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Wednesday, May 11, 2016

No. 38

HOUSE JOURNAL No. 12 (Cont.)

Wednesday, April 20, 2016

Rep. Hinch moved that the House adjourn.
Motion adopted.

HOUSE JOURNAL No. 13

Wednesday, May 11, 2016

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the member from Salem, Representative Robert Elliott.

Almighty God, from whom we come and to whom we all shall one day return, we thank Thee for another 24 hours of this precious gift we call life. As we begin our difficult day, we ask Thee to give us keen minds, and pure hearts to do what is best. We ask Thee to bless each one of us this day, as we few, we precious few, go about our work representing all of our people. We ask Thee to keep us humble when our egos begin to swell. We ask Thee to grant us patience when our tempers begin to grow thin. We ask Thee to grant us renewed strength when we start to grow tired. Remind us to be kind to one another and let us not be politicians, but public servants. Thus will we always be faithful stewards of all the heavy responsibilities that You have placed upon each one of us. May God bless the Speaker of the House as he continues to walk in paths of righteousness and justice. May God bless our gloriously beautiful State of New Hampshire and with all the dangers within and without our country, we ask Thee to continue to still "Stand beside us, and guide us through the night with a light from above. From the mountains, to the prairies, to the ocean, white with foam. God bless America, our home sweet home." Amen.

Representative Mary Cooney, member from Plymouth, led the Pledge of Allegiance.

The National Anthem and America the Beautiful was sung by Caroline Burns of Hollis.

LEAVES OF ABSENCE

Reps. Allen, Ronald Belanger, Bridge, Chris Brown, Bush, Comtois, Kellogg, Moody, Priestley, Rappaport, Russell and Sanders, the day, illness.

Reps. Beaulieu, Rebecca Brown, Dumais, Halstead, Hirsch, Jeudy, Frank McCarthy, Peggy McCarthy, Moore, Mullen, Oligny, Shackett, Daniel Sullivan, Tamburello, Tucker, Vadney and Woitkun, the day, important business.

Reps. Alicea and McKinney, the day, illness in the family.

INTRODUCTION OF GUESTS

Kay Williams, Jan Simone, Colonel Michael Simone, Mother, Sister and Brother-in-law, guests of Kermit Williams. David Woolpert, guest of Reps. Barbara French and Geoffrey Hirsch. Marcy Katz Rothenberg and Peg Lipin, guests of Rep. Heath. Linda Twombly, wife of Rep. Twombly. Donovan Fenton, guest of Rep. Cynthia Chase. The Honorable Jan Schmidt, former member from Nashua, Patricia Klee, and Pam Swersky, guests of Rep. Rosenwald. Steve and Rhonda Burns, parents of the singer, guests of Rep. James Belanger. Former Speaker of the House Terie Norelli, Former Clerk of the House Karen Wadsworth, and members of former Deputy Speaker Linda Foster's family, including her husband, Scott Foster, guests of the House.

Samantha Schwarz, student at Kingswood Regional High School, Page for the day.

UNANIMOUS CONSENT

Rep. Wallner requested Unanimous Consent of the House regarding memorial remarks for the former member from Mont Vernon, the Honorable Linda Foster.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former member from Mont Vernon, the Honorable Linda Foster.

MOTION TO PRINT REMARKS

Without objection, the Speaker ordered the remarks made by Rep. Wallner during Unanimous Consent be printed in the Permanent Journal.

REMARKS

Rep. Wallner: Good morning Mister Speaker and members of the House. I rise before you this morning to celebrate and remember our colleague, the Honorable Linda Foster. I am joined at the podium today by members of the Democratic leadership, including the Chairs and Vice Chairs when Linda was serving as Deputy Speaker. I also wish to recognize some visitors in the gallery. Former Speaker Terie Norelli, former House Clerk Karen Wadsworth and members of Linda Foster's family, including her husband, Scott. Welcome. Linda came to the House in 1993 and served on four committees over the course of her eight terms on the House. She was on Municipal and County, Local and Regulated Revenues, Finance and Rules. In 1999, Linda was named as an Assistant Democratic Leader and in 2001 was appointed as Democratic Policy Leader. After the 2006 election, when Democrats took the majority of the New Hampshire House, after a hiatus of 150 years, Speaker Terie Norelli asked Linda Foster to be her Deputy Speaker. Representative Foster served as Deputy Speaker for four years. It did not take Linda long after her arrival at the State House to get busy representing her constituents and New Hampshire's small towns. An often repeated mantra of Linda's would be, "Those people from the cities, they don't get what's it like to be from a small town." Linda fulfilled her role as advocate for small towns by passing into law legislation that did much to help at the local, municipal and school district levels. Teaching came naturally to Linda, a skill she embraced all her life. Linda taught special education at the Mount Hope School for the Handicapped in Nashua and later served as a substitute teacher and a special education assistant at the Milford Area Senior High School. Many of Linda's friends have described her as being fun and indeed Linda had a playful side. A visit to her office at the State House was an encounter with Linda's menagerie of frogs, wild, natural and just plain gorgeous. On returning from a trip to the Southwest, Linda gleefully showed off her newly acquired cowgirl boots. A beautifully tooled pair of handsome boots that she relished wearing to the Speaker's podium while wielding the gavel. As Speaker Norelli said at Linda's memorial service in March, "Even in the politically-charged environment of the State House, Linda was one of those rare politicians with whom everyone got along. She was always ready with a smile and a warm greeting and she made friends with Democrats and Republicans alike, taking time to get to know them personally. I never heard Linda speak harshly about her colleagues, but ever the teacher, she might suggest some changes in their grammar." For her it was never about personality, but about the policies we were considering. She brought her unique viewpoint to the table. She wasn't in it for any kind of glory or recognition. Just to do the right thing for her community, as she also did by serving on the board of Southern New Hampshire Services. The rest of us benefited from her experience with that organization as well, because she learned about the needs of the people of our state and she shared that knowledge with her colleagues. Linda's family was always her top priority and it was those shining stars, her grandchildren, who ultimately caused her to retire from the House. We are very grateful to Linda and her family for the time that Linda gave to us. I want to assure Linda's family that her work here was valued and helped to make New Hampshire a better state for our citizens. We will miss her dearly.

SENATE MESSAGES**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 356, establishing a commission to study cryptocurrency regulation. (Amendment printed SJ 4/21/16)
Rep. Hunt moved that the House concur and spoke in favor.
Motion adopted.

HB 1105, establishing a committee to study third party mortgage processors and relative to an exemption from certain employment laws for certain minors. (Amendments printed SJ 4/7/16)
Rep. Hunt moved that the House concur and spoke in favor.
Motion adopted.

HB 1685-FN, relative to mortgage bankers, brokers, and servicers. (Amendment printed SJ 4/28/16)
Reps. Hunt and Major moved that the House concur.
Rep Hunt spoke in favor.
Motion adopted.

HB 1353, relative to the notice required of a law enforcement officer prior to making an audio recording of a routine stop. (Amendment printed SJ 5/5/16)

Rep. Tholl moved that the House concur and spoke in favor.

Motion adopted.

HB 1415, relative to escape from official custody. (Amendment printed SJ 5/5/16)

Rep. Tholl moved that the House concur and spoke in favor.

Motion adopted.

HB 1426-FN, relative to earned time credits for prisoners participating in educational programming. (Amendment printed SJ 4/21/16)

Rep. Tholl moved that the House concur and spoke in favor.

Motion adopted.

HB 1628-FN, relative to human trafficking involving persons under 18 years of age. (Amendment printed SJ 4/21/16)

Rep. Tholl moved that the House concur and spoke in favor.

Motion adopted.

HB 1303, establishing a commission to study issues relating to pre-existing districts withdrawing from a cooperative school district. (Amendment printed SJ 4/14/16)

Rep. Ladd moved that the House concur and spoke in favor.

Motion adopted.

HB 1624-FN, relative to electioneering by public employees. (Amendment printed SJ 4/21/16)

Rep. Hoelzel moved that the House concur and spoke in favor.

Motion adopted.

HB 645-FN, relative to the licensure and regulation of child day care agencies. (Amendment printed SJ 1/14/16)

Reps. Andrew Christie and Tholl moved that the House concur.

Rep. Andrew Christie spoke in favor.

Motion adopted.

HB 500, repealing the prohibition on the use of silencing devices for taking wildlife. (Amendment printed SJ 3/17/16)

Rep. Kidder moved that the House concur and spoke in favor.

Motion adopted.

HB 1267, relative to the family hike safe card for fish and game search and recovery expenses. (Amendment printed SJ 4/14/16)

Rep. Kidder moved that the House concur and spoke in favor.

Motion adopted.

HB 1268, relative to liability for payment of expenses of search and rescue recovery by the fish and game department. (Amendment printed SJ 4/14/16)

Rep. Kidder moved that the House concur and spoke in favor.

Motion adopted.

HB 1138, relative to access to investigational drugs, biological products, and devices. (Amendment printed SJ 5/5/16)

Rep. Kotowski moved that the House concur and spoke in favor.

Motion adopted.

HB 1210, relative to prescriptions for controlled drugs by telemedicine and relative to rulemaking authority and enforcement concerning prices for filling certain prescriptions. (Amendment printed SJ 5/5/16)

Rep. Kotowski moved that the House concur and spoke in favor.

Motion adopted.

HB 1269, extending the New Hampshire health care quality assurance commission and relative to the membership of the commission. (Amendment printed SJ 5/5/16)

Rep. Kotowski moved that the House concur and spoke in favor.

Motion adopted.

HB 1423-FN, relative to rulemaking for prescribing controlled drugs. (Amendment printed SJ 4/28/16)

Rep. Kotowski moved that the House concur and spoke in favor.

Motion adopted.

HB 1490, relative to collaborative practice between pharmacists and health care practitioners and relative to certain drug take-back programs. (Amendment printed SJ 4/28/16)

Rep. Kotowski moved that the House concur and spoke in favor.

Motion adopted.

HB 1681-FN, establishing a commission on hypodermic syringes and needles. (Amendments printed SJ 5/5/16)
Reps. Kotowski and Tholl moved that the House concur.

Rep. Kotowski spoke in favor.

Motion adopted.

HB 1204, relative to payment of rent pending the stay of an eviction proceeding. (Amendment printed SJ 5/5/16)

Rep. Rowe moved that the House concur and spoke in favor.

Motion adopted.

HB 1486, relative to membership of the state house bicentennial commission. (Amendment printed SJ 5/5/16)

Rep. Hinch moved that the House concur and spoke in favor.

Motion adopted.

HB 1147, requiring a report on federal landholdings within the state and relative to the membership of the New Hampshire geographic information system committee. (Amendment printed SJ 5/5/16)

Rep. C. Christensen moved that the House concur and spoke in favor.

Motion adopted.

HB 1172, relative to corrective action implementation of audit findings concerning Cannon Mountain. (Amendment printed SJ 5/5/16)

Rep. C. Christensen moved that the House concur and spoke in favor.

Motion adopted.

HB 1589-FN, prohibiting the transport of aquatic plants and aquatic weeds. (Amendment printed SJ 4/28/16)

Rep. C. Christensen moved that the House concur and spoke in favor.

Motion adopted.

