

2015 Legislative Review

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The disposition of bills followed by Farm Bureau in the New Hampshire Legislature this year. In **bold print** following each bill number and description is the position taken by Farm Bureau.

by Rob Johnson, NHFB Policy Director

Bills* Signed into Law

HB 177-FN, authorizing the sale of samples of alcoholic beverages by manufacturers for on-premises consumption. Effective: 7/1/15, Chapter Law 9. **Supported**

HB 178, adding an exclusion to current law from seasonal highway weight limit regulations on state highways for trucks carrying sap for maple syrup production as follows (language added in **bold italics**):

236:3-a Exclusion From Seasonal Highway Weight Limit for Certain Vehicles. – Notwithstanding any provision of law or rule to the contrary, the following vehicles shall be excluded from the seasonal highway weight limit regulations with the approval of the district engineer, department of transportation:

- I. Heating fuel delivery vehicles.
- II. Trucks delivering processed milk products.
- III. [Repealed.]
- IV. Trucks carrying sap for maple syrup production.**

Effective: 1/1/16, Chapter Law 61. **Supported**

HB 180, clarifying inherited property is not subject to the Real Estate Transfer Tax. Effective: 7/1/15, Chapter Law 133. **Support**

HB 200, allowing homestead food operations exempt from licensure (those with maximum annual gross sales of \$20,000 of food, excluding potentially hazardous food) to sell homestead food products at retail food stores – in addition to the owner's own farm stand and at farmers' market outlets. Effective: 8/4/15, Chapter Law 84. **Supported**

HB 233, clarifying the scope of local approval requirements for mining activity. Effective: 8/25/15, Chapter Law 162. **Monitored**

HB 290, further clarifying in law that persons who engage in outdoor recreational activities accept the dangers inherent in such activities and shall not maintain a legal action against an owner for resulting injuries. It does so by adding a paragraph to the Duty of Care statute, RSA 234:34, as follows:

VIII. It is recognized that outdoor recreational activities may be hazardous. Therefore, each person who participates in outdoor recreational activities accepts, as a matter of law, the dangers inherent in such activities, and shall not maintain an action against an owner, occupant, or lessee of land for any injuries which result from such inherent risks, dangers, or hazards. The categories of such risks, hazards, or dangers which the outdoor recreational participant assumes as a matter of law include, but are not limited to, the following: variations in terrain, trails, paths, or roads, surface or subsurface snow or ice conditions, bare spots, rocks, trees, stumps, and other forms of forest growth or debris, structures on the land, equipment not in use, pole lines, fences, and collisions with other objects or persons.

Effective 1/1/16, Chapter Law 165. **Supported**

HB 364, granting rulemaking authority to the Commissioner of Agriculture to set pesticide product registration fees and increases the percentage of the fees collected deposited into the non-lapsing Integrated Pest Management fund from 10% to 25%. Effective Date: 7/1/15, Chapter Law 229. **Supported**

HB 421, authorizing the University of New Hampshire to grow industrial hemp for research purposes. Effective: 9/11/15, Chapter Law 233. **Supported**

HB 429, re-establishing the Commission to Review and Consider Alcoholic Beverage Manufacturing Processes and Retail Sales at Manufacturing Facilities, which was repealed November 1, 2014. The Commissions will continue working on definitions of New Hampshire made alcoholic beverages. Effective: 5/5/15, Chapter Law 14. **Monitored**

HB 451, clarifying mining activities exempted under state law – where permit site would be 5 acres or less and would result in less than 2,000 cubic yards per year excavated – are subject to local ordinances. Effective: 9/4/15, Chapter Law 193. **Monitored**

HB 464, establishing the Traditional Commercial and Recreational Fishing Protection Act, prohibiting political subdivisions from interfering with commercial and recreational fishing operations – the "Right to Fish Act" for fishing. Also contains language providing the Department of Environmental Services rulemaking authority for an expedited wetlands permit by notification process for minimum impact agricultural projects. Effective: 9/11/15, Chapter Law 236. **Supported**

HB 572-FN-LOCAL, relative to the siting of high pressure gas pipelines. The House passed version of HB 572 contained language making changes to the Current Use law by requiring payment of the Land Use Change Tax when land is taken by eminent domain to build energy infrastructure. Farm Bureau opposed this language as it appeared to be included simply for punitive reasons and as an obstacle towards the development of energy infrastructure. Farm Bureau's position being the public policy underlying the exemption in the law, there since its inception, is a good one. This language was removed. Effective: 7/20/15, Chapter Law 264. **Monitored**

SB 35, removing the word "grape" from the definition of "wine-fortified." Effective: 8/25/15, Chapter Law 173. **Monitored**

SB 38, establishing a commission to develop a long-term New Hampshire state conservation plan. The 11-member commission consists of 2 Legislators, 3 representatives of conservation organizations, and one representative each from: Fish and Game, the NH Association of Conservation Commissions representing municipal conservation interests, Association of Realtors, Business and Industry Association, Farm Bureau, and Timberland Owners Association. The Commission's report is due by September 15, 2016. Effective: 6/26/15, Chapter Law 174. **Supported**

SB 80, establishing a committee to study and make recommendations for legislation regarding rail trails. Effective: 6/8/15, Chapter Law 116. **Monitored**

SB 93-FN-A, modifying the definition of beverage in the liquor laws as follows:

VIII. "Beverage" means any beer, wine, similar fermented malt or vinous liquors and fruit juices, and any other liquid intended for human consumption as a beverage having an alcoholic content of not less than 1/2 of one percent by volume and not more than 6 percent alcohol by volume at 60 degrees Fahrenheit and specialty beer as defined in RSA 175:1, LXIV-a. The commission may approve any **fermented malt beverage greater than 6 percent but not to exceed 8 percent or any cider greater than 6 percent.**

Effective: 6/19/15, Chapter Law 156. **Supported**

SB 99, establishing a committee to study allowing the sampling of beer or wine at farmer's markets.

Effective: 7/20/15, Chapter Law 267. **Supported**

SB 133-FN, making reforms to the workers' compensation law by requiring the employer or the employer's insurance carrier pay "reasonable value" of medical services provided, instead of the "full amount." Also shifts the burden of proof from the employer or carrier to the health care provider. In addition the Insurance Department is required to make a report by the end of this year containing recommended options for including more accurate and expanded workers' compensation data in the New Hampshire comprehensive health information system, which is used to set payment rates. Effective: 9/4/15 Chapter Law 210. **Supported**

SB 168, relative to the duties of the commissioner of the department of environmental services. Farm Bureau **monitored** a proposed non-germane amendment to modify language in current law defining water quality standards with regard to dissolved oxygen content. The non-germane amendment was not adopted. Effective: 7/6/15, Chapter Law 32

SB 173, establishing a committee to study the feasibility of a club assistance program for off highway recreational vehicles. Effective 5/7/15, Chapter Law 34. **Monitored**

SB 222-FN, extending the prohibition on harassment of persons lawfully hunting, fishing, or trapping contained in RSA 207:57 to all areas where they are lawful and adding the use of unmanned aerial vehicles to the activities prohibited. Effective: 1/1/16, Chapter Law 38. **Monitored**

SB 232-FN-A, clarifying ground leases ("where the term of the lease, including all renewals, is less than 99 years") are exempt from the Real Estate Transfer Tax. Effective: 7/1/15, Chapter Law 255. **Supported**

SB 251, permitting composting facilities to use meat and dairy products in their composting operations. Effective: 8/4/15, Chapter Law 107. **Supported**