or the court, a custodian shall disclose to the agent the content if the agent gives the custodian:

(a) A written request for disclosure in physical or electronic form;

(b) An original or copy of the power of attorney expressly granting the agent authority over the content of electronic communications of the principal;

(c) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

(d) If requested by the custodian:

(1) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or

(2) evidence linking the account to the principal.

554-A:10 Disclosure of Other Digital Assets of Principal. Unless otherwise ordered by the court, directed by the principal, or provided by a power of attorney, a custodian shall disclose to an agent with specific authority over digital assets or general authority to act on behalf of a principal a catalogue of electronic communications sent or received by the principal and digital assets, other than the content of electronic communications, of the principal if the agent gives the custodian:

(a) A written request for disclosure in physical or electronic form;

(b) An original or a copy of the power of attorney that gives the agent specific authority over digital assets or general authority to act on behalf of the principal;

(c) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

(d) If requested by the custodian:

(1) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or

(2) Evidence linking the account to the principal.

554-A:11 Disclosure of Digital Assets Held in Trust When Trustee is Original User. Unless otherwise ordered by the court or provided in a trust, a custodian shall disclose to a trustee that is an original user of an account any digital asset of the account held in trust, including a catalogue of electronic communications of the trustee and the content of electronic communications.

554-A:12 Disclosure of Contents of Electronic Communications Held in Trust When Trustee Not Original User. Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose to a trustee that is not an original user of an account the content of an electronic communication sent or received by an original or successor user and carried, maintained, processed, received, or stored by the custodian in the account of the trust if the trustee gives the custodian:

(a) A written request for disclosure in physical or electronic form;

(b) A certified copy of the trust instrument or a certification of the trust under RSA 564-B:10-1013 that includes consent to disclosure of the content of electronic communications to the trustee;

(c) A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and

(d) If requested by the custodian:

(1) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or

(2) Evidence linking the account to the trust.

554-A:13 Disclosure of Other Digital Assets Held in Trust When Trustee Not Original User. Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose, to a trustee that is not an original user of an account, a catalogue of electronic communications sent or received by an original or successor user and stored, carried, or maintained by the custodian in an account of the trust and any digital assets, other than the content of electronic communications, in which the trust has a right or interest if the trustee gives the custodian:

(a) A written request for disclosure in physical or electronic form;

(b) A certified copy of the trust instrument or a certification of the trust under RSA 564-B:10-1013;

(c) A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and

(d) If requested by the custodian:

(1) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or

(2) Evidence linking the account to the trust.

554-A:14 Disclosure of Digital Assets to Conservator, Guardian of the Estate, or Other Duly Authorized Person of Protected Person.

(a) After an opportunity for a hearing under RSA 464-A, the court may grant a conservator, guardian of the estate, or any other person access to the digital assets of a protected person.

(b) Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a conservator, guardian of the estate, or other person so ordered by the court the catalogue of electronic communications sent or received by a protected person and any digital assets, other than the content of electronic communications, in which the protected person has a right or interest if the conservator, guardian of the estate, or other person so ordered by the court gives the custodian:

(1) A written request for disclosure in physical or electronic form;

(2) A certified copy of the court order that gives the conservator, guardian of the estate, or other person authority over the digital assets of the protected person; and

(3) If requested by the custodian:

(A) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the account of the protected person; or

(B) Evidence linking the account to the protected person.

(c) A conservator, guardian of the estate, or other person with general authority to manage the assets of a protected person may request a custodian of the digital assets of the protected person to suspend or terminate an account of the protected person for good cause. A request made under this section shall be accompanied by a certified copy of the court order giving the conservator, guardian of the estate, or other person authority over the protected person's property.

554-A:15 Fiduciary Duty and Authority.

(a) The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including:

(1) The duty of care;

(2) The duty of loyalty; and

(3) The duty of confidentiality.

(b) A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

- (1) Except as otherwise provided in RSA 554-A:5, is subject to the applicable terms of service;
- (2) Is subject to other applicable law, including copyright law;
- (3) In the case of a fiduciary, is limited by the scope of the fiduciary's duties; and
- (4) May not be used to impersonate the user.

(c) A fiduciary with authority over the property of a decedent, protected person, principal, or settlor has the right to access any digital asset in which the decedent, protected person, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.

(d) A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, protected person, principal, or settlor for the purpose of applicable computer fraud and unauthorized computer access laws, including RSA 638:17.

(e) A fiduciary with authority over the tangible, personal property of a decedent, protected person, principal, or settlor:

- (1) Has the right to access the property and any digital asset stored in it; and

(2) Is an authorized user for the purpose of computer fraud and unauthorized computer access laws, including RSA 638:17.

(f) A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.

(g) A fiduciary of a user may request a custodian to terminate the user's account. A request for termination shall be in writing, in either physical or electronic form, and accompanied by:

- (1) If the user is deceased, a certified copy of the death certificate of the user;

(2) A certified copy of the letter of appointment, court order, power of attorney, or trust giving the fiduciary authority over the account; and

- (3) If requested by the custodian:

(A) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(B) Evidence linking the account to the user; or

(C) A finding by the court that the user had a specific account with the custodian, identifiable by the information specified in subparagraph (A).

554-A:16 Custodian Compliance and Immunity.

(a) Not later than 60 days after receipt of the information required under RSA 554-A:7 through 15, a custodian shall comply with a request under this chapter from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order directing compliance.

(b) An order under subsection (a) directing compliance shall contain a finding that compliance is not in violation of 18 U.S.C. Section 2702, as amended.

(c) A custodian may notify the user that a request for disclosure or to terminate an account was made under this chapter.

(d) A custodian may deny a request under this chapter from a fiduciary or designated recipient for disclosure of digital assets or to terminate an account if the custodian is aware of any lawful access to the account following the receipt of the fiduciary's request.

(e) This chapter shall not limit a custodian's ability to obtain or require a fiduciary or designated recipient requesting disclosure or termination under this chapter to obtain a court order which:

- (1) Specifies that an account belongs to the protected person or principal;

(2) Specifies that there is sufficient consent from the protected person or principal to support the requested disclosure; and

(3) Contains a finding required by law other than this chapter .

(f) A custodian and its officers, employees, and agents shall be immune from liability for an act or omission done in good faith in compliance with this chapter.

554-A:17 Uniformity of Application and Construction. In applying and construing this chapter, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the Revised Uniform Fiduciary Access to Digital Assets Act.

554-A:18 Relation to Electronic Signatures in Global and National Commerce Act. This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

554-A:19 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

2 Computer Crime; Definitions. Amend RSA 638:16, II to read as follows:

II. "Authorization" means the express or implied consent given by a person to another, ***including, but not limited to, a fiduciary under RSA 554-A***, to access or use said person's computer, computer network, computer program, computer software, password, identifying code, or personal identification number.

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

Election Law and Internal Affairs

March 22, 2017

2017-1051s

08/04

Amendment to SB 110

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

AN ACT declaring the painted turtle to be the reptile of the biennium.

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

1 Reptile of the Biennium. The general court of the state of New Hampshire finds that the painted turtle (*Chrysemys picta*) is a vital part of the New Hampshire ecosystem which has adapted to our long, cold winters by hibernating in the sand under the state's many beautiful lakes, ponds, and other bodies of water. The general court further finds that as the painted turtle was named such from the red, orange, and yellow markings on its head, neck, and tail which look like the strokes of an artist's brush, it makes a colorful and suitable complement to many of the other animals which have come to symbolize the state of New Hampshire such as the white tailed deer and the purple finch. Therefore, in recognition of the notability of the painted turtle, the general court of the state of New Hampshire declares the painted turtle (*Chrysemys picta*) to be the reptile of the biennium.

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

2017-1051s

AMENDED ANALYSIS

This bill declares the painted turtle to be the reptile of the biennium.

Energy and Natural Resources

March 23, 2017

2017-1099s

08/10

Amendment to SB 119

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

AN ACT relative to the length of docks on a water body, water body size.