HB 626-FN-A, authorizing energy infrastructure development and designating energy infrastructure corridors and requiring the department of transportation to adopt an updated and revised utility accommodation manual. (Amendment printed SJ 4/28/16)

Reps. Introne and Kurk moved that the House concur.

Rep. Introne spoke in favor.

Motion adopted.

HB 1148, establishing a committee to review potential statutory revisions to constrain possible stranded costs associated with pipeline capacity contracts. (Amendment printed SJ 4/28/16)

Rep. Introne moved that the House concur and spoke in favor.

Motion adopted.

HB 1161, relative to the traffic safety commission. (Amendment printed SJ 4/21/16)

Rep. Steven Smith moved that the House concur and spoke in favor.

Motion adopted.

HB 1198-FN-L, relative to the valuation of poles and conduits owned by telephone utilities. (Amendment printed SJ 4/28/16)

Rep. Major moved that the House concur and spoke in favor.

Motion adopted.

HB 114, establishing beer specialty licenses and relative to rectifiers. (Amendment printed SJ 5/5/16)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. Hunt, Biggie, Tucker and Abel.

HB 1227, repealing provisions of law regulating Sunday business activities and relative to the consumption of liquor at sports complexes. (Amendment printed SJ 4/28/16)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. Hunt, Tucker, Biggie and Abel.

HB 1307, relative to the procedure for amendment of condominium instruments and relative to name availability for business organizations. (Amendment printed SJ 5/5/16)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. Hunt, Biggie, H. French and Williams.

HB 1339, relative to the corporate governance annual disclosure act and relative to compensation of ski area employees. (Amendment printed SJ 4/21/16)

Rep. Hunt moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. Hunt, Biggie, Infantine and Butler.

HB 605-FN, relative to mandatory minimum sentences. (Amendments printed SJ 4/28/16)

Rep. Tholl moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. Tholl, DiSesa, Welch and Martin.

HB 1547-FN, prohibiting bestiality. (Amendment printed SJ 4/21/16)

Rep. Tholl moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. Tholl, Welch, DiSesa and Cushing.

HB 1584-FN, relative to body-worn cameras for law enforcement officers. (Amendment printed SJ 4/28/16)

Reps. Tholl and Major moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. Tholl, Cushing, Welch and DiSesa.

HB 1377, relative to receipt of absentee ballots. (Amendment printed SJ 4/28/16)

Rep. Hoelzel moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. Hoelzel, Gray, Souza and Cote.

HB 1193, relative to the wellness and primary prevention council and relative to certification of school nurses. (Amendment printed SJ 5/5/16)

Rep. Kotowski moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. LeBrun, B. French, Fothergill and MacKay.

HB 1301, relative to the issuance of youth employment certificates. (Amendment printed SJ 4/28/16)

Rep. Infantine moved that the House nonconcur and request a Committee of Conference.

Motion adopted.

The Speaker appointed Reps. Hill, Flanagan, Ley and Infantine.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 155-FN-A, establishing the Financial Resources Mortgage (FRM) victims' contribution recovery fund for victims of the FRM fraud and continually appropriating a special fund.

The President appointed Senators Reagan, Woodburn and Avard.

Reps. Hunt and Kurk moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Hunt, Gidge, Hurt and Weyler.

SB 320, relative to non-academic surveys administered by a public school to its students.

The President appointed Senators Reagan, Avard and Watters.

Rep. Ladd moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Ladd, Balcom, Cordelli and Shaw.

SB 203-FN, relative to review of eligibility for workers' compensation.

The President appointed Senators Bradley, Cataldo and Soucy.

Rep. Infantine moved that the House accede.

Motion adopted.

The Speaker appointed Reps. Simmons, Infantine, Cahill and Seaworth.

CONSENT CALENDAR

Rep. Hinch moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 536, relative to emergency interim relief under the child protection act, removed by Rep. Brewster.

SB 538, relative to children taken into custody under the child protection act and relative to the commission to review child abuse fatalities, removed by Rep. Brewster.

SB 305, including fermented pear juice in the definition of cider, removed by Rep. Hunt.

SB 403, relative to the sale of gift certificates with expiration dates, removed by Rep. Hunt.

SB 458-FN, relative to reporting by political committees, removed by Rep. Hoelzel.

SB 319-FN, relative to survivor benefits for families of police officers and firefighters killed in the line of duty, removed by Rep. Proulx.

Consent Calendar adopted.

SB 404, relative to the burden of proof for a divorced parent's petition to relocate children of the marriage. **INEXPEDIENT TO LEGISLATE.**

Rep. Elizabeth Ferreira for Children and Family Law. This bill addresses the issue of changes made to parenting plans, particularly regarding the burden of proof for a divorced parent petitioning for the relocation of a child. The committee determined that this bill is unnecessary because the House recently passed HB 1280, which addresses modifications to parenting plans more broadly and comprehensively than this bill. Vote 12-0.

SB 437, establishing a commission to address child hunger in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James Gray for Children and Family Law. This bill, as amended, establishes a commission to address child hunger in New Hampshire. The commission shall review the current data, identify the causes for hunger affecting New Hampshire children and recommend corrective actions for ending child hunger. The amendment adds a member of the Children and Family Law Committee to the membership of the commission and specifies that the House members shall be appointed by the Speaker of the House. Vote 11-0.

Amendment (1676h)

Amend RSA 161:12, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Two members of the house of representatives, one of whom shall serve on the health, human services and elderly affairs committee or the children and family law committee, and one of whom shall serve on the finance committee, appointed by the speaker of the house of representatives.

SB 539, relative to access to records under the child protection act. **OUGHT TO PASS.**

Rep. Skip Berrien for Children and Family Law. This bill provides law enforcement access to a child's medical records held by the Division of Children, Youth and Families in the investigation of abuse, neglect and fatalities and other crimes against children. This bill includes extensive provisions to preserve confidentiality and to protect children from additional harm. Vote 13-1.

SB 300, revising banking, credit union, and trust laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie Sanborn for Commerce and Consumer Affairs. This bill was requested by the Banking Department, primarily to insert language which was omitted by mistake when the laws were recodified last year with the adoption of SB 188. It also makes banking laws consistent with Secretary of State's laws relating to name registration, and updates a section reaffirming the rights of joint account holders. The committee amendment fixes two cross-references. Vote 20-0.

Amendment (1477h)

Amend the bill by inserting after section 11 the following and renumbering the original section 12 to read as 14: 12 State Treasurer; Investment of Funds. Amend RSA 6:8, I to read as follows:

I. All funds over which the state has exclusive control, aside from such sums of money as the treasurer may deem necessary to hold or deposit for meeting current expenses, shall be invested by the treasurer, with the approval of the governor and council, in obligations of the United States government, in obligations of any county government, municipal government, or district or division thereof within the state of New Hampshire, in obligations which are legal investments for depository banks pursuant to ~~[RSA 383-B:3-301(e)]~~ **RSA 383-B:3-303**, in participation units in the public deposit investment pool established pursuant to RSA 383:22, or in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state.

13 Family Trust Company Act; Definitions. Amend RSA 383-D:2-201, (b)(12) to read as follows:

(12) "Required capital" means the amount of capital that a family trust company is required to maintain under RSA 383-D:6-602. ~~[RSA 383-C:2-202(d) shall not apply for purposes of this chapter.]~~

2016-1477h

AMENDED ANALYSIS

This bill:

- I. Requires certain background checks where ownership of a trust company changes.
 - II. Defines "bank."
 - III. Requires approval by the banking commission for certain name changes.
 - IV. Amends the reference which specifies the legal investments for depository banks which may be used by the state treasurer.
 - V. Removes an obsolete reference from the definition of "required capital" in the Family Trust Company Act.
- This bill is a request of the banking department.

SB 301, relative to the consumption of liquor at sports complexes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Pamela Tucker for Commerce and Consumer Affairs. This bill, as amended, will allow sports complexes, including college sporting complexes, to sell alcohol in designated areas. This bill was originally intended

to allow alcohol sales at the UNH facility sky boxes. It was amended to allow sales in other areas of college stadiums. No sales will occur directly in the seating areas, but in well defined and restricted areas to prevent underage drinking. The amendment also permits the Liquor Commission to issue licenses to wine manufacturers for no more than two tasting rooms. Vote 19-1.

Amendment (1604h)

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

AN ACT relative to the consumption of liquor at sports complexes and relative to sales and samples provided by wine manufacturers.

Amend RSA 178:22, V(u)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) The commission may issue a cocktail lounge license to the owner of a sports/entertainment complex, or any operator or designee contracting with the owner of the complex. Such license shall allow the sale or service of liquor and beverage in any clearly defined areas approved by the commission. Liquor and beverage shall be sold only at such times as a fee is charged for admission to an event at the sports/entertainment complex. Liquor and beverage shall not be sold or consumed in stadium or skybox seating at any [intercollegiate or] interscholastic event. The provisions of RSA 178:22, II shall not apply to this license.

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

2 Wine Manufacturer License. Amend RSA 178:8, III to read as follows:

III. Each wine manufacturer shall have the right to sell at retail or wholesale at its winery for off-premises consumption any of its wines. Visitors of legal drinking age at said premises may be provided with samples of wine manufactured on the premises for tasting. Samples may be provided either free or for a fee and shall be limited to one 2-ounce sample per label per person. ***The commission may issue additional licenses to a wine manufacturer to operate no more than 2 additional tasting rooms for both samples and retail sales of its own wine separate and apart from its manufacturing facility, subject to payment of an annual fee of \$420 for each location.*** Pursuant to rules adopted by the commission, a wine manufacturer may transport its products to a farmers' market or a wine festival licensed under RSA 178:31, and may sell such products at retail in the original container.

2016-1604h

AMENDED ANALYSIS

This bill permits liquor and beverage sales and consumption in stadium or skybox seating at intercollegiate events at licensed sports/entertainment complexes. This bill also authorizes the wine manufacturer to conduct sampling and retail sales at locations other than its manufacturing facility.

SB 306, enabling the sampling of beer or wine at farmers' markets. **OUGHT TO PASS.**

Rep. Pamela Tucker for Commerce and Consumer Affairs. This bill will help grow our local wine and small beer industries by allowing local manufacturers to provide samples, either at a cost or free, at local farmers markets. A tasting area would be defined for each sampler. The committee believes this bill will help these industries increase their sales and grow their brands. Vote 20-0.

SB 308, relative to the definition of small loans and relative to certain fees on small loans. **OUGHT TO PASS.**

Rep. Laurie Sanborn for Commerce and Consumer Affairs. This bill seeks to clarify in statute the definition of small loans. Ambiguity in the current law may be holding companies back from offering loan products, so this bill is important for improving the small loan market for consumers in New Hampshire. The bill also establishes a cap on application and/or participation fees at \$100, when they were formerly unlimited. Vote 20-0.

SB 401-FN, relative to insurance coverage for prescription eye drops. **OUGHT TO PASS.**

Rep. Donald Flanders for Commerce and Consumer Affairs. This bill provides for insurance coverage for one early refill of prescription eye drops when such a prescription is a covered benefit under a person's health insurance plan. The committee recognizes that this is a new mandate and that over-utilization of any prescription medication increases the cost of health insurance premiums. However, this bill includes key criteria that must be met in order for an early refill of prescription eye drops to be covered by insurance. Importantly, these criteria include timeframes for dispensing early refills. The committee expects that the criteria will help address the concerns about over-utilization and over-prescribing while also addressing the unique circumstances that may cause a person to run out of prescription eye drops early. Vote 19-0.