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

1 New Paragraph; Excavating and Dredging Permits; Exemption for Temporary Docks, Boatlifts, and Personal Watercraft Lifts. Amend RSA 482-A:3 by inserting after paragraph IV-a the following new paragraph:

IV-b. Any existing or grandfathered dock extension shall be exempt from permitting, provided that a notification is sent to the department by the owner of the property that includes the name and address of the property owner, the municipality, the waterbody, and tax map and lot number on which the proposed dock will be seasonally extended. The installation of a temporary dock under this paragraph shall not create any new rights to the land or water on which such temporary dock is placed. To qualify for an exemption under this paragraph, a temporary seasonal dock extension shall be:

- (a) Constructed to be an extension of an existing permitted or grandfathered dock;
- (b) Constructed to be removed during the non-boating season;
- (c) Removed from the lake bed for a minimum of 5 months a year;

(d) On bodies of water of over 1,000 acres, no more than a maximum total length of 50 feet including the existing dock or 450 square feet, such that at the end of the dock the water level shall be 4 feet of water as measured at normal full lake level; nor more than a maximum of 40 feet in length, including the existing dock, or 160 square feet on bodies of water under 1,000 acres; and

(e) Located at least 20 feet from an abutting property line or the imaginary extension of the property line over the water, unless previously grandfathered or permitted.

2 Boat Slip; Lake Size. Amend RSA 482-A:2, VIII (a) and (b) to read as follows:

(a) On water bodies over [~~10,000~~] **1,000** acres, [~~means~~] a volume of water 25 feet long, 8 feet wide, and 3 feet deep as measured at normal high water and located adjacent to a structure to which a watercraft may be secured.

(b) On water bodies of [~~10,000~~] **1,000** acres or less, a volume of water 20 feet long, 6 feet wide, and 3 feet deep as measured at normal high water mark and located adjacent to a structure to which a watercraft may be secured.

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

2017-1099s

AMENDED ANALYSIS

This bill:

- I. Exempts certain temporary seasonal docks from obtaining an excavating and dredging permit.
- II. Changes water body size requirements with regard to boat slip sizes.

Health and Human Services

March 22, 2017

2017-1044s

01/03

Amendment to SB 155

Amend the bill by replacing section 1 with the following:

1 Medicaid Managed Care Program; Implementation.

I. Notwithstanding any other provision of law to the contrary, 2 of the remaining unimplemented phases of the Medicaid managed care program, established in RSA 126-A:5, XIX, specifically nursing facility services and services provided under the choices for independence waiver, issued by the Centers for Medicare and Medicaid Services (CMS) under 42 U.S.C. section 1396n(c), shall be incorporated into the Medicaid managed care delivery system beginning on January 1, 2019. The remaining provisions of step 2 of the Medicaid managed care program including services provided under the developmental disability waiver shall be implemented beginning on July 1, 2019.

II. The commissioner shall re-procure contracts with vendors to administer the Medicaid managed care program, with a program start date of January 1, 2019.

2017-1044s

AMENDED ANALYSIS

This bill clarifies when step 2 of the Medicaid managed care program shall be implemented.

Health and Human Services

March 22, 2017

2017-1042s

01/06

Amendment to SB 157

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

2 New Section; Notice of Consumer Rights. Amend RSA 420-J by inserting after section 7-d the following new section:

420-J:7-e Notice of Consumer Rights. A health carrier shall, at least annually, in a conspicuous communication as approved by the commissioner which may be included as an insert in an annual mailing, notify each covered person of his or her consumer rights under this chapter, including, but not limited to, appeal rights and the ability to access services out-of-network in the event covered services are not available in-network. A health carrier shall also notify covered persons of the right to access out-of-network services when the covered person contacts the health carrier directly requesting assistance finding clinically appropriate in-network care.

3 Effective Date. This act shall take effect January 1, 2018.

2017-1042s

AMENDED ANALYSIS

This bill adds rulemaking for persons with substance use disorder for the purposes of the managed care law. This bill also requires health carriers to notify covered persons of their consumer rights under RSA 420-J.

Health and Human Services

March 22, 2017

2017-1043s

01/06

Amendment to SB 158

Amend RSA 420-J:18 as inserted by section 1 of the bill by replacing it with the following:

420-J:18 Authorization for Medication-Assisted Treatment. Whenever substance use disorder services are a covered benefit under a health benefit plan subject to this chapter, a health carrier that has authorized or otherwise approved medication-assisted treatment for such services shall not require a renewal of such authorization more frequently than once every 12 months.

2017-1043s

AMENDED ANALYSIS

This bill declares that if substance use disorder services are a covered benefit under a health benefit plan, a health carrier that has authorized or approved medication-assisted treatment for such services shall not require a renewal of a prior authorization more frequently than once every 12 months.

Health and Human Services

March 20, 2017

2017-0975s

01/10

Amendment to SB 161

Amend RSA 151-E:21, I(a)(8) and (9) as inserted by section 1 of the bill by replacing them with the following:

(8) A representative of a long-term care facility, appointed by the New Hampshire Health Care Association.

(9) The long-term care ombudsman, or designee.

(10) A representative of a statewide association representing nonprofit housing and senior services programming, appointed by the president of the senate.

Amend RSA 151-E:21, III as inserted by section 1 of the bill by replacing it with the following:

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate 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.

Election Law and Internal Affairs

March 22, 2017

2017-1053s

08/04

Amendment to HB 262

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

AN ACT declaring the common blackberry to be the berry of the biennium.

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

1 Berry of the Biennium. The general court of the state of New Hampshire finds that the common blackberry (*Rubus allegheniensis*) is a vital part of the New Hampshire ecosystem and as such declares the common blackberry (*Rubus allegheniensis*) to be the berry of the biennium.

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

2017-1053s

AMENDED ANALYSIS

This bill declares the common blackberry to be the berry of the biennium.

REGULAR CALENDAR REPORTS

THURSDAY, MARCH 30, 2017

COMMERCE

SB 84, relative to payment of workers' compensation benefits by direct deposit.

Ought to Pass, Vote 3-2.

Senator Soucy for the committee.

EDUCATION

HB 103, relative to school district policies regarding objectionable course material.

Ought to Pass, Vote 3-2.

Senator Giuda for the committee.

ELECTION LAW AND INTERNAL AFFAIRS

CACR 9, relating to terms of office for state officers. Providing that terms shall be for 4 years.

Inexpedient to Legislate, Vote 4-1.

Senator Sanborn for the committee.

SB 3, relative to domicile for voting purposes.

Ought to Pass with Amendment, Vote 3-2.

Senator Birdsell for the committee.

SB 107, establishing an independent redistricting commission.

Inexpedient to Legislate, Vote 3-2.

Senator Sanborn for the committee.

SB 111, establishing a bipartisan commission to evaluate New Hampshire's response to Russian interference in our democracy.

Inexpedient to Legislate, Vote 3-2.

Senator Gray for the committee.

SB 248, ratifying elections and meetings postponed due to a weather emergency on March 14, 2017.

Ought to Pass with Amendment, Vote 3-2.

Senator Gray for the committee.

ENERGY AND NATURAL RESOURCES

SB 128, relative to the policy goal of electric utility restructuring.

Ought to Pass with Amendment, Vote 2-1.

Senator Avarð for the committee.

FINANCE

SB 7-FN-L, relative to eligibility for food stamps.

Re-refer to Committee, Vote 6-0.

Senator Feltes for the committee.

SB 74-FN, relative to economic revitalization zone tax credits.

Ought to Pass, Vote 4-2.

Senator Giuda for the committee.

SB 190-FN, repealing the sunset provision on the first responder's critical injury benefit fund.

Re-refer to Committee, Vote 5-1.

Senator Reagan for the committee.

SB 206-FN, relative to wagering on historic horse racing.

Re-refer to Committee, Vote 6-0.

Senator Giuda for the committee.

SB 215-FN, permitting the community college system to participate in the state health care plan.

Inexpedient to Legislate, Vote 4-2.

Senator Daniels for the committee.

SB 216-FN, relative to differential pay for state troopers and relative to crowd control by marine patrol officers.

Inexpedient to Legislate, Vote 3-1.

Senator Reagan for the committee.

SB 235-FN, relative to Medicaid reimbursement to schools for students with medical needs and establishing a home and community based behavioral health services program for children.

Re-refer to Committee, Vote 5-1.

Senator Giuda for the committee.

SB 240-FN-L, relative to the monitoring and treatment of contaminated wells.

Inexpedient to Legislate, Vote 4-2.

Senator Daniels for the committee.

SB 244-FN-A, relative to exemption of income from taxation under the tax on interest and dividends.

Ought to Pass, Vote 4-2.

Senator Reagan for the committee.

SB 247-FN-A, preventing childhood lead poisoning from paint and water and making an appropriation to a special fund.

Re-refer to Committee, Vote 4-2.

Senator Daniels for the committee.

WAYS AND MEANS

SB 78, requiring audit records related to payment of business profits tax to be confidential.

Ought to Pass, Vote 3-2.

Senator Giuda for the committee.

SB 184, modifying the research and development tax credit for first-time recipients of the credit.

Inexpedient to Legislate, Vote 3-2.

Senator Giuda for the committee.

SB 185, extending the community revitalization tax relief program to coastal properties subject to storm surge, sea level rise, and extreme precipitation.

Ought to Pass with Amendment, Vote 4-0.

Senator Sanborn for the committee.

SB 187, clarifying the application of the road toll.

Ought to Pass with Amendment, Vote 4-0.

Senator Feltes for the committee.

AMENDMENTS

Election Law and Internal Affairs

March 21, 2017

2017-1016s

03/01

Amendment to SB 3

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

1 Voters; Temporary Absence or Presence. Amend RSA 654:2 to read as follows:

654:2 Temporary Absence ***or Presence***.

I. A domicile for voting purposes acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile. Domicile for the purpose of voting as defined in RSA 654:1, once existing, continues to exist until another such domicile is gained. Domicile for purposes of voting is a question of fact and intention ***coupled with a verifiable act or acts carrying out that intent***. A voter can have only one domicile for ~~[these]~~ ***voting*** purposes. No person shall be deemed to have lost a domicile by reason of his or her presence or absence while the voter or his or her spouse is employed in the service of the United States; nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a teacher in or student of any seminary of learning; nor while confined in any public prison or other penal institution; nor while a patient or confined for any reason in any nursing, convalescent home or hospital, old folks or old age home, or like institution or private facility.

II.(a) *A person present in New Hampshire for temporary purposes shall not gain a domicile for voting purposes. A person who maintains a voting domicile where he or she came from, to which he or she intends to return to as his or her voting domicile after a temporary presence in New Hampshire, does not gain a domicile in New Hampshire regardless of the duration of his or her presence in New Hampshire.*

(b) *A person who has been present and residing in one town or ward in New Hampshire for 30 or fewer days is presumed to be present for temporary purposes unless that person has the inten-*

tion of making the place in which the person resides his or her one place, more than any other, from which he or she engages in the domestic, social, and civil activities of participating in democratic self-government including voting, and has acted to carry out that intent.

(c) For the purposes of this chapter, temporary purposes shall include, but are not limited to, being present in New Hampshire for 30 or fewer days for the purposes of tourism, visiting family or friends, performing short-term work, or volunteering or working to influence voters in an upcoming election.

(d) For the purposes of voter registration, acts demonstrating an intent to make a place an individual's domicile shall include, but are not limited to:

- (1) Residency at an institution of higher learning;*
- (2) Renting or leasing an abode at that place for a period of more than 30 days;*
- (3) Purchasing an abode at that place;*
- (4) Obtaining a New Hampshire resident motor vehicle registration, driver's license, or official nondriver's picture identification card listing that place as his or her residence;*
- (5) Enrolling the person's dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of that place;*
- (6) Listing that place as the person's physical residence address on state or federal tax forms, other government identification, or other government forms that show the domicile address;*
- (7) Providing the address of that place to the United States Post Office as the person's permanent address, provided it is not a postal service or commercial post office box;*
- (8) Obtaining a New Hampshire resident hunting or fishing license, listing that place as his or her residence;*
- (9) Obtaining utility services for an indefinite period at that place; or*
- (10) Arranging for a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual using that facility's address as the individual's domicile address for voting purposes.*

(e) An applicant whose domicile is at an abode rented, leased, or owned by another and whose name is not listed on the rental agreement, lease, or deed may provide a written statement from a person who is listed on the rental agreement, lease, or deed, or other reasonable proof of ownership or control of the property or his or her agent who manages the property that the applicant resides at that address, signed by the owner or manager of the property under penalty of voting fraud if false information is provided. The statement shall be on the form prescribed by the secretary of state for that purpose or contain all the information set forth on that official form.

III. An individual applying for registration as a voter 30 or fewer days before an election shall use the election day registration form required by RSA 654:7, IV(c) which shall require the applicant to provide the date he or she established his or her voting domicile in New Hampshire. The registration form shall require the voter to identify and provide evidence of a verifiable action he or she has taken carrying out his or her intent to make the place claimed on the voter registration form his or her domicile.

IV. A person may register on election day through use of an acknowledgment of domicile evidence obligation on the registration form and vote if he or she does not have any document in his or her possession at the polls providing evidence of an action carrying out his or her intent to make the address claimed as his or her voting domicile. A person relying on an acknowledgment of domicile evidence obligation to register must mail or present evidence of an action taken before registering to vote to carry out his or her intent to make the address claimed his or her domicile to the town or city clerk within 10 days following the election, or within 30 days in towns where the clerk's office is open fewer than 20 hours weekly.

V. The supervisors of the checklist shall as soon as practical following the first election at which a person who relied solely on an acknowledgment of domicile evidence obligation to register

and vote, but who fails to mail or present evidence of having taken some action to carry out his or her intent to establish domicile at the address listed on his or her voter registration application to the clerk by the deadline, verify that the person was domiciled at the address claimed on election day by means including, but not limited to:

(a) Examining public records held by the town or city clerk, municipal assessing and planning offices, tax collector, or other municipal office that may house public records containing domicile confirmation; or

(b) Requesting 2 or more supervisors or municipal, county, or state election officers or their agents to visit the address and verify that the individual was domiciled there on election day.

VI. The supervisors shall promptly report to the secretary of state, the name of any applicant who fails to mail or present evidence of a verifiable act to the clerk. The supervisors shall also initiate removal of the person from the checklist by sending the person the notice required by RSA 654:44.

2 Voter Registration Form; Day of General Election. Amend RSA 654:7, IV(c) to read as follows:

(c) The secretary of state shall prescribe the form of the voter registration form to be used only for voter registrations, transfers, or updates ***starting 30 days before each election and*** at the polling place on the date of a state general election, which shall be in substantially the following form:

____ NEW REGISTRATION I am not registered to vote in New Hampshire

____ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire

____ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address

Date *registration form is submitted* _____

Date applicant moved to the address listed below as the voter's domicile _____

VOTER REGISTRATION FORM

FOR USE **STARTING 30 DAYS BEFORE AN ELECTION AND** AT THE POLLING PLACE ON THE DATE
OF THE STATE GENERAL ELECTION

(Please print or type)

1. Name _____

Last	(suffix) First	Full Middle Name
------	----------------	------------------

Last

(suffix) First

Full Middle Name

2. Domicile Address _____
 Street Ward Number

Street

Ward Number

Town or City	Zip Code
--------------	----------

Town or City

Zip Code

3. Mailing Address if different than in 2 _____ Street

Street

Town or City	Zip Code
--------------	----------

Town or City

Zip Code

4. Place and Date of Birth _____
Town or City State

Town or City

State

Date_____

5. Are you a citizen of the United States? Yes _____ No _____

If a naturalized citizen, give name of court where and date when naturalized _____

6. Place last registered to vote _____

Street	Ward Number
--------	-------------

Street

Ward Number

I am not currently registered to vote elsewhere (initial here _____), or I request that my name be removed as a registered voter in _____ (fill in your address where previously registered, street, city/town, state, and zip code)

7. Name under which previously registered, if different from above _____

8. Party Affiliation (if any) _____

9. Driver's License Number _____ State _____

If you do not have a valid driver's license, provide the last four digits of your social security number _____

My name is _____. I am today registering to vote in the city/town of _____, New Hampshire. If a city, ward number _____.