SB 405, making changes to the limited liability companies statutes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. This bill provides important updates and improvements to New Hampshire's Limited Liability Company (LLC) Act that are designed to support and help small businesses in our state. These changes reflect best practices from around the country and real life experiences that have occurred since this legislature undertook and passed a comprehensive update of our LLC statutes four years ago. Many of the proposed changes in the bill are of a technical nature and are intended to clarify language from the 2012 updates. This bill was reviewed by the Secretary of State who expressed no concerns with the proposed

changes. As with our original updating of the LLC Act all of the provisions in this bill are merely “default” provisions that may be overridden by LLC members in their own operating agreements. While technical in nature, the bill is designed, as is the act itself, to be user-friendly and to maintain a high degree of contractual freedom to all LLCs in New Hampshire. The amendment, that was unanimously supported by the Commerce Committee, adds two sections that were inadvertently left out of the original version of the bill passed by the Senate. There are no revenue implications associated with the bill and it has no fiscal impact to the state. Vote 20-0.

Amendment (1839h)

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 12: 10 Document Filing; Signature. Amend RSA 304-C:28, V(c) to read as follows:

(c) If the limited liability company is in the hands of a receiver, executor, or other court appointed fiduciary, trustee, or other fiduciary, by that fiduciary; **or**

(d) Unless the operating agreement provides otherwise, by any authorized person, including an attorney-in-fact. An authorization, including a power of attorney, need not be in writing, need not be sworn to, verified, or acknowledged, and need not be filed in the office of the secretary of state, but if in writing, must be retained by the limited liability company or authorized person.

11 New Subdivision; Domestications. Amend RSA 304-C by inserting after section 204 the following new subdivision:

Domestications

304-C:205 Domestication.

I. A foreign limited liability company may become a domestic limited liability company only if the domestication is permitted by the organic law of the foreign limited liability company. The laws of New Hampshire shall govern the effect of domesticating in New Hampshire pursuant to RSA 304-C:205 through RSA 304-C:210.

II. A domestic limited liability company may become a foreign limited liability company if the domestication is permitted by the laws of the foreign jurisdiction. Regardless of whether the laws of the foreign jurisdiction require the adoption of a plan of domestication, the domestication shall be approved by the adoption by the domestic limited liability company of a plan of domestication in the manner provided in this subdivision. The laws of the foreign jurisdiction shall govern the effect of domesticating in that jurisdiction.

III. The plan of domestication adopted by a domestic limited liability company shall include:

(a) A statement of the jurisdiction in which the limited liability company is to be domesticated;

(b) The terms and conditions of the domestication;

(c) The manner and basis of reclassifying the membership rights of the limited liability company following its domestication into membership rights or other securities, obligations, rights to acquire membership rights or other securities, cash, other property, or any combination of the foregoing; and

(d) Any desired amendments to the certificate of formation or equivalent foreign statutory document (for purposes of this subdivision, the “certificate of formation”) of the limited liability company following its domestication. The plan of domestication may include any other provision relating to the domestication that may be desired.

IV. The plan of domestication may include a provision that the plan may be amended prior to filing the document required by the laws of this state or the other jurisdiction to consummate the domestication, except that subsequent to approval of the plan by the members, the plan may not be amended to change:

(a) The amount or kind of membership rights or other securities, obligations, rights to acquire membership rights or other securities, cash, or other property to be received by the members under the plan;

(b) The certificate of formation or operating agreement, as they will be in effect immediately following the domestication, except for changes permitted by RSA 304-C:35, II or by comparable provisions of the laws of the other jurisdiction; or

(c) Any of the other terms or conditions of the plan if the change would adversely affect any of the membership rights in any material respect.

V. Terms of a plan of domestication may be made dependent upon facts objectively ascertainable outside the plan in accordance with the principles set forth in RSA 293-A:1.20(j).

VI. If any debt security, note, or similar evidence of indebtedness for money borrowed, whether secured or unsecured, or a contract of any kind, issued, incurred, or signed by a domestic limited liability company contains a provision applying to a merger of the limited liability company and the document does not refer to a domestication of the limited liability company, then the provision shall be deemed to apply to a domestication of the limited liability company until such time as the provision is amended subsequent to that date.

VII. An operating agreement of a domestic limited liability company may provide that decisions by the members relating to the limited liability company’s domestications are reserved to specified members or managers.

304-C:206 Action on a Plan of Domestication.

I. In the case of a domestication of a domestic limited liability company in a foreign jurisdiction:

(a) If the approval of the members is to be given at a meeting, the limited liability company must notify each member, whether or not entitled to vote, of the meeting of members at which the plan of domesti-

cation is to be submitted for approval. The notice must state that the purpose, or one of the purposes, of the meeting is to consider the plan and must contain or be accompanied by a copy or summary of the plan. The notice shall include or be accompanied by a copy of the limited liability company's certificate of formation and operating agreement as they will be in effect immediately after the domestication.

(b) Unless the operating agreement of the limited liability company requires a greater vote or a greater number of votes to be present, approval of the plan of domestication requires the approval of each voting group entitled to vote separately on the plan by a majority of all the votes entitled to be cast on the plan by that voting group.

(c) Separate voting by voting groups is required by each class or series of membership rights that:

(1) Are to be reclassified under the plan of domestication into other securities, obligations, rights to acquire membership rights or other securities, cash, other property, or any combination of the foregoing;

(2) Would be entitled to vote as a separate group on a provision of the plan that, if contained in a proposed amendment to the certificate of formation or operating agreement, would require action by separate voting groups; or

(3) Is entitled under the certificate of formation or operating agreement to vote as a voting group to approve an amendment of the certificate of formation or operating agreement.

II. If any provision of the certificate of formation or operating agreement adopted or entered into applies to a merger of the limited liability company and that document does not refer to a domestication of the limited liability company, the provision shall be deemed to apply to a domestication of the limited liability company until such time as the provision is amended subsequent to that date.

304-C:207 Articles of Domestication.

I. After the domestication of a foreign limited liability company has been authorized as required by the laws of the foreign jurisdiction, articles of domestication shall be signed by any member or other duly authorized representative of the limited liability company. The articles shall set forth:

(a) The name of the limited liability company immediately before the filing of the articles of domestication and, if that name is unavailable for use in this state or if the limited liability company desires to change its name in connection with the domestication, a name that satisfies the requirements of RSA 304-C:32;

(b) The jurisdiction of formation of the limited liability company immediately before the filing of the articles of domestication and the date the limited liability company was formed in that jurisdiction; and

(c) A statement that the domestication of the limited liability company in this state was duly authorized as required by the laws of the jurisdiction in which the limited liability company was formed immediately before its domestication in this state.

II. The articles of domestication shall have an attached certificate of formation.

III. The articles of domestication with the certificate of formation shall be delivered to the secretary of state for filing, and shall take effect at the effective time provided in RSA 304-C:29.

IV. If the foreign limited liability company was authorized to transact business in this state under RSA 304-C:174 and RSA 304-C:175, then its certificate of authority shall be canceled automatically on the effective date of its domestication in the foreign state.

304-C:208 Surrender of Charter Upon Domestication.

I. Whenever a domestic limited liability company has adopted and approved, in the manner required by this subdivision, a plan of domestication providing for the limited liability company to be domesticated in a foreign jurisdiction, articles of charter surrender shall be signed on behalf of the limited liability company by any member or other duly authorized representative. The articles of charter surrender shall set forth:

(a) The name of the limited liability company;

(b) A statement that the articles of charter surrender are being filed in connection with the domestication of the limited liability company in a foreign jurisdiction;

(c) A statement that the domestication was duly approved by the members and, if voting by any separate voting group was required, by each such separate voting group, in the manner required by this chapter and by the certificate of formation and operating agreement; and

(d) The limited liability company's new jurisdiction of formation.

II. The articles of charter surrender shall be delivered by the limited liability company to the secretary of state for filing. The articles of charter surrender shall take effect on the effective time provided in RSA 304-C:29.

304-C:209 Effect of Domestication.

I. When a domestication of a foreign limited liability company in New Hampshire becomes effective:

(a) The title to all real and personal property, both tangible and intangible, of the limited liability company remains in the limited liability company without reversion or impairment and the domestication shall not be deemed to give rise to any transfer of real or personal property;

(b) The liabilities of the limited liability company remain the liabilities of the limited liability company;

(c) An action or proceeding pending against the limited liability company continues against the limited liability company as if the domestication had not occurred;

(d) The articles of domestication, or the certificate of formation and operating agreement attached to the articles of domestication, constitute the certificate of formation and operating agreement of a foreign limited liability company domesticating in this state;

(e) The membership rights of the limited liability company are reclassified into other membership rights, other securities, obligations, rights to acquire membership rights, or other securities of the limited liability company, or into cash or other property in accordance with the terms of the domestication as approved under the laws of the foreign jurisdiction, and the members are entitled only to the rights provided by those terms and under those laws; and

(f) The limited liability company is deemed to:

(1) Be formed under and subject to the organic law of this state for all purposes;

(2) Be the same limited liability company without interruption as the limited liability company that existed under the laws of the foreign jurisdiction; and

(3) Have been formed on the date it was originally formed in the foreign jurisdiction.

II. When a domestication of a domestic limited liability company in a foreign jurisdiction becomes effective, the foreign limited liability company is deemed to:

(a) Appoint the secretary of state as its agent for service of process in a proceeding to enforce the rights of members who exercise appraisal rights in connection with the domestication; and

(b) Agree that it will promptly pay the amount, if any, to which such members are entitled under RSA 304-C:160 through RSA 304-C:172.

III. The domestication of a domestic limited liability company as a foreign limited liability company shall not be deemed to give rise to any transfer of real or personal property.

IV. The owner liability of a member in a foreign limited liability company that is domesticated in this state shall be as follows:

(a) The domestication does not discharge any owner liability under the laws of the foreign jurisdiction to the extent any such owner liability arose before the effective time of the articles of domestication.

(b) The member shall not have owner liability under the laws of the foreign jurisdiction for any debt, obligation, or liability of the limited liability company that arises after the effective time of the articles of domestication.

(c) The provisions of the laws of the foreign jurisdiction shall continue to apply to the collection or discharge of any owner liability preserved by subparagraph (a), as if the domestication had not occurred.

(d) The member shall have whatever rights of contribution from other members as are provided by the laws of the foreign jurisdiction with respect to any owner liability preserved by subparagraph (a), as if the domestication had not occurred.

304-C:210 Abandonment of a Domestication.

I. Unless otherwise provided in a plan of domestication of a domestic limited liability company, after the plan has been adopted and approved as required by this subdivision, and at any time before the domestication has become effective, it may be abandoned by the members.

II. If a domestication is abandoned under paragraph I after articles of charter surrender have been filed with the secretary of state but before the domestication has become effective, a statement that the domestication has been abandoned in accordance with this section, signed by a member or other duly authorized representative, shall be delivered to the secretary of state for filing prior to the effective date of the domestication with the fee, if any, required under RSA 304-C:191. The statement shall take effect upon filing and the domestication shall be deemed abandoned and shall not become effective.