I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this ward/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I understand that to make the address I have entered above my domicile for voting I must have an intent to make this the one place from which I participate in democratic self-government and must have acted to carry out that intent. While a person need not have taken any particular verifiable action listed below to register to vote, a person must report and provide evidence of an action if the person has one. I understand that I must present evidence of my actions carrying out my intent to be domiciled at this address when registering to vote. If I do not have such a document when registering on election day I understand I must place my initials next to the following paragraph and mail a copy or present the document at the town or city clerk's office within 10 days following the election (30 days in towns where the clerk's office is open fewer than 20 hours weekly).

_____ By placing my initials next to this paragraph, I am acknowledging that I have not presented evidence of actions carrying out my intent to be domiciled at this address, that I understand that I must mail or personally present to the clerk's office evidence of actions carrying out my intent within 10 days following the election (or 30 days in towns where the clerk's office is open fewer than 20 hours weekly), and that I have received the document produced by the secretary of state that describes the items that may be used as evidence of a verifiable action that establishes domicile.

Failing to report and provide evidence of a verifiable action will prompt official mail to be sent to your domicile address by the secretary of state to verify the validity of your claim to a voting domicile at this address.

_____ By placing my initials next to this paragraph, I am acknowledging that I am aware of no evidence of actions carrying out my intent to be domiciled at this address, that I will not be mailing or delivering evidence to the clerk's office, and that I understand that officials may be sending mail to the address on this form or taking other actions to verify my domicile at this address.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date

Signature of Applicant

If this form is used in place of proof of identity, age, citizenship, or domicile, I hereby swear that such information is true and accurate to the best of my knowledge.

This form was executed for purposes of proving (applicant shall circle yes [~~or no~~] and initial each item):

Identity	yes/no	_____
		(initials)
Citizenship	yes/no	_____
		(initials)
Age	yes/no	_____
		(initials)
Domicile	yes/no	_____
		(initials)

Applicant

Election Official

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000. ***In accordance with RSA 659:34-a voting in more than one state in the same election is a class B felony with a maximum sentence of imprisonment not to exceed 7 years and a fine not to exceed \$4,000.***

V. The secretary of state shall prepare and distribute an addendum to the voter registration form used under RSA 654:7, IV(c) to be distributed to those election day residents who do not provide proof of domicile or a verifiable action to demonstrate domicile. The "verifiable action of domicile" document shall be in substantially the following form:

Verifiable Action of Domicile

As a newly registered voter, you have received this document because you did not provide proof of domicile when you registered to vote. RSA 654:2, IV requires you to provide evidence that you have taken a verifiable act to establish domicile.

The following checklist shall be used as a guide for what you may use as evidence and shall be submitted to the town or city clerk along with documentation that you are required to provide. Only one item on the list is required to demonstrate a verifiable act.

To establish that you have engaged in a verifiable act establishing domicile, provide evidence that you have done at least one of the following:

_____ ***rented or leased, for a period of more than 30 days, or purchased an abode at the address listed on the voter registration form***

_____ ***obtained a New Hampshire resident motor vehicle registration, driver's license, or official nondriver's picture identification card listing the address on the voter registration form***

_____ ***enrolled a dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of the address listed on the voter registration form***

Listed the address on the voter registration form as your physical residence address on:

_____ ***state or federal tax forms***

_____ ***a United States passport***

_____ ***other government forms or identification, describe: _____***

_____ ***provided the address on the voter registration form to the United States Post Office as your permanent address, provided it is not a postal service or commercial post office box, where mail is delivered to your home. This can be by listing the address on the voter registration form as your new address on a Postal Service permanent change of address form and providing a copy of the receipt, or an online emailed receipt***

_____ ***obtained a New Hampshire resident hunting or fishing license listing the address on the voter registration form as your residence***

_____ obtained utility services (electricity, cable, gas, water, etc.) for an indefinite period at the address on the voter registration form, list services obtained: _____

_____ arranged for a homeless shelter or similar service provider to receive United States mail on your behalf; enter name of the shelter or provider: _____

_____ describe what other verifiable action or actions you have taken to make the address listed on your voter registration form your one voting domicile: _____

If you have no other proof of a verifiable act establishing domicile, and your domicile is at an abode rented, leased, or purchased by another and your name is not listed on the rental agreement, lease, or deed you are required to provide a written statement, signed under penalty of voting fraud if false information is provided, from a person who is listed on such document, or other reasonable proof of ownership or control of the property, attesting that you reside at that address, signed by that person or his or her agent who manages the property. The statement shall be on the form prescribed by the secretary of state for that purpose or must contain all the information set forth on the official form.

This form, along with your documentation proving a verifiable act, shall be delivered to the town or city clerk, by mail or in person, with 10 days, or within 30 days if the clerk's office is open fewer than 20 hours weekly.

Name _____		
<i>Last</i>	<i>(suffix) First</i>	<i>Full Middle Name</i>
Domicile Address _____		
<i>Street</i>	<i>Ward Number</i>	
<i>Town or City</i>	<i>Zip Code</i>	
<i>Date</i>	<i>Signature of Applicant</i>	

This document was received by the clerk, who examined and returned to the applicant or destroyed the evidence of verifiable action.

<i>Date</i>	<i>Signature of Clerk</i>

The clerk shall forward the completed form to the supervisors of the checklist, who shall attach it to the voter registration form.

3 Determining Qualifications of Applicant; Domicile. Amend RSA 654:12, I(c) to read as follows:

(c) DOMICILE.

(1) Registering in advance of an election.

(A) A person who possesses one of the following qualified documents listing the applicant's name and the address claimed as domicile must present that document when applying for registration prior to election day: (i) New Hampshire driver's license or picture identification card (ii) New Hampshire resident vehicle registration; (iii) a picture identification issued by the United States government that contains a current address, (iv) government issued check, benefit statement, or tax document. A person who possess such a document, but failed to bring it with the person when seeking to register to vote shall be required to return when he or she can present one of these documents or to bring the document and register on election day.

(B) A person who attests under penalty of voter fraud that he or she does not possess any of the qualified documents listed in subparagraph (A) may present any reasonable documentation [which indicates] of having established a physical presence at the place claimed as domicile, having an intent to make that place his or her domicile, and having taken a verifiable act to carry out that intent. The documentation must establish that it is more likely than not that the applicant has a domicile and intends to maintain [a] **that** domicile, as defined in this chapter, **at least until election day** in the town[, city,] or ward in which he or she desires to vote[, or,]. **Reasonable documentation includes, but is not limited to evidence of:**

- (i) *Residency at an institution of higher learning;*
- (ii) *Renting or leasing an abode at that place for a period of more than 30 days;*
- (iii) *Evidence of purchasing an abode at that place;*
- (iv) *Enrolling the applicant's dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of that place;*
- (v) *Listing that place as the person's physical residence address on state or federal tax forms, a United States passport, other government identification, or other government forms;*
- (vi) *Providing the address of that place to the United States Post Office as the person's permanent address, provided it is not a postal service or commercial post office box;*
- (vii) *Obtaining a New Hampshire resident hunting or fishing license listing that place as residence;*
- (viii) *Obtaining utility services for an indefinite period at that place; or*
- (ix) *Arranging for a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual.*

An applicant whose domicile is at an abode of another and whose name is not listed on the document offered as proof of domicile may provide a written statement from a person who is listed as owner, property manager, or tenant on the document that the applicant resides at that address, signed by that person under penalty of voting fraud if false information is provided. The statement shall be on the form prescribed by the secretary of state for that purpose or must contain all the information set forth on the official form.

(2) Registering on election day.

(A) When registering on election day as provided in RSA 654:7-a, if the applicant does not have in his or her possession at the polls one of the qualified documents listed in subparagraph (1) nor other reasonable documentation which establishes that it is more likely than not that the applicant has a domicile at the address claimed in the town or ward in which he or she desires to vote [if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration], he or she may execute a sworn statement on the general election day voter registration form[, or an affidavit] and initial the acknowledgment of domicile evidence obligation. If the applicant identifies on his or her application action taken to establish his or her domicile, which he or she has documentation of, he or she must agree to mail a copy of or present the document in person to the city or town clerk within 10 days, or where the town clerk's office is open fewer than 20 hours weekly, within 30 days. Copies of documents provided in compliance with this section are exempt from the public disclosure required by RSA 91-A. The clerk shall document receipt of a copy or completion of verification of a document presented in person and report receipt or verification to the supervisors of the checklist. An applicant whose voter registration is approved based on an acknowledgment of domicile evidence obligation who fails to provide a document to the city or town clerk as required by this paragraph shall be subject to the penalties of wrongful voting as established in RSA 659:34. The supervisors of the checklist shall initiate removing the name from the checklist of any such person who fails to provide proof of domicile by the deadline by sending the person the notice required by RSA 654:44.

(B) A person registering on election day who does not possess reasonable documentation of establishing domicile and has taken no verifiable action to carry out his or her intent to establish domicile at the address claimed on the voter registration application may nonetheless register to vote by initialing the paragraph on the registration form acknowledging that domicile may be verified. The supervisors of the checklist shall as soon as practical following the first election at which the person initials such paragraph to register and vote verify that the person was domiciled at the address claimed on election day by:

- (i) Examining public records held by the town or city clerk, municipal assessing and planning offices, tax collector, or other municipal office that may house public records containing domicile confirmation;*

(ii) Requesting 2 or more supervisors or municipal, county, or state election officers or their agents to visit the address and verify that the individual was domiciled there on election day.

(C) Any case where supervisors are unable to verify the applicant's domicile or where evidence exists of voting fraud shall be promptly reported to the secretary of state and to the attorney general, who shall cause such further investigation as is warranted. [in the following form, which shall be retained in accordance with RSA 33-A:3-a:-

~~DOMICILE AFFIDAVIT~~

Date: _____

Name: _____

Current Domicile Address: _____

~~Street Ward Number~~

~~Town or City Zip Code~~

Current Mailing Address (if different): _____

~~Street Ward Number~~

~~Town or City Zip Code~~

Telephone number (requested but optional) _____

Email address (requested but optional) _____

Date when current domicile was established: Month: _____ Year: _____

Place and date of birth: _____

Address of last previous domicile: _____

~~Street Ward Number~~

~~Town or City Zip Code~~

— I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not currently in possession of necessary documents to prove my domicile and that my established domicile is at the current domicile address I have entered above. I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other city/town, and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

— In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

— On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30]

4 Determining Qualifications of Applicant. Amend RSA 654:12, V(a) to read as follows:

V.(a) The election official approving the application for registration as voter of a person who does not present an approved form of photo identification as proof of identity when registering, shall mark the voter

registration form to indicate that no photo identification was presented and shall inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or she will receive a letter of identity verification. The person entering the voter information into the centralized voter registration database shall determine if the person is listed in the system as having been previously registered in the town or ward reported by the applicant on the voter registration form. If the person is a new registrant who has not been previously registered anywhere in New Hampshire or if the centralized voter registration database does not confirm a previous registration claimed on the voter registration form, the election official shall cause the record created in the centralized voter registration database to indicate that the person is a new applicant in New Hampshire and that no photo identification was presented. When municipalities enter information on people who register on election day into the centralized voter registration database, to the extent practical applicants who are registering for the first time in New Hampshire and who also register without presenting an approved photo identification shall be entered first. The person entering the voter information of election day residents into the centralized voter registration database shall cause the records to indicate if the voter executed ~~[a domicile affidavit or]~~ a sworn statement on the general election day voter registration form.

5 Determining Qualifications of Applicant. Amend RSA 654:12, V(d) to read as follows:

(d) Within 90 days of each election, the secretary of state shall cause a list of persons executing ~~[domicile affidavits and]~~ sworn statements on the general election day voter registration form since the prior election to be forwarded to the attorney general and the division of motor vehicles. The secretary of state shall send a letter to each such person informing him or her of a driver's obligation to obtain a New Hampshire driver's license within 60 days of becoming a New Hampshire resident. The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information.

6 References Deleted. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, qualified voter ~~[and domicile]~~ affidavits, affidavit of religious exemption, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Notwithstanding the foregoing, qualified voter ~~[and domicile]~~ affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any qualified voter ~~[or domicile]~~ affidavit. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, qualified voter ~~[and domicile]~~ affidavits, affidavits of religious exemption, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

7 Reference Deleted. Amend RSA 659:30 to read as follows:

659:30 Affidavit. The affidavit of a challenged voter, an asserting a challenge form, a qualified voter affidavit, ~~[a voter domicile affidavit,]~~ or any other affidavit required by the election statutes may be sworn before any person authorized by law to administer oaths or before any election officer.

8 Reference Deleted. Amend RSA 659:34, I(a) to read as follows:

(a) When registering to vote; when obtaining an official ballot; when casting a vote by official ballot; or when applying for a photo identification card for voting purposes, purposely or knowingly makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election day registration affidavit, a qualified voter affidavit, ~~[a domicile affidavit,]~~ a challenged voter affidavit, an affidavit of religious exemption, an identification card voucher, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;

9 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, I(f)-(g) to read as follows:

(f) Gives a false name or answer if under examination as to his or her qualifications as a voter before the supervisors of the checklist or moderator; ~~or~~

(g) Presents falsified proof of identity at any election;

(h) Registers to vote on election day using an affidavit to satisfy proof of being qualified, represents on the affidavit that the person possess proof that he or she does not have in his or her possession at the polling place, and fails to provide a copy of the document by mail or present the document in person to the town or city clerk by the deadline established in RSA 654:12; or

(i) Provides false information in a written and signed statement or other documentation that another person is domiciled at an address that is owned, leased, rented, or managed by the individual providing the statement for the purposes of voter registration and that statement is used for voter registration purposes.

10 References Deleted. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials[;] ***and*** Election Day Affidavits[~~and Domicile Affidavits~~]. The absentee ballot affidavits and application forms processed by the moderator as provided in RSA 659:50, the absentee ballots challenged and rejected as provided in RSA 659:51 and RSA 659:53, and the qualified voter affidavits ~~[and domicile affidavits]~~ as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official shall be preserved in accordance with RSA 33-A:3-a. Qualified voter[;] ***and*** voter registration[~~and domicile~~] affidavits shall be retained for the period set forth in RSA 33-A:3-a, and other materials may be destroyed after the election is settled and all appeals have expired or one year after the election, whichever is longer.

11 Verifiable Action of Domicile Documents. Amend RSA 33-A:3-a, CXLI(f) to read as follows:

(f) ~~[Domicile affidavit]~~ ***Verifiable action of domicile document***: until voter is removed from checklist plus 7 years.

12 Effective Date. This act shall take effect January 1, 2018.

2017-1016s

AMENDED ANALYSIS

This bill modifies the definition of domicile for voting purposes. This bill also modifies requirements for documenting the domicile of a person registering to vote.

Energy and Natural Resources

March 15, 2017

2017-0883s

08/03

Amendment to SB 128

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

II. Although retail and wholesale competitive markets for energy have developed since the initial restructuring of the state's electric utilities, there remain problems and limitations that have resulted in price volatility and the potential for inadequate capacity supply.

Amend RSA 374-F:3, I as inserted by section 4 of the bill by replacing it with the following:

I. System Reliability. Reliable electricity service must be maintained while ensuring public health, safety, and quality of life. ***The commission and electric utilities should pursue measures that are expected to mitigate the cost of electric service in the state, reduce the price volatility of that service, and reduce the potential for disruptions in electricity supply due to inadequate wholesale generating capacity in the New England marketplace, subject to the commission's determination that such measures are in the public interest. In evaluating a proposed measure, the commission shall consider whether such measure is likely to result in near term rate relief and reasonably protects ratepayers from the risk of stranded costs consistent with the principles established in this chapter. Such measures shall:***

(a) Not include any measure that involves the purchase of natural gas supply or capacity, the siting of natural gas infrastructure within this state, or the recovery of the cost of building new infrastructure unless otherwise allowed by law;

(b) Not include any measure that results in New Hampshire ratepayers paying an unreasonable share of the costs of any regional projects; and

(c) Be consistent with applicable federal law.