III. If the domestication of a foreign limited liability company in this state is abandoned in accordance with the laws of the foreign jurisdiction after articles of domestication have been filed with the secretary of state, a statement that the domestication has been abandoned, signed by a member or other duly authorized representative, shall be delivered to the secretary of state for filing. The statement shall take effect upon filing and the domestication shall be deemed abandoned and shall not become effective.

SB 417, relative to employment contract restrictions upon physicians. OUGHT TO PASS.

Rep. Donald Flanders for Commerce and Consumer Affairs. This bill was referred for a second hearing to the House Commerce and Consumer Affairs Committee after receiving unanimous support from the Health, Human Services and Elderly Affairs Committee and passage on the Consent Calendar on April 20, 2016. This bill would prohibit the inclusion in an employment contract of any contract term restricting the right of a physician from practicing medicine "in any geographic area for any period of time" after termination of employment or termination of a professional relationship. Geographic restrictions in physician employment contracts significantly diminish the integrity of the patient-provider relationship and undermine physician autonomy. While not all hospital systems utilize these restrictions when contracting with physicians, the committee strongly supports the elimination of these restrictions as such elimination is squarely in the public interest. Vote 19-1.

SB 431, relative to data submission by insurers. OUGHT TO PASS WITH AMENDMENT.

Rep. Donald Flanders for Commerce and Consumer Affairs. The purpose of this bill as amended is to clarify health claims data reporting requirements following the US Supreme Court's decision in *Goebeille v. Liberty Mutual*. Since 2003 NH Law has required the reporting of claims data by health insurers and third-party administrators for NH residents, including for self-funded employer plans. NH law has always required that the data be encrypted before reporting, so no personally identifiable information is included. The database has been used for many beneficial purposes including health cost transparency and the nationally-acclaimed HealthCost website operated by the NH Insurance Department, where consumers and employers can compare the cost of having a medical procedure performed at different service locations, depending on their insurance carrier. The Supreme Court ruled on March 1, 2016, that states are preempted from requiring reporting of data for self-funded private employer plans. The bill as amended clarified that the reporting requirement remains in place for plans not affected by the decision, and it also creates an opt-in process for self-funded employers to choose to have their data included. This will enable the state to continue its health cost transparency initiative. Vote 18-1.

Amendment (1583h)

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

1 Statement of Intent. The purpose of this act is to clarify the applicability of existing New Hampshire statutory requirements in light of the United States Supreme Court decision in *Gobeille v. Liberty Mutual*, and to create a mechanism whereby self-funded employers affected by that decision may choose to have their claims data included in their claims administrator's submission to the New Hampshire comprehensive health information system. The data submission requirements of RSA 420-G:11, IV and V as inserted by section 2 of this act are intended to facilitate the proper functioning of insurance markets and to benefit insured consumers and employers through price transparency that will increase competition and enable all consumers and employers to make informed and cost-effective health care choices. Such market transparency, as a form of insurance regulation, is intended to enhance and optimize market conditions affecting the risk pooling arrangements between insurers and insureds.

2 New Paragraphs; Disclosures by Health Carriers, Third Party Administrators, and Other Insurance Entities. Amend RSA 420-G:11 by inserting after paragraph III the following new paragraphs:

IV. The data submission requirements of paragraphs II and II-a shall apply with respect to claims data for all lives covered by a fully-insured health plan in any market in the state, by any self-funded plan for state or municipal employees, including any plan maintained under RSA 5-B, to any self-funded plan maintained by the university system of the state with respect to its employees or its students, and to any self-funded student health benefit plan maintained by an institution of higher education which provides 4-year bachelor's degree programs and graduate or professional degree programs.

V. In addition to those lives listed in paragraph IV, the data submission requirements of paragraphs II and II-a shall also apply to all health carriers, licensed third party administrators, and any entity required to be registered with the commissioner pursuant to RSA 402-H with respect to claims data for all lives covered by any other self-funded employer-sponsored plan, when the employer has opted in writing to the submission of the data. The carrier or administrator shall notify the employer of the employer's option to authorize submission of the data. The commissioner shall adopt rules under RSA 541-A specifying the form of such opt in, which shall include, but not be limited to, notice to the employer regarding why it is receiving the notification form, the privacy protections for the data submitted should the employer choose to opt in, and the transparency benefits, including benefits to employers, of broad inclusion of as many lives as possible in the database created under RSA 420-G:11-a. Nothing in this paragraph shall be construed to impose any reporting obligation on any self-funded employer or plan sponsor, or to impose any requirement with respect to the manner in which any such self-funded plan is administered. Nothing in this paragraph shall prevent a health carrier or third party administrator from communicating its views to an employer about the employer's decision whether to opt in to the submission of claims data.

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

SB 432, relative to itemized bills for medical services. REFER FOR INTERIM STUDY.

Rep. Edward Butler for Commerce and Consumer Affairs. The issue of how to bill for health care services so that consumers can understand the bill and the health care service provider – hospital, clinic, practitioner, private practice – can receive the necessary reimbursement for services rendered, continues to be of concern. Hospital bills, especially, are complicated and may use Current Procedural Terminology (CPT) codes. Bills can sometimes reflect what seem to be an outlandish cost for simple procedures or components of care. The committee recommends that this bill be referred for Interim Study because the Hospital Association and the Medical Society will be conducting pilot programs to look at different models of billing, for transparency and clarity. The committee does not believe that this bill as currently constructed achieves those goals. We will follow the work of these pilot programs and determine whether further legislation can be recommended that will provide the clarity needed by consumers in billing statements. Vote 17-2.

SB 501-FN, prohibiting the possession of powdered or crystalline alcohol. **INEXPEDIENT TO LEGISLATE.** Rep. Pamela Tucker for Commerce and Consumer Affairs. The majority of the committee felt this bill, while well intentioned, was too broadbased in banning possession of powdered or crystalline alcohol. The Liquor Commission already has the authority to not allow the sales of these products in the state. A new ban on the possession of powdered alcohol would be difficult to enforce. Vote 19-1.

SB 379, relative to additional tests to determine alcohol concentration. **OUGHT TO PASS WITH AMENDMENT.** Rep. John Tholl for Criminal Justice and Public Safety. The Intoxilizer 5000 machines that are in current use are obsolete. They are no longer manufactured nor are there any spare parts available. The company that is the sole manufacturer of the second sample tubes has ceased manufacturing the tubes and there are no machines produced that allow for the preservation of a second sample of breath. The newer-technology machines are several generations improved from the machines in current use and provide a better means of determining the alcohol content of a person's blood. This bill as amended allows for the replacement of the current antiquated machines while still preserving the ability of the person arrested to obtain a timely (within 2 hours) sample of their blood for testing at their own expense. The committee feels very strongly that this is an important step forward as evidenced by its bipartisan, unanimous vote. Vote 17-0.

Amendment (1774h)

Amend the bill by inserting after the enacting clause the following and renumbering the original section 1-4 to read as 2-5, respectively:

1 Statement of Findings. The general court finds that:

I. The state of New Hampshire currently uses Intoxilyzer 5000 EN instruments for the purpose of testing the breath alcohol content of individuals who are suspected of driving while impaired.

II. The Intoxilyzer 5000 EN allows the test administrator to obtain 2 breath samples, which are analyzed by the instrument. After each sample is analyzed, it is then captured (preserved an additional sample). This additional sample is then provided to the person being tested, for independent analysis if the person so choses.

III. The New Hampshire supreme court held, in *State v. Cornelius*, 122 N.H. 925 (1982), that due process required the state to take and preserve an additional breath sample for independent testing.

IV. In 2010, the legislature sought an opinion from the New Hampshire supreme court as to whether then-pending legislation to eliminate the requirement that an additional breath sample be preserved for independent testing tests would violate due process. In a divided opinion, the majority of the court, in *Opinion on the Justices (Eliminating Requirement for Additional Breath Test Samples)*, 160 N.H. 180 (2010) held that it would. The court noted that while it "recognize[d] that technological advances may well obviate the need to capture and preserve a second breath sample,... no legislative findings have been rendered in that regard." It also observed that "in light of the apparent absence of realistic access to additional testing, we are reluctant to conclude that the proposed breath testing is substantially without risk of error."

V. The Intoxilyzer 5000 EN has not been manufactured since 2013. Replacement parts are no longer available, including RAM time keeper chips, photo interrupters, IR filters from the same manufacturer, vacuum fluorescent displays, and EPROMs, all of which are critical to the accurate functioning of the testing instrument.

VI. New Hampshire is the only state in the nation (and only place in the world) that continues to use the Intoxilyzer 5000 EN for preserving an additional sample.

VII. The models of breath testing instruments currently being manufactured employ a far more technologically sophisticated analytical process. While a properly functioning, calibrated Intoxilyzer 5000 EN produces accurate results, the degree of confidence one can have in the accuracy of the results from one of the newer instruments is substantially enhanced by the more sophisticated analytical process.

VIII. There are no longer any modern models of breath alcohol instruments that are designed to capture additional breath samples.

IX. The legislature finds that technological advances and the changes in testing protocols since the *Cornelius* decision have now obviated the need to capture and preserve a second breath sample, and that the accuracy of the currently available technology substantially eliminates any risk of error.

Amend RSA 265-A:7, III as inserted by section 2 of the bill by replacing it with the following:

[H-] **III.** [The] A sample [or samples] of breath taken pursuant to [RSA 265-A:4] **paragraph I** shall be [captured in an appropriate medium approved] **analyzed in accordance with rules adopted** by the commissioner of the department of safety pursuant to RSA 265-A:5, V[, and shall be sufficient to allow an equivalent additional test for each breath sample taken pursuant to 265-A:4. The captured sample or samples shall be given to the respondent in a manner determined by the commissioner of the department of safety]. **A subject who submits to an infrared molecular absorption test at the request of a law enforcement officer shall have the right at his or her own expense to have a blood sample drawn and a blood test made by a person of his or her own choosing who is competent to conduct the tests, as determined by the commissioner of the department of safety under RSA 265-A:5. The person shall be so informed by the law enforcement officer at the same time as the person is requested to permit**

a test under the provisions of RSA 265-A:4. At that same time the person shall also be provided contact information for individuals and the nearest facilities that make themselves available to draw and test blood. The individuals listed, by virtue of their residence or work location, should have a reasonable probability of performing the blood draw within 2 hours of the initial breath sample having been taken by the police. The failure or inability of an arrested person to obtain an additional test shall not preclude the admission of any test taken at the direction of a law enforcement officer, authorized agent, or peace officer. Nothing in this paragraph shall require the release from custody of the arrested person for the purpose of having such additional test taken, however, an arrested person who remains in custody shall be permitted to have his or her blood drawn by a person who has been determined to be competent by the commissioner of the department of safety under RSA 265-A:5.

SB 391, relative to annulment of certain misdemeanor offenses. **OUGHT TO PASS WITH AMENDMENT.** Rep. Arthur Barnes for Criminal Justice and Public Safety. During the 2015 session the legislature passed HB 305 which allowed a certain class of persons convicted of a crime which occurred between May 14, 2014 and July 1, 2015 while the person was 17 years of age to petition the court for an annulment. The law so-created ended up in session law where it is difficult to find. This bill as amended moves that law into RSA 651 where it will be easy to find. Vote 18-0.

Amendment (1300h)

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

AN ACT relative to annulment of certain misdemeanor offenses and relative to the annulment of offenses occurring between May 14, 2014 and July 1, 2015.