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

8 Distributed Generation; Definitions; Exclusions. Amend RSA 374-G:2, I(b) to read as follows:

(b) “Distributed energy resources” means electric generation equipment, including clean and renewable generation, energy storage, energy efficiency, demand response, load reduction or control programs, and technologies or devices located on or interconnected to the local electric distribution system for purposes including but not limited to reducing line losses, supporting voltage regulation, or peak load shaving, as part of a strategy for minimizing transmission and distribution costs as provided in RSA 374-F:3, III **or for mitigating the price volatility and the cost of electricity pursuant to RSA 374-F:3, I.**

Amend RSA 374-F:3, XI as inserted by section 6 of the bill by replacing it with the following:

XI. Near Term Rate Relief. The goal of restructuring is to create competitive markets that are expected to produce lower prices for all customers than would have been paid under the current regulatory system. Given New Hampshire’s higher than average regional prices for electricity, utilities, in the near term, should work to reduce rates for all customers. To the greatest extent practicable, rates should approach competitive regional electric rates. The state should recognize when state policies impose costs that conflict with this principle and should take efforts to mitigate those costs. The unique New ~~[Hampshire]~~ **England** issues contributing to ~~[the highest]~~ **high** prices ~~[in New England]~~ should be addressed~~[during the transition]~~, wherever possible **to mitigate such high prices, price volatility, and the potential for supply disruptions due to deficiencies in electric generating capacity.**

2017-0883s

AMENDED ANALYSIS

This bill modifies electric utility restructuring policy principles by permitting the commission and electric utilities to pursue measures to mitigate the cost of electric service, reduce the price volatility of that service, and reduce the potential for disruptions in electricity supply, subject to the commission’s determination that such measures are in the public interest.

Senate Ways and Means

March 22, 2017

2017-1050s

10/04

Amendment to SB 185

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

2 Definition; Qualifying Structure. Amend RSA 79-E:2, II to read as follows:

II. “Qualifying structure” means a building located in a district officially designated in a municipality’s master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter. Qualifying structure shall also mean historic structures in a municipality whose preservation and reuse would conserve the embodied energy in existing building stock. Cities or towns may further limit “qualifying structure” according to the procedure in RSA 79-E:3 as meaning only a structure located within such districts that meet certain age, occupancy, condition, size, or other similar criteria consistent with local economic conditions, community character, and local planning and development goals. Cities or towns may further modify “qualifying structure” to include buildings that have been destroyed by fire or act of nature, including where such destruction occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town. **In a city or town that has adopted the provisions of RSA 79-E:4-a, “qualifying structure” also means potentially impacted structures identified by the municipality within the coastal resilience incentive zone established under RSA 79-E:4-a.**

3 New Section; Community Revitalization Tax Relief Incentive; Coastal Resilience Incentive Zone. Amend RSA 79-E by inserting after section 4 the following new section:

79-E:4-a Coastal Resilience Incentive Zone.

I. A city or town may adopt the provisions of this section by vote of its legislative body according to the procedures described in RSA 79-E:3, to establish a coastal resilience incentive zone (CRIZ). Municipalities may use storm surge, sea-level rise, and extreme precipitation projections in the 2016 report of the New Hampshire Coastal Risk and Hazards Commission, "Preparing New Hampshire for Projected Storm Surge, Sea-Level Rise, and Extreme Precipitation," and its successor projections, to identify potentially impacted structures.

II. The municipality implementing a CRIZ shall determine the resilience measures it deems qualifying, such as, but not limited to, elevation and free-board renovations, elevation of mechanicals, construction of resilient natural features, enhancement or creation of tidal marshes, elevation of private driveways and sidewalks, construction or enlargement of private culverts and other structures to enable increased water flow and storm-surge, movement of property to higher elevation on the property or to a newly acquired property at a higher elevation within the municipality. Municipalities may grant tax relief to the qualifying structure and property as described in RSA 79-E:4.

III. Municipalities may provide other relief to properties in a coastal resilience incentive zone that are subject to repeated inundation, by acquiring preservation or water control easements or establishing tax increment financing districts.

IV. Municipalities may create a nonlapsing CRIZ fund as a capital reserve fund under RSA 34 or RSA 35, or a town-created trust fund under RSA 31:19-a, to provide funding for projected municipal costs associated with projected storm surge, sea-level rise, and extreme precipitation, and such funds may be used to support the coastal resilience incentive zone purpose established in this section.

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

Senate Ways and Means
March 22, 2017
2017-1054s
06/03

Amendment to SB 187

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 3 and 4, respectively:

2 Administration of Motor Vehicle Laws; Road Toll on Users of Special Fuel. Amend RSA 260:52, III(a) to read as follows:

(a) Vehicles owned by the [federal] **United States** government *for the use of the armed forces only*, the state, a city, town, county, village, or school district.

Amend the bill by replacing section 3 with the following:

3 Repeal. The following are repealed:

I. RSA 260:47, V, relative to refunds to diplomatic personnel eligible for an exemption from motor fuel tax.

II. RSA 260:52, III(b), relative to exemption from the road toll for diplomatic or consular personnel.

AMENDED ANALYSIS

2017-1054s

This bill:

I. Modifies the description of vehicles using special fuel on which the supplier has prepaid the road toll fees.

II. Repeals the provision entitling diplomats to a refund of the road toll.

III. Repeals the exemption from the road toll for diplomatic and consular personnel.

This bill is a request of the department of transportation.

Election Law and Internal Affairs
 March 23, 2017
 2017-1086s
 10/06

Amendment to SB 248

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

AN ACT establishing a committee to study the rescheduling of elections.

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

1 Committee Established. There is established a committee to study the rescheduling of elections.

2 Membership and Compensation.

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

(a) Two members of the senate, appointed by the president of the senate.

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

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

3 Duties. The committee shall study the rescheduling of elections. The study shall consider:

I. Under what circumstances the state, a town or city, or a school district should reschedule an election.

II. What process would be required in rescheduling an election.

III. Who should be authorized to reschedule an election.

IV. The best way to mitigate potential adverse consequences upon bond issue caused by any election issue related to the March 14, 2017 storm.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation 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, 2017.

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

2017-1086s

AMENDED ANALYSIS

This bill establishes a committee to study the rescheduling of elections.

HEARINGS

TUESDAY, MARCH 28, 2017

COMMERCE, Room 100, SH

Sen. Innis (C), Sen. French (VC), Sen. Sanborn, Sen. Soucy, Sen. Lasky

1:00 p.m. **HB 98-FN**, relative to brewpub licenses.

1:15 p.m. **HB 140-FN**, relative to sales and samples provided by wine manufacturers.

1:30 p.m. **HB 152-FN**, relative to wholesale distributors of alcoholic beverages.

1:45 p.m. **HB 549-FN**, relative to beverage vendor fees.

2:00 p.m. **HB 358-FN**, relative to loitering restrictions on premises of liquor licensees.

EXECUTIVE SESSION MAY FOLLOW

EDUCATION, Room 103, LOB

Sen. Reagan (C), Sen. Giuda (VC), Sen. Ward, Sen. Watters, Sen. Kahn

- 9:00 a.m. **HB 339**, relative to reimbursement of transportation costs for students attending a career and technical education center.
- 9:10 a.m. **HB 556**, requiring schools to post the state telephone numbers to report child abuse.
- 9:20 a.m. **HB 557-FN**, relative to school attendance in towns with no public schools.
- 9:40 a.m. **HB 276**, relative to student exemption from the statewide assessment.
- 10:00 a.m. **HB 304**, relative to implementation of academic standards by a local school board and relative to review of academic standards under consideration by the state board of education.