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

2 New Section; Annulment of Criminal Records; Offenses Occurring Between May 14, 2014 and July 1, 2015.

Amend RSA 651 by inserting after section 5 the following new section:

651:5-a Annulment of Criminal Record Based on Conduct Occurring Between May 14, 2014 and July 1, 2015. Notwithstanding RSA 651:5, any person convicted of a criminal offense which occurred between May 14, 2014 and July 1, 2015, and while the person was 17 years of age, shall be entitled to an annulment of such conviction upon petition to the court. An annulment petition brought under this section shall not be subject to any filing fee, and shall only be brought following the expiration of any sentence imposed by the court. An annulment petition brought under this section may be denied only upon a written finding by the court, based on clear and convincing evidence, that the subject offense would have qualified for transfer to the superior court pursuant to RSA 169-B:24 and that the prosecution would have pursued such a transfer. This section shall not apply to any offense which may be prosecuted as an adult criminal offense after July 1, 2015 against persons who have not yet reached 18 years of age.

3 Repeal. 2015; 260:3, relative to annulment of a criminal conviction based on an offense that occurred between May 14, 2014 and July 1, 2015 while the person was 17 years of age, is repealed.

2016-1300h

AMENDED ANALYSIS

This bill amends the waiting period for petitioning for the annulment of a misdemeanor marijuana or hashish offense. The bill also permits the annulment of a conviction based on conduct that occurred between May 14, 2014 and July 1, 2015, and while the person was 17 years of age, and repeals a session law on the same subject contained in HB 305 of the 2015 legislative session.

SB 394, relative to criminal history record checks of nursing home administrators. **OUGHT TO PASS.**

Rep. John Martin for Criminal Justice and Public Safety. This bill requires every applicant for an initial or reciprocity license or reinstatement to authorize and submit to a criminal history background check. This is a necessary step to protect the most vulnerable of our citizens, nursing home residents who may be totally dependent on the facility for their medical, emotional and financial care, and, in many cases, rely on the facility, in the absence of family, to see to their needs. The nursing home administrator is in a unique position of trust when it comes to seeing to the needs and protecting the interests of those committed to his or her charge. A background check only serves as a tool to help protect those residents. Vote 17-0.

SB 544, establishing a committee to study funding options for the Internet crimes against children task force. **OUGHT TO PASS.**

Rep. Arthur Barnes for Criminal Justice and Public Safety. The Internet Crimes Against Children Task Force is currently administrated by the Portsmouth Police Department. It is federally funded and used by 90 law enforcement agencies throughout NH to forensically recover evidence from electronic devices to assist prosecutions of internet crimes against children. There is a concern that the federal funds may dry up and this committee will conduct a study and make recommendations for legislation in the next session should that happen. Vote 18-0.

SB 310, expanding the defense and indemnification provided under RSA 99-D to certain claims filed with and investigations by professional licensing boards, committees, and regulatory agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill is the work product of a study commission convened to address a deleterious loophole in RSA 99-D. Certain state employees who are professional license holders were being subjected to largely nuisance lawsuits of a retaliatory nature arising out of, and in conjunction with, the performance of their duties as state employees. Although defended and indemnified in that capacity by the State of New Hampshire, they were not protected from the aforesaid harassment lawsuits in their status as professional license holders; and they were regularly required to engage outside counsel, with the concomitant costs thereof, to defend themselves before their licensing boards, and the like. This bill corrects that inequity by expanding the defense and indemnification provisions of RSA 99-D. The committee amendment merely repeals the now superfluous commission to study this issue. Vote 14-1.

Amendment (1236h)

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

AN ACT expanding the defense and indemnification provided under RSA 99-D to certain claims filed with and investigations by professional licensing boards, committees, and regulatory agencies, and repealing the commission to study expansion of defense and indemnification rights to certain state employees.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:
2 Repeal. RSA 99-D:10, relative to the commission to study expansion of defense and indemnification rights to certain state employees, is repealed.

2016-1236h

AMENDED ANALYSIS

This bill expands the defense and indemnification provided under RSA 99-D to certain claims filed with and investigations by professional licensing boards, committees, and regulatory agencies.

This bill also repeals the commission to study the expansion of defense and indemnification rights to certain state employees.

SB 329, revising the nurse licensure compact. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Proulx for Executive Departments and Administration. The Nurse Licensure Compact Law was adopted in New Hampshire in 2004. The compact makes it easier for nurses to practice across state lines by eliminating the need for duplicate licenses in states that have agreed to uniform standards for licensure. Currently, 39 states have joined the compact and others are considering joining. This bill adopts the revised model act for the Nurse Licensure Compact. The amendment clarifies that nurses who are licensed in another state and working in NH under the compact are not included in the definition of 'medical technician.' Vote 15-0.

Amendment (1242h)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:
3 Registration of Medical Technicians; Definition. Amend RSA 328-I:1, VI to read as follows:

VI. "Medical technician" means a health care worker who is not licensed or registered by a New Hampshire regulatory board and who assists licensed health care professionals in the diagnosis, treatment, and prevention of disease. ***"Medical technician" shall not include a nurse licensed in another state who is working in New Hampshire under the nurse licensure compact established in RSA 326-B:46.*** For the purposes of this chapter, medical technicians shall be limited to health care workers with access to controlled substances and with access to or contact with patients in a health care facility or in a medical establishment.

2016-1242h

AMENDED ANALYSIS

This bill adopts the revised model act for the nurse licensure compact under RSA 326-B:46. The bill also inserts a clarification in the definition of a medical technician under RSA 328-I for nurses working in New Hampshire under the nurse licensure compact.

SB 424-FN, relative to transition provisions for licensure of master licensed alcohol and drug counselors, and establishing a committee to study licensure of alcohol and drug counselors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill, with the amendment, is the work product of a subcommittee process involving knowledgeable stakeholders and agency personnel, public and private. It addresses a particular aspect of the present opioid crisis in NH, namely the shortage of trained counselors to support and help treat individuals dealing with substance abuse, especially those suffering from co-occurring disorders. It facilitates attracting trained counselors from outside NH, enabling them to rapidly engage with our citizens, while advancing their professional credentials. Further, it reduces the current license fee from \$300 to \$240, as this was determined to both be a barrier to attracting outside candidates, and in excess of board funding requirements. Vote 15-0.

Amendment (1556h)

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

AN ACT relative to applicants for licensure as alcohol and drug use counselors from other states, and relative to the fee for licensure as a master licensed alcohol and drug counselor.

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

1 Alcohol and Other Drug Use Professionals; Applicants From Other States. Amend RSA 330-C:21 to read as follows:

330-C:21 Applicants From Other States.

I. The board may license or issue a certification to any applicant who is licensed or certified in any other state, provided the other state's requirements are substantially equivalent to or more stringent than those of this state.

II. *The board may license or issue a certification to any applicant who is licensed or certified in any other state if the other state's requirements are not substantially equivalent to those of this state solely because the applicant has obtained a master's degree in a discipline described in RSA 330-C:16, I(a) which is less than a 60-hour degree. An individual licensed under this paragraph shall:*

(a) Complete the necessary additional hours of course work in co-occurring disorders pursuant to standards established by the board within 5 years from the effective date of licensure or certification;

(b) Have completed 3,000 hours of clinically supervised work experience in the treatment of substance use and co-occurring disorders. These hours may be completed after the applicant has been issued the master's degree. Up to 1,500 hours of clinically supervised work experience accumulated by the applicant during his or her practice as a LADC may be counted toward the required 3,000 hours. In addition, a current license issued by the board of mental health practice may be substituted for 1,500 hours of the required 3,000 hours of clinically supervised work experience;

(c) Conduct his or her practice as an MLADC in full compliance with RSA 330-C:10; and

(d) Notify the board in writing that he or she has completed the requirements in subparagraph (a).

III. *If an individual licensed under paragraph II does not satisfy the requirements of subparagraph II(a) within 5 years of initial licensure or certification, the board shall not renew the individual's MLADC license but shall, if the individual meets all the requirements for licensure as a LADC, issue a LADC license to the individual.*

IV. *The board may waive provisions of this chapter requiring supervised work experience and practical training and grant a license as a licensed alcohol and drug counselor or master licensed alcohol and drug counselor to any applicant who presents proof of active licensed practice in another jurisdiction of the United States for a period of 10 years or more.*

2 Alcohol and Other Drug Use Professionals; Fees. Amend RSA 330-C:8, I as follows:

I. The board shall charge licensed alcohol and drug counselors, licensed clinical supervisors, and certified recovery support workers a \$110 fee for the issuance of an initial license or certificate, and \$110 for the renewal of a license or certificate under this chapter. The fee for a master licensed alcohol and drug counselor shall be ~~[\$300]~~ **\$240** and the renewal fee shall be ~~[\$300]~~ **\$240**. All licenses shall be renewed biennially on or before June 30 upon payment of the license renewal fee. In addition the board shall establish by rule fees for license and certificate applications, late renewal, and reinstatement of all licenses and certifications authorized by this chapter.

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

2016-1556h

AMENDED ANALYSIS

This bill allows alcohol and drug use professionals from other states to be licensed by the board of mental health practice in New Hampshire if they complete certain course work and clinical work within 5 years of licensure or have 10 or more years of experience. The bill also reduces the fee for licensure as a master licensed alcohol and drug counselor.

SB 489, authorizing a demonstration project using a Stirling engine system. **OUGHT TO PASS.**

Rep. J.R. Hoell for Executive Departments and Administration. This bill, as amended by the House after the review of the first committee, would allow the Department of Administrative Services (DAS) to work with an outside company to install and test a prototype electrical generator powered by a Stirling engine. The committee heard about a building in Manchester where this is already taking place and felt that by allowing one of the state's buildings to be hooked up to one of these NH-designed and developed generators, we would go a long way towards showing that NH is a business friendly place. Everyone who testified was in favor of the bill. The costs for the installation, demonstration and removal will be completely borne by the outside firm. The electrical power and heat generated by this prototype will be provided to the state at less than or

equal to the current market cost for those items. The committee did hear from DAS and they did not have any logistical issues with the proposal. The committee felt that this was a very positive way to showcase the research and development that is going on in NH. The only potential cost will relate to staff time required to issue the RFP and reviewing responses. The committee clearly thought that this was a way to leverage for a very small labor investment the chance for long term business tax revenue from helping grow another company in NH. Vote 15-0.

SB 302-FN-A, making an appropriation to the department of safety for disaster and emergency response preparedness. **INEXPEDIENT TO LEGISLATE.**

Rep. David Danielson for Finance. This bill would have reopened the budget. Had the bill passed it would have resulted in the lay-off of one position because this bill sought to eliminate the approved transfer of renewable fund energy revenue to the Department of Safety's Division of Homeland Security. It would replace the revenue transfer with a general fund appropriation in FY 2016 (\$745,119) and FY 2017 (\$1,553, 015). The expenditures of the Public Utilities Commission would expect an increase of \$720,000 in FY 2016 and \$1,500,000 in FY 2017 and each succeeding year thereafter. The committee felt that it would be unwise to reopen the budget for such transfers. Vote 26-0.

SB 409-FN, relative to the first responder's critical injury benefit and establishing a committee to study soft tissue injuries under workers' compensation. **OUGHT TO PASS.**

Rep. Kenneth Weyler for Finance. In 2012 a police officer was shot multiple times and survived. Because all his wounds were soft tissue injury, workers' compensation insurance did not cover the medical care. A commission was formed to work on this problem. The commission recommended up to \$500,000 with a cap of \$125,000 per person. The funding expires in June 2016. This bill extends the funding for one year and appoints a committee to study this issue for further action. The officer, for whom the bill was originated, is still undergoing treatment. The Finance Committee agreed with the policy, and saw no reason to change the bill. Vote 26-0.

SB 420-FN, relative to aid to the permanently and totally disabled. **OUGHT TO PASS.**

Rep. Cindy Rosenwald for Finance. This bill is a request of the Department of Health and Human Services. It is needed to clarify eligibility for cash assistance under the state's Aid to the Permanently and Totally Disabled cash assistance program relative to federal cash assistance. It enables the department to adopt rules necessary to bring the state into compliance with a Supreme Court decision. It is expected to save the state a small amount of money as the department's eligibility determinations will be upheld more frequently. Vote 26-0.

SB 444-FN, relative to lottery retailer incentive awards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen Umberger for Finance. Lottery sales are a competitive market, not only locally, but state-to-state. When a retailer sells a winning ticket for PowerBall, Megabucks, or Lucky-for-Life, the retailer receives \$30,000. Other states pay much more. To be more competitive, this bill would make the amount for selling the winning ticket increase to \$75,000. Although this is a large increase, it is very unlikely to be paid more often than every 10 years or more. Vote 22-4.

Amendment (1814h)

Amend RSA 284:21-s as inserted by section 1 of the bill by replacing it with the following:

284:21-s Incentive Awards for Ticket Sellers. The lottery commission is authorized to pay cash incentives, at a rate established by the commission but not to exceed ~~[\$30,000]~~ **\$75,000** for a [jackpot] winning ticket, ~~[or not to exceed \$500 for each incidence of meeting or exceeding lottery commission established sales goals;]~~ as an inducement to ~~[servants]~~ **employees** and agents authorized to sell tickets pursuant to RSA 284:21-h, II(d).

SB 491-FN, relative to Medicaid home health care services and relative to the scope of practice of licensed nursing assistants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Jane Wallner for Finance. The bill requires Medicaid coverage of medically-necessary home health care services to be provided to older adults and persons with disability at their residence and adds in any non-institutional setting in which normal life activities take place. The committee amendment removed an unnecessary requirement for approval by the Federal Centers for Medicare and Medicaid services. Vote 26-0.

Amendment (1593h)

Amend RSA 161-N:3 as inserted by section 1 of the bill by replacing it with the following:

161-N:3 Home Health Care Services Location. Medicaid coverage of medically-necessary home health care services shall be available to Medicaid recipients at their residences and in any non-institutional setting in which normal life activities take place.

Amend RSA 161-N:4, I as inserted by section 1 of the bill by replacing it with the following:

I. Further definition of home health care services under RSA 161-N:3.

SB 496-FN, relative to personal care attendant services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsy McKinney for Finance. This bill, as previously passed by the House, expanded personal care services for severely physically disabled persons to any location in which normal life activities occur. The committee amended the bill to ensure that the number of hours for which these services are provided remains unchanged from current levels. Vote 26-0.

Amendment (1679h)

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

1 Personal Care for the Severely Physically Disabled; Definitions. Amend RSA 161-E:1, III to read as follows:

III. "Severely physically disabled person" shall mean an *adult* individual *over the age of 18* who has been approved to participate in an independent living program and who requires a minimum of 2 hours of medically [oriented] *necessary* personal care per day in order to maintain himself or herself in a noninstitutional setting. Such care may include [hands-on] assistance in the following areas: basic personal care and grooming, assistance with bladder and bowel care, assistance with medications, assistance with nutrition including meal preparation and essential household services.

2 Personal Care for the Severely Physically Disabled; Personal Care Attendant Services Program. Amend RSA 161-E:2 to read as follows:

161-E:2 Services Provided. The commissioner of the department of health and human services shall develop a program under which severely physically disabled persons eligible for coverage under medical assistance programs are provided with personal care attendants to provide [on a periodic basis] medically [oriented] *necessary* long-term maintenance and supportive care to assist them, as is required in each individual case, to maintain themselves in their homes and gain greater control over their own lives. *Personal care services under this chapter may be delivered in noninstitutional locations in which normal life activities occur. Personal care services shall be those numbers of hours of service which a severely physically disabled person would be approved to receive if the services were provided exclusively at home, school, or work.*

2016-1679h

AMENDED ANALYSIS

This bill clarifies the definition of a severely physically disabled person and allows access to the community for such persons under the law governing personal care for the severely physically disabled.

SB 500-FN, relative to student health insurance plans. **OUGHT TO PASS.**

Rep. Peter Spanos for Finance. The purpose of this bill is to establish a mechanism to provide formal authorization for Dartmouth College and the University of New Hampshire to continue to operate student health insurance plans on a self-funded basis. This is necessary because of changes to the federal health care laws. Both institutions have been operating such plans for several years, and these plans offer health insurance at a lower cost than the Affordable Care Act (ACA) marketplace because the population found in the institutions is young and relatively healthy. As a result these plans save college students money and provide health care mandated under the ACA. However, now that the federal health care laws have changed, the institutions will be forced to cease offering the plans and to close their on campus health centers where students can be seen unless the New Hampshire Insurance Department collaborates with them and this provides the federally-mandated oversight. Since these plans offer a much lower cost option to obtaining health insurance mandated under the ACA, the institutions requested assistance from the New Hampshire Insurance Department. The majority of the committee felt that this helped lower overall college costs and provided more than adequate health coverage at a reasonable cost to people who attend these institutions. Vote 26-0.

SB 384, relative to the feeding of wild deer. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jonathan Manley for Fish and Game and Marine Resources. This bill, as amended, allows the Department of Fish and Game to provide critical educational materials to businesses and establishments that sell wild animal feed regarding the dangers to deer health if they are fed certain foods at certain times of the year. The businesses and establishments may then pass the information along to their customers. The amendment removes from the bill the prohibition on feeding deer foods that are determined by the department to be detrimental to their health and the requirement that feed for wild deer be labeled "Feeding wild deer could be harmful or fatal to their health." The amendment also makes the distribution of the educational materials by the department to businesses and establishments optional, as well as the subsequent passing of the information along to customers. Vote 15-0.

Amendment (1522h)

Amend RSA 208:8-b as inserted by section 1 of the bill by replacing it with the following:

208:8-b Feeding of Wild Deer. The fish and game department may provide informational materials concerning the harmful or fatal feeding of wild deer to businesses and establishments in this state which sell or offer for sale wild animal feed. Any such business or establishment may provide the informational materials to persons purchasing wild animal feed.

2016-1522h
AMENDED ANALYSIS

The bill authorizes the fish and game department to distribute informational materials on the feeding of wild deer.

SB 127-FN, relative to the appointment of special Medicaid representatives. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Schmidt for Health, Human Services and Elderly Affairs. The purpose of this bill is to expedite the filing of an application for Medicaid in those cases where the resident or patient of a nursing home or hospital has not paid for his or her care and not filed an application for Medicaid. In most cases, the resident or patient lacks the ability to independently process an application for Medicaid and their family member or attorney has failed to assist in the process. The result is that the cost of care may be substantial to those institutions where delays in filing present a severe financial impact on those institutions rendering patient services. The original bill was substantially modified in subcommittee to address issues including: approval by the Centers for Medicare and Medicaid services; patient notification; appointment of counsel for the patient; compensation limits for the special Medicaid representative; waiting periods; clarification of confidentiality provisions; and confidentiality of the completed Medicaid application. The majority of the committee was convinced that passage of this legislation will be protective of patient rights while at the same time providing nursing home and hospitals with a useful tool to speed up the process of filing Medicaid applications to the financial benefit of the institutions rendering patient services. Vote 17-2.

Amendment (1367h)

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

1 New Chapter; Special Medicaid Representatives. Amend RSA by inserting after chapter 151-H the following new chapter:

CHAPTER 151-I
SPECIAL MEDICAID REPRESENTATIVES

151-I:1 Definitions. In this section:

I. "Care facility" means a long-term care facility licensed pursuant to He-P 803, 804, or 805 or "health care facility," "hospital," or "rehabilitation facility," as defined in RSA 151-C:2, XV-a, XX, and XXXIII.

II. "Commissioner" means the commissioner of the department of health and human services.

III. "Court" means the circuit court probate division.

IV. "Department" means the department of health and human services.

V. "Medicaid applicant" means the person and his or her agent, who applies for Medicaid benefits in accordance with a request made pursuant to RSA 151-I:2.

VI. "Person" means the patient or resident of a care facility from whom a completed Medicaid application is sought or for whom a special Medicaid representative is requested for the purpose of submitting a Medicaid application.

VII. "Special medicaid representative" means an individual or entity appointed by the court to collect the information necessary and to complete and process an application for Medicaid with the department of health and human services.

151-I:2 Special Medicaid Representatives.

I. If a person in a care facility has not paid the costs of care as they become due through personal funds, Medicare, private health or long-term care insurance, the Affordable Care Act, or other third party arrangement, and the care facility in good faith believes that the person may be eligible for Medicaid benefits:

(a) The care facility may send out a written request signed by the duly-authorized representative of the care facility. The request shall be sent to the person, the person's spouse, and any of the person's known agents including without limitation guardians, conservators, agents under powers of attorney, or any contractually responsible family members, by certified mail, return receipt requested, to their last known address. The written request shall inform the person that the care facility reasonably believes the person is eligible for Medicaid and inform the person on how to file a Medicaid application with the department. The written request shall also notify the person that if the person chooses not to file a Medicaid application the facility may petition the court for the appointment of a special Medicaid representative pursuant to this chapter.

(b) If the person or one of the person's agents files a Medicaid application, the application shall be in a form sufficient to be accepted to begin processing by the department and Medicaid eligibility shall be determined consistent with RSA 151-E:3 and RSA 167:4. A contemporaneous notice and copy of the application shall be provided by the person to the care facility, the person's spouse, and any of the person's known agents, by certified mail, return receipt requested; provided however that the Medicaid applicant may omit the copy of the Medicaid application in the notice to the care facility.

(c) If the person or the person's agents file the Medicaid application, the care facility may also request that they cooperate with the care facility in executing authorizations in favor of the care facility including,

but not limited to, authorizing the care facility to communicate with the department regarding the Medicaid application, and otherwise cooperate in obtaining any additional financial and asset information required by the department to complete and process the Medicaid application such that it is sufficiently complete for the department to make an eligibility determination; provided, however, that the care facility shall minimize to the extent possible the number of authorized employees who work on the application or have access to the person's financial and asset information. To the extent that the person and the person's agents cooperate and execute such authorizations and the care facility receives such information, the employees of the facility shall have a duty to preserve the confidentiality of the information, except to the extent necessary for the processing of the Medicaid application. The department shall promptly respond to any inquiries by the person, the person's legal agent, or care facility as to the status of the Medicaid application. Notwithstanding any other provision of this chapter, any refusal of the person or the person's agents to execute authorizations in favor of a care facility shall be subject to the right of the facility to petition the court for the appointment of a special Medicaid representative for noncooperation as stated in subparagraph (d).