EXECUTIVE SESSION MAY FOLLOW**ELECTION LAW AND INTERNAL AFFAIRS**, Room 102, LOB

Sen. Birdsell (C), Sen. Gray (VC), Sen. Sanborn, Sen. Soucy, Sen. Woodburn

- 9:00 a.m. **HB 389**, relative to voters with physical disabilities.
- 9:15 a.m. **HB 390**, relative to parties on certain election forms and ballots and relative to the voter registration form used on the day of the general election.
- 9:30 a.m. **HB 430**, relative to recording voters' out-of-state drivers' licenses.
- 9:45 a.m. **HB 453**, relative to vacancies in the office of supervisor of the checklist.

EXECUTIVE SESSION MAY FOLLOW**ENERGY AND NATURAL RESOURCES**, Room 103, SH

Sen. Avard (C), Sen. Bradley (VC), Sen. Innis, Sen. Fuller Clark, Sen. Feltes

- 9:15 a.m. **HB 84**, relative to having a loaded firearm in a motorhome.
- 9:30 a.m. **HB 507**, establishing a committee to study the responsibility of a person who through their pollution makes drinking water non-potable.
- 9:45 a.m. **HB 195**, establishing a committee to study temporary seasonal docks.
- 10:00 a.m. **HB 246**, relative to timber trespass.
- 10:15 a.m. **HB 258**, relative to the submission and approval of subsurface sewage disposal system plans.

EXECUTIVE SESSION MAY FOLLOW**FINANCE**, Room 103, SH

Sen. Daniels (C), Sen. Reagan (VC), Sen. Giuda, Sen. Morse, Sen. D'Allesandro, Sen. Feltes

- 1:00 p.m. **HB 95**, establishing a committee to study how taxpayer funds appropriated to the university system of New Hampshire and the community college system of New Hampshire are expended and the procedures to ensure accountability for such expenditures.
- 1:15 p.m. **HB 332**, relative to dedicated funds with no activity in the financial system for at least the most recent fiscal year.
- 1:30 p.m. **HB 340**, relative to the sale of the Laconia state school.
- 1:45 p.m. **HB 409**, relative to the university system of New Hampshire and community college system of New Hampshire operating budgets.

EXECUTIVE SESSION MAY FOLLOW**HEALTH AND HUMAN SERVICES**, Room 101, LOB

Sen. Bradley (C), Sen. Avard (VC), Sen. Gray, Sen. Fuller Clark, Sen. Hennessey

- 1:00 p.m. **HB 208**, establishing a commission to study current mental health procedures for involuntary commitment.
- 1:15 p.m. **HB 264**, establishing a commission to study allowing pharmacists to prescribe or make available via protocol oral contraceptives and certain related medications.
- 1:30 p.m. **HB 329**, establishing a committee to study balance billing.

- 1:45 p.m. **HB 450**, relative to the membership of the New Hampshire commission on deafness and hearing loss.
- 2:00 p.m. **HB 536**, directing the wellness and primary prevention council to establish a system of family resource centers of quality.

EXECUTIVE SESSION MAY FOLLOW

JUDICIARY, Room 100, SH

Sen. Carson (C), Sen. Lasky (VC), Sen. French, Sen. Gannon, Sen. Hennessey

- 9:00 a.m. **HB 614-FN**, relative to forfeiture of personal property.
- 9:15 a.m. **HB 474-FN**, regulating the use of a cell site simulator device.
- 9:30 a.m. **HB 178**, establishing a commission to study processes to resolve right-to-know complaints.
- 9:45 a.m. **HB 220**, amending the title of the chapter relating to child pornography.
- 10:00 a.m. **HB 349-FN**, relative to out-of-home placements under the child protection act.

EXECUTIVE SESSION MAY FOLLOW

TRANSPORTATION, Room 103, LOB

Sen. Birdsell (C), Sen. Gannon (VC), Sen. Ward, Sen. Watters, Sen. McGilvray

- 1:00 p.m. **HB 196**, establishing a committee to study requiring passengers on school buses to wear seat belts.
- 1:20 p.m. **HB 315**, relative to persons who may accompany a youth operator of an OHRV or a snowmobile.
- 1:40 p.m. **HB 319**, relative limiting 20-day registration plates.
- 2:00 p.m. **HB 363**, repealing the laws regarding motorized locomotives and ski area plates.
- 2:20 p.m. **HB 364**, relative to accidents involving youth operators of motor vehicles.

EXECUTIVE SESSION MAY FOLLOW

WEDNESDAY, MARCH 29, 2017

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 101, LOB

Sen. Carson (C), Sen. Reagan (VC), Sen. Gannon, Sen. Soucy, Sen. Woodburn

- 9:00 a.m. **HB 575-FN**, relative to the certification of acupuncture detoxification specialists.

EXECUTIVE SESSION MAY FOLLOW

PUBLIC AND MUNICIPAL AFFAIRS, Room 102, LOB

Sen. Gray (C), Sen. Ward (VC), Sen. Birdsell, Sen. Kahn, Sen. McGilvray

- 9:00 a.m. **HB 296**, allowing counties to authorize and fund forensic audits.
- 9:15 a.m. **HB 303-L**, relative to filling vacancies in the office of county commissioner.

EXECUTIVE SESSION MAY FOLLOW

MEETINGS

FRIDAY, MARCH 24, 2017

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

9:00 a.m. Room 203, LOB Regular Meeting

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

9:30 a.m. Room 303, LOB Regular Meeting

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

10:00 a.m. Room 100, SH Regular Meeting

COMMISSION TO REVIEW CHILD ABUSE FATALITIES (RSA 127:4) AND THE SPECIAL JOINT COMMITTEE ON THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES

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

MONDAY, MARCH 27, 2017

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

1:30 p.m. Room 103, SH Organizational Meeting

FRIDAY, MARCH 31, 2017

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

1:00 p.m. Rooms 301-303, LOB Regular Meeting

MONDAY, APRIL 3, 2017

COMMITTEE TO STUDY RSA 461-A, RELATIVE TO PARENTAL RIGHTS AND RESPONSIBILITIES (HB 378, Chapter 281:1, Laws of 2016)

10:00 a.m. Rooms 305-307, LOB Regular Meeting

STATE COMMITTEE ON AGING (RSA 161-F:7, I)

10:00 a.m. DHHS, Brown Building Regular Meeting
2nd Floor Conference Room
129 Pleasant Street
Concord, NH

TUESDAY, APRIL 4, 2017

STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2)

5:00 p.m. NH National Guard Air Facility Regular Meeting
26 Regional Drive
Concord, NH

WEDNESDAY, APRIL 12, 2017

ADVISORY COUNCIL ON LACTATION (RSA 275:76)

11:00 a.m. Room 103, LOB Regular Meeting

COMMISSION TO STUDY VOLUNTEER HEALTH CARE SERVICES (RSA 126-A:72)

3:30 p.m. Room 205, LOB Regular Meeting

FRIDAY, APRIL 14, 2017

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

9:30 a.m. Room 303, LOB Regular Meeting

EMERGENCY MANAGEMENT SYSTEM JOINT LEGISLATIVE OVERSIGHT COMMITTEE (RSA 21-P:51)

9:30 a.m. Room 205, LOB Organizational Meeting

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

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

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

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

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

10:00 a.m. Room 302, LOB Regular Meeting

TELECOMMUNICATIONS PLANNING AND DEVELOPMENT ADVISORY COMMITTEE (RSA 12-A:46)

10:00 a.m. NH Department of Resources & Regular Meeting
 Economic Development
 172 Pembroke Road
 Concord, NH

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

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

MONDAY, APRIL 17, 2017**INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E:2)**

9:00 a.m. Room 204, LOB Subcommittee Meeting - Bail Reform
 1:30 p.m. Room 204, LOB Regular Meeting

NEW HAMPSHIRE VETERANS HOME BOARD OF MANAGERS (RSA 119:3-a)

9:00 a.m. NH Veterans Home Regular Meeting
 Tarr South Conference Room
 139 Winter Street
 Tilton, NH

ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION (RSA 188-E:10-b)

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

NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q)

1:30 p.m. Room 205, LOB Regular Meeting

THURSDAY, APRIL 20, 2017**COMMISSION ON POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D)**

2:30 p.m. Walker Building, Room 100 Regular Meeting
 21 South Fruit Street
 Concord, NH

FRIDAY, APRIL 21, 2017**ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a)**

9:00 a.m. NH PUC, Suite 10 Regular Meeting
 21 South Fruit Street
 Concord, NH

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

9:00 a.m. Rooms 306-308, LOB Regular Meeting

MONDAY, APRIL 24, 2017**OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)**

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

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND EXOTIC AQUATIC SPECIES OF WILD-LIFE IN THE STATE OF NEW HAMPSHIRE (RSA 487:30)

11:00 a.m. Room 307, LOB Regular Meeting

FRIDAY, APRIL 28, 2017**INFORMATION TECHNOLOGY COUNCIL (RSA 21-R:6)**

1:00 p.m. Rooms 210-211, LOB Regular Meeting

MONDAY, MAY 1, 2017

STATE COMMITTEE ON AGING (RSA 161-F:7, I)

10:00 a.m.	DHHS, Brown Building 2nd Floor Conference Room 129 Pleasant Street Concord, NH	Regular Meeting
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SUNDAY, MAY 7, 2017

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

1:00 p.m.	NHTI Community College Crocker Sweeney Building Room 225 Concord, NH	Regular Meeting
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FRIDAY, MAY 12, 2017

FISCAL COMMITTEE (RSA 14:30-a)

10:00 a.m.	Rooms 210-211, LOB	Regular Business
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SENATE BILLS AMENDED BY THE HOUSE

SENATE BILLS: 10

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HOUSE BILLS AMENDED BY THE SENATE

HOUSE BILLS: 219, 488

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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 2017-2018 BILLS:

SENATE BILLS: 7, 10, 18, 25, 30, 41, 56, 66, 90, 94, 105, 117, 132, 137, 190, 203, 204, 205, 206, 223, 224, 228, 229, 238, 242, 243, 245, 246

HOUSE BILLS: 140, 152, 184, 242, 259, 330, 353, 358, 368, 428, 457, 479, 513, 531, 538, 540, 549, 560, 574, 575, 586, 591, 600, 617

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NOTICES

Legislative Ethics Committee

Ethics Reminder 2017-1

When is verbal disclosure required?

Under the new Ethics Guidelines legislators are required to make a **verbal disclosure** when they or their household member have a conflict of interest and the legislator engages in **verbal advocacy** at a meeting

of the House or Senate or County Convention. (*Ethics Guidelines* Section 7, I) This applies to both **financial and non-financial personal interests**, even when such conflict has been noted on the financial disclosure “checklist” or a declaration of a non-financial personal interest on the individual or general disclosure form.

Example 1: Financial Interest

A legislator is a landlord and has checked off “Real estate, including brokers, agents, developers, and landlords” on the Financial Disclosure Form. If he testifies at a committee, speaks in favor or opposition in executive session or on the floor, or makes the so-called “parliamentary inquiry” (advocating for a yes or no vote) on a bill materially affecting him as a landlord he must announce, “I am a landlord” before his remarks **the first time** he speaks in committee or on the floor. If he doesn’t speak at all and just votes, no verbal disclosure is required.

Example 2: Non-financial personal interest

A legislator is a member of a school board and is married to a hospital trustee. She has disclosed these affiliations on the General Disclosure of Non-Financial Personal Interests form. If she speaks for or against a bill affecting her school board at one of the venues mentioned above, she must announce “I am a member of the Salem School Board.” Likewise if she speaks for or against a bill that affects her husband’s hospital she must state, “My spouse is a trustee of Catholic Medical Center” prior to testifying.

Example 3: Other personal interest

A legislator is a Court Appointed Special Advocate (CASA) and becomes aware of a bill affecting the liability of the organization in child abuse cases. Since there is no financial interest, as the legislator is an unpaid volunteer, and no non-financial personal interest, as the legislator is not a member of a board to which he has a fiduciary obligation, no disclosure document or verbal disclosure is required.

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WEDNESDAY, MARCH 29, 2017

All Legislators and staff are cordially invited to join the Creative Economy Summit reception to honor Senator Martha Fuller Clark and Representative David Danielson as 2017 Art Advocates of the Year on Wednesday, March 29th at 4:30 p.m. at the New Hampshire Historical Society, 30 Park Street in Concord. The Creative Economy Summit is powered by NH Citizens for the Arts to educate, advocate for and promote our state’s diverse arts and cultural industry as a critical component of our entire economy. The Summit begins at 1:00 p.m. and there will be a Press Conference at the LOB at 3:00 p.m. For more information about the Summit, and to RSVP please email: info@nhcfa.org

Senator Chuck W. Morse, Senate President

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THURSDAY, MARCH 30, 2017

The Community College System of NH is hosting a lunch in the State House Cafeteria on Thursday, March 30th. Legislators and staff are invited to stop by between 11:30 a.m. to 1:00 p.m. for a delicious lunch prepared by the White Mountains Community College culinary program students. CCSNH Chancellor Gittell, college Presidents and others will be on hand to share information about industry partnerships and pathways, the Running Start program, apprenticeships, and other educational opportunities at NH’s seven community colleges.

Senator Jeff Woodburn, Senate Minority Leader

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TUESDAY, APRIL 4, 2017

The Legislative Children’s Caucus is sponsoring a forum titled “New Hampshire’s Future Workforce: Healthy, Resilient, and Thriving,” from 2:00 p.m. to 4:00 p.m. on Tuesday, April 4th in Rooms 210-211, LOB. This forum will provide legislators with an overview of why supporting the early years is a workforce issue. This forum includes the business perspective, current research, and the latest New Hampshire data on early childhood. The forum is open to the public. For more information contact Rep. Skip Berrien at fberrien@gmail.com.

Senator Martha Hennessey

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WEDNESDAY, APRIL 5, 2017

Please join the New Hampshire College & University Council on Wednesday, April 5th on the State House Plaza to celebrate its 50th anniversary. Founded in 1966, the nonprofit works to enhance communication among colleges and universities in the state, sharing best practices, connecting educators with employers and representing the industry to the Legislature regarding public policy issues. Legislators and staff are invited to stop by anytime between 8:00 a.m. – 10:00 a.m. to celebrate with us and enjoy donuts and coffee from Miss Polly's Traveling Treats.

Senator Lou D'Allesandro

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THURSDAY, APRIL 13, 2017

It's that time! The NH Oral Health Coalition invites all legislators to join us for our annual legislative breakfast, "*Banding Together for NH's Oral Health*," on Thursday, April 13th from 7:30 a.m. to 9:00 a.m. in the State House Cafeteria. A hot breakfast will be served by Elizabeth's Kitchen. Your local community oral health providers will be there with displays and information. RSVP to: info@nhoralhealth.org or call 603-415-5550.

Senator Martha Fuller Clark
Senator Jeff Woodburn, Senate Minority Leader

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SENATE SCHEDULE

Thursday, March 30, 2017	CROSSOVER – Deadline to ACT on all Senate bills.
Thursday, May 11, 2017	Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-5.
Monday, May 29, 2017	Memorial Day (State Holiday)
Thursday, June 1, 2017	Deadline to ACT on all House bills.
Thursday, June 8, 2017	Deadline to FORM Committees of Conference.
Thursday, June 15, 2017	Deadline to SIGN Committee of Conference Reports.
Thursday, June 22, 2017	Deadline to ACT on Committee of Conference Reports.
Tuesday, July 4, 2017	Independence Day (State Holiday)
Monday, September 4, 2017	Labor Day (State Holiday)
Friday, November 10, 2017	Veteran's Day (State Holiday)
Thursday, November 23, 2017	Thanksgiving Day (State Holiday)
Friday, November 24, 2017	Day after Thanksgiving (State Holiday)
Monday, December 25, 2017	Christmas Day (State Holiday)