(d) The care facility may petition the court for the appointment of a special Medicaid representative:

(1) If the care facility does not, upon the care facility's inquiry, receive confirmation from the department of the filing of a Medicaid application within 5 business days of the care facility's inquiry in accordance with subparagraph (b); or

(2) If the care facility does not, upon the care facility's inquiry, receive confirmation from the department within 15 business days of the care facility's inquiry that the Medicaid application has been completed and is waiting for an eligibility determination consistent with RSA 151-E:3 and RSA 167:4.

(e) For the purposes of this chapter only, if the otherwise eligible Medicaid applicant or care facility has attempted in good faith to obtain financial and asset information but is being prevented from providing this information because of a third party, then the department shall not deny the Medicaid application for failure to provide this information, if the Medicaid applicant or care facility provides documentation that they have made good faith efforts, but have failed to obtain such information by:

(1) Sending 2 written requests to the third party demanding the requested information; and

(2) If such requests are unsuccessful, filing a motion to compel or a petition for discovery in a court of competent jurisdiction to order the third party to provide the requested information.

(f) In those instances where the Medicaid applicant or an authorized care facility seeks financial or asset information from an individual or entity, the individual or entity shall respond and produce the requested information to the extent that the individual or entity is in possession of such information no later than 30 days after receipt of the request, unless the individual or entity can show good cause in writing to the Medicaid applicant or care facility why more time is required or why it should not have to produce some or all of the information.

(g) Individuals or entities responding to a request for information from a Medicaid applicant or an authorized facility pursuant to this section shall only be permitted to charge reasonable costs of responding, including no more than \$.25 per page for copying. If an individual or entity fails to respond within 30 days, then it shall forfeit any right to reimbursement for responding or copying or related costs.

(h) When the Medicaid applicant or the authorized care facility believe that the Medicaid application is ready for an eligibility determination and so notify the department, the department shall state with specificity the information that still needs to be provided, or else act on the application within 90 days and eligibility determinations shall be made consistent with RSA 151-E:3 and RSA 167:4.

II.(a) Except in those instances where the court has already commenced a guardianship of the estate or the person or conservatorship as described under subparagraph (c), when the Medicaid applicant and, where applicable and required, the person's spouse, fails to cooperate in the Medicaid application process, the care facility may petition the court for the appointment of a special Medicaid representative for the limited purpose of applying for Medicaid for the person. The petition shall include the names and addresses of any current agents under any power of attorney over the person or the person's finances and assets, as known to the care facility and shall also include the following information:

(1) The name, address, corporate or agency status of the petitioning care facility and its connection with or relationship to the person.

(2) The name, age, and address of the person.

(3) The names and addresses of adult spouses, parents, children and siblings of the person, so far as they are known to the care facility.

(4) The name, address, occupation and relationship to the person, if any, of the proposed special Medicaid representative.

(5) The name and address of counsel, if any, for the person.

(b) The care facility shall file a statement with the petition containing facts demonstrating the need for the appointment of a special Medicaid representative which shall include an affidavit of a duly-authorized representative of the care facility demonstrating the basis for its belief that a Medicaid application is neces-

sary, and that the written request has been provided to the person or any agents of the person, and that neither the person nor any of the person's agents have filed a Medicaid application with the department that meets the requirements of subparagraph I(b) or that the person or the person's agents have otherwise failed to cooperate as stated above in paragraph I(c) and (d).

(c) If the court has already commenced a guardianship of the estate or the person or a conservatorship, the care facility shall petition the court in that proceeding for relief compelling the guardian or conservator to submit and complete the Medicaid application.

III. A special Medicaid representative shall have the authority to request and receive from any individuals or entities, including any government entities and financial institutions, and to compile and report in the form of a Medicaid application, all information required by the department to determine the person's eligibility for Medicaid, and shall have the duty to expeditiously submit, complete, and prosecute such application. The Medicaid applicant and the care facility shall have a duty to cooperate with the special Medicaid representative. Any individual or entity receiving a request from such special Medicaid representative shall comply with the request no later than 30 days after receipt of such request to the extent that the individual or entity is in possession of such information, unless the individual or entity can show good cause in writing why more time is required or why it should not have to produce some or all of the information. If the individual or entity fails to comply with the request for information, the special Medicaid representative may notify the court of that failure with notice to the individual or entity by certified mail, return receipt requested, and the court may issue such orders as appropriate for the failure to respond. The special Medicaid representative shall provide contemporaneous notice to the person, the person's spouse, and the person's agents of any such request for information, by certified mail, return receipt requested.

IV.(a) Within 10 days of the filing of the petition, the court shall issue orders of notice to the person, the person's spouse, and any of the person's known agents as provided to the court which shall contain:

(1) The date, time, and place set for the hearing on the petition, which hearing shall take place no later than 40 days from the filing of the petition.

(2) The deadline by which any interested parties shall file an objection to the petition.

(3) Information regarding the purpose of the appointment of a special Medicaid representative.

(4) Information regarding the rights of the person or the person's agents in the proceedings such as the right to oppose the proceeding, to attend the hearing, and to present evidence.

(5) Notice that, if the petition is granted, the person may be liable for the fees and expenses of the special Medicaid representative as allowed by the court.

(b) Orders of notice of the hearing shall include a copy of the petition and shall issue by first class mail to the:

(1) Person, the person's counsel, if any, the person's spouse, and the person's agents whose names and addresses appear on the petition;

(2) Proposed special Medicaid representative; and

(3) Care facility.

(c) At the hearing on the petition, the care facility shall have the burden of proving by a preponderance of the evidence that the Medicaid application is necessary, that the care facility has requested that the person or the person's agents submit and complete a Medicaid application to the department, and that no Medicaid application has been submitted to the department for the person or that, where an application was submitted, the person, the person's spouse, or the person's agents have failed to cooperate or diligently prosecute the application. If the care facility meets its burden of proof, the court shall enter an order granting the petition and expressly and specifically memorializing the authority of the special Medicaid representative to request and receive from any entity or individual any and all information about the finances and assets of the person and the person's spouse, if applicable, required by the department to determine the person's eligibility for Medicaid consistent with RSA 151-E:3 and RSA 167:4 and authorizing the care facility to have access to the information obtained by the special Medicaid representative. The order granting the petition shall not be stayed pending appeal except where expressly ordered by the court upon good cause shown. The special Medicaid representative shall not be an employee of the care facility provided however that this provision shall not bar the voluntary payment in whole or in part of any fees of the special Medicaid representative by a care facility pursuant to subparagraph V(c).

(d) Objections, if any, to the petition shall be filed by the deadline scheduled by the court which shall in any event be no later than 5 days before the hearing date and shall describe with specificity the objection and the grounds for the objection; provided, however, that no such objection shall be sustained unless the objector can show by a preponderance of the evidence that:

(1) A full and complete Medicaid application has been submitted to the department by the person or the person's agents;

(2) Since the filing of the petition the person has paid the previously outstanding balance and the person has the financial capability to pay the estimated costs of care of the person at the care facility for a minimum of 6 months from the date of the hearing;

(3) The person has adequate insurance or other third-party coverage to pay the care facility's costs of care;

(4) The filing of the Medicaid application is not in the best interest of the person; or

(5) The person is not eligible for Medicaid.

(e) Unless the person is represented by private counsel or makes a knowing, voluntary, and intelligent waiver, the court shall appoint counsel, the fees and costs for which shall be paid from the estate of the person or, upon a finding that the person is indigent, from the care facility; provided, however, that such fees and costs are reasonable and approved by the court and further provided that in no event shall the fees and costs of such counsel exceed \$900 in the aggregate. The said fees and costs may also be paid by the care facility by agreement.

V.(a) The special Medicaid representative shall file an annual status report with the court on the anniversary of the appointment of the special Medicaid representative, and shall file a final status report with any motion to terminate the authority of the special Medicaid representative. The authority of the special Medicaid representative shall terminate upon motion and order of the court following the final approval or denial by the department of the Medicaid application after a full eligibility determination as to the person including the resolution of all appeals. The court may require a bond from the special Medicaid representative in such sum as it deems appropriate. In the discretion of the court, a bond without sureties may be given.

(b) Information obtained pursuant to this chapter shall not be used for any purpose other than obtaining Medicaid coverage for the person and all such information shall otherwise remain confidential except as to the special Medicaid representative. The court may enter such orders as it deems appropriate upon proof by a preponderance of the evidence of a violation of the duty of confidentiality described in this subparagraph.

(c) The court, in its discretion, may award the special Medicaid representative reasonable compensation in an amount not to exceed \$500 for his or her services, including, but not limited to, expenses, legal fees, and other costs to be paid from the assets of the person as determined by the court as allowed by law; however, no Medicaid funds shall be used to pay for the special Medicaid representative's compensation and no general funds shall be used to pay for the special Medicaid representative's compensation unless the general court appropriates funds specifically for such a purpose. Said compensation for services, expenses, legal fees, and other costs of the special Medicaid representative may also be paid by agreement with any other interested party.

(d) Nothing contained in this chapter shall diminish any other rights of a care facility.

2 Applicability. The implementation of RSA 151-I as inserted by section 1 of this act shall be subject to written approval by the Centers for Medicare and Medicaid Services. If required, the commissioner of the department of health and human services shall develop and prepare amendments to the state Medicaid plan for submission and approval to the Centers for Medicare and Medicaid Services (CMS). The commissioner shall seek and have in place approval from the CMS by December 31, 2016. The commissioner shall certify the date of approval to the secretary of state and the director of legislative services.

3 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2017.

SB 361, banning the sale of premixed synthetic urine. OUGHT TO PASS WITH AMENDMENT.

Rep. Joanne Ward for Health, Human Services and Elderly Affairs. This bill seeks to ban the sale of synthetic urine. The sole purpose of synthetic urine is to defraud a drug or alcohol screening test. This committee unanimously believes that there is no legitimate use of the product and that it should be illegal. Vote 19-0.

Amendment (1382h)

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

AN ACT banning the sale and possession of synthetic urine and urine additives.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Sale of Synthetic Drugs; Synthetic Urine and Urine Additives. Amend RSA 359-O by inserting after section 7 the following new subdivision:

Synthetic Urine and Urine Additives

359-O:8 Sale or Possession of Synthetic Urine and Urine Additives Prohibited.

I. No person or business shall:

(a) Manufacture, sell, distribute, market, or possess synthetic urine or urine additives.

(b) Attempt to defeat a drug or alcohol screening test by using synthetic urine or urine additives.

II. In this section, "drug or alcohol screening test" means an analysis of a sample of bodily fluid collected from a person for the purpose of detecting the presence of alcohol or drugs in the bodily fluid of the person.

III. Any person or business who violates this subdivision shall be subject to the penalty in RSA 359-O:5, I.

2016-1382h
AMENDED ANALYSIS

This bill prohibits the manufacture, sale, and possession of synthetic urine or urine additives to defeat a drug or alcohol screening test.

SB 419-FN, relative to requests by law enforcement officials under the law governing the therapeutic use of cannabis. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill makes a number of changes requested by the Department of Health and Human Services to improve implementation of our therapeutic cannabis laws. This bill removes barriers for citizens to access the program by allowing border state medical providers to certify NH qualifying patients for the program. It allows certain residential facilities licensed under RSA 151 to possess cannabis on behalf of their residents under certain conditions. An exemption to RSA 91-A keeps law enforcement requests of the cannabis registry confidential. It creates administrative efficiencies in the criminal record check process. Vote 16-0.

Amendment (1339h)

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

AN ACT relative to certain changes in the law governing the therapeutic use of cannabis.

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

1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Facility caregiver" means a residential care facility, nursing home, hospital or hospice house licensed under RSA 151 which has agreed to allow one or more qualifying patients who are residents or patients of the facility to utilize therapeutic cannabis obtained by the resident or the resident's designated caregiver from an alternative treatment center, and which has agreed to assist such residents in the therapeutic use of their cannabis in accordance with a policy developed by the facility, and in accordance with rules adopted by the commissioner of health and human services pursuant to RSA 541-A.

2 Use of Cannabis for Therapeutic Purposes; Definitions. RSA 126-X:1, VII(a) is repealed and reenacted to read as follows:

(a) "Provider" means:

(1) A physician licensed to prescribe drugs to humans under RSA 329 and who possesses an active registration from the United States Drug Enforcement Administration to prescribe controlled substances;

(2) An advanced practice registered nurse licensed pursuant to RSA 326-B:18 and who possesses an active registration from the United States Drug Enforcement Administration to prescribe controlled substances; or

(3) A physician or advanced practice registered nurse licensed to prescribe drugs to humans under the relevant state licensing laws in Maine, Massachusetts, or Vermont and who possesses an active registration from the United States Drug Enforcement Administration to prescribe controlled substances and who is primarily responsible for the patient's care related to his or her qualifying medical condition.

3 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, VII(b) to read as follows:

(b) For a visiting qualifying patient, "provider" means an individual licensed to prescribe drugs to humans in the state of the patient's residence and who possesses ~~certification~~ **an active registration** from the United States Drug Enforcement Administration to prescribe controlled substances. Such visiting patient shall not be eligible to purchase or transfer cannabis from an eligible New Hampshire patient.

4 New Paragraph; Use of Cannabis for Therapeutic Purposes; Therapeutic Use of Cannabis Protections. Amend RSA 126-X:2 by inserting after paragraph XV the following new paragraph:

XVI. A facility caregiver and those employees designated by the facility to assist qualifying patients, shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or search, for acting pursuant to this chapter and department rules to possess cannabis on the premises of the facility for the purpose of assisting a qualifying patient who is a resident or patient of the facility in the therapeutic use of the qualifying patient's cannabis.

5 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the Therapeutic Use of Cannabis. Amend RSA 126-X:3, III(c) to read as follows:

(c) Any accommodation of the therapeutic use of cannabis on the property or premises of any place of employment or on the property or premises of any **residential care facility, nursing home, hospital or hospice house**, jail, correctional facility, or other type of penal institution where prisoners reside or persons under arrest are detained. This chapter shall in no way limit an employer's ability to discipline an employee for ingesting cannabis in the workplace or for working while under the influence of cannabis.

6 New Paragraph; Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the Therapeutic Use of Cannabis. Amend RSA 126-X:3 by inserting after paragraph VII the following new paragraph:

VIII. A facility caregiver shall treat cannabis in a manner similar to medications with respect to its storage, security, and administration when assisting qualifying patients with the therapeutic use of cannabis.

7 Use of Cannabis for Therapeutic Purposes; Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, II-a to read as follows:

II-a. In addition to the information required pursuant to paragraph II, the department shall also receive ~~[results of a criminal history records check]~~ **notification of any felony convictions** from the division of state police. A person applying to be a designated caregiver shall submit directly to the department of safety a notarized criminal history records release form, as provided by the New Hampshire division of state police, authorizing the release of ~~[his or her criminal history record, if any,]~~ **any felony convictions** to the department. The applicant shall submit with the release form a complete set of electronic fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid for whatever reason, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances **showing no felony convictions** from every city, town, or county where the person has lived during the past 5 years. The division of state police shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall ~~[submit a copy of the criminal history records]~~ **report** to the department **whether or not there are any felony convictions**. The department shall maintain the confidentiality of ~~[aH]~~ criminal history ~~[records]~~ **record** information received pursuant to this section. The applicant shall bear the cost of a criminal history records check.

8 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, VII(b) to read as follows:

(b) The department shall track the number of qualifying patients certified by each provider and registered with the department. ~~[Any concerns regarding provider conduct shall be referred to the New Hampshire board of medicine or the New Hampshire board of nursing.]~~

(c) Any concerns regarding provider conduct shall be referred to the New Hampshire board of medicine, the New Hampshire board of nursing, or the appropriate regulatory entity in Maine, Massachusetts, or Vermont. The New Hampshire board of medicine, the New Hampshire board of nursing, or the appropriate regulatory entity in Maine, Massachusetts, or Vermont may direct the department to prohibit a provider's participation in New Hampshire's therapeutic cannabis program if the regulatory entity takes disciplinary action against a provider regarding the provider's involvement in the therapeutic cannabis program in New Hampshire or in his or her respective state.

9 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, IX(c) to read as follows:

(c) When a qualifying patient or a designated caregiver notifies the department of any change to a name~~[-]~~ or address, ~~[or alternative treatment center,]~~ the department shall issue the qualifying patient or designated caregiver a new registry identification card with a new random 10-digit identification number within 20 days of receiving the updated information.

10 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, XI(b)(4) to read as follows:

(4) Requests by law enforcement officials under this section to the department pursuant to a sworn affidavit, search warrant, or court order, regardless of whether or not the name or address was found in the registry, shall be confidential under this chapter and exempt from disclosure under RSA 91-A. Aggregate data relative to such requests may be made public if it does not contain any identifying information regarding the specific law enforcement request.

(5) Counsel for the department may notify law enforcement officials about falsified or fraudulent information submitted to the department where counsel has made a legal determination that there is probable cause to believe the information is false or falsified.

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

2016-1339h

AMENDED ANALYSIS

This bill clarifies the providers who are qualified to prescribe cannabis for therapeutic purposes. This bill authorizes certain facilities licensed under RSA 151 to assist qualifying patients in the therapeutic use of their cannabis. This bill also clarifies the confidentiality for requests by law enforcement officials for information under the use of cannabis for therapeutic purposes law.

SB 430, establishing a commission to study long-term peer-to-peer recovery services in New Hampshire. INEXPEDIENT TO LEGISLATE.

Rep. John Fothergill for Health, Human Services and Elderly Affairs. While the committee sees peer-to-peer recovery services as a vital link in the treatment of opioid addiction, it felt this commission would duplicate

work done by another commission. Considerable work in this area has already been done with extensive input from stakeholders. Another commission may create confusion and delay the release of funds to support these much needed services. Vote 17-0.

SB 439, establishing a commission to study the shortage of nurses and other skilled health care workers for home health care services and post-acute care services. **OUGHT TO PASS.**

Rep. Thomas Sherman for Health, Human Services and Elderly Affairs. The committee heard compelling testimony on the shortage of nurses and other skilled health care workers for home health and post-acute care services underscoring the need for this commission which would be changed with the task of in-depth investigation of the problem and developing comprehensive proposals for its remediation. Vote 17-0.

SB 477-FN, relative to nonemergency involuntary admissions. **OUGHT TO PASS.**

Rep. James MacKay for Health, Human Services and Elderly Affairs. This legislation does not change the complex laws for involuntary admission to New Hampshire Hospital, or other designated receiving facilities (DRFs). This bill requires notification when a petition for non emergency has been filed and when a court has made a decision regarding the petition. It also requires that New Hampshire Hospital and DRFs be apprised of the decision at the earliest practical time which allows for planning for a pending admission. Vote 16-0.

SB 487, relative to missing vulnerable adults. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. As amended, the bill establishes a process to activate statewide alerts through designated media outlets when a vulnerable adult is reported missing. Conditions which could trigger the alert include mental or cognitive disability, intellectual or developmental disability, brain injury, or other physical, mental or emotional disability which requires immediate action in order to locate the missing adult and ensure his or her safety. The bill includes reporting guidelines for a broad definition of caregivers, and sets out procedures for law enforcement agencies to follow whenever issuing the alert. The bill also shortens the time period for filing a report on a missing adult without vulnerabilities from 72 hours to 48 hours. Vote 16-0.

Amendment (1301h)

Amend the bill by replacing section 1 with the following:

1 Chapter Heading. Amend the chapter heading of RSA 106-J to read as follows:

CHAPTER 106-J

**MISSING [~~ADULTS, PERSONS WITH DEVELOPMENTAL DISABILITIES,~~
~~AND SENIOR CITIZENS~~]**

ADULT PROGRAM AND MISSING VULNERABLE ADULT ALERT PROGRAM

Amend RSA 106-J:3, III as inserted by section 5 of the bill by replacing it with the following:

III. "Missing vulnerable adult" includes, but is not limited to, a missing adult who:

- (a)(1) Is 18 years or older;
- (2) Whose whereabouts are unknown;
- (3) Whose last known whereabouts at the time he or she is reported missing is in New Hampshire; and
- (4) Whose disappearance poses a credible threat to the safety and health of the person, as determined by a local law enforcement agency; and
- (b)(1) Who has a mental or cognitive disability, such as dementia;
- (2) Who has an intellectual or developmental disability;
- (3) Who has a brain injury; or
- (4) Who has another physical, mental, or emotional disability.

Amend RSA 106-J:4, II and III as inserted by section 5 of the bill by replacing it with the following:

II. When a local law enforcement agency receives notice that a vulnerable adult is missing, the agency shall require the vulnerable adult's family or legal guardian to provide information relative to the vulnerable adult's impaired mental condition, intellectual or developmental disability, brain injury, or other physical, mental, or emotional disability. Once the local law enforcement agency is provided a statement from the vulnerable adult's caregiver that the vulnerable adult is missing and has an impairment, the local law enforcement agency shall notify the department.

III. When notified by a local law enforcement agency of a missing vulnerable adult, the department shall issue an immediate alert. The alert shall be sent to designated media outlets in New Hampshire. Participating radio stations, television stations, and other media outlets may issue the alert at designated intervals. The alert shall include all appropriate information from the local law enforcement agency that may assist in the safe recovery of the missing vulnerable adult and a statement instructing anyone with information related to the missing vulnerable adult to contact his or her local law enforcement agency.

Amend RSA 106-J:5, II as inserted by section 5 of the bill by replacing it with the following:

II. Transparency and communication with the existing Medic Alert + Safe Return program or a similar program, including a mechanism to enroll individuals who are involved in wandering incidents in Medic Alert + Safe Return on the department's website.

SB 512, relative to health care associated infections. **OUGHT TO PASS.**

Rep. Thomas Sherman for Health, Human Services and Elderly Affairs. This bill makes certain changes to the law governing the reporting of health care associated infections. The need for this bill was clarified by the testimony and the deliberation of the SB 56 commission on oversight, regulation, and reporting of patient safety and infectious disease prevention and control issues in health care settings (Chapter 147, Laws of 2015). The bill closes the gaps on reporting of outbreaks at dialysis centers and residential care facilities. Vote 19-0.

SB 530-FN, establishing a commission to study volunteer health care services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kendall Snow for Health, Human Services and Elderly Affairs. This bill will establish a commission to study whether New Hampshire should create a program to allow medical professionals and licensed health care facilities to enter into contracts with the NH Department of Health and Human Services, or a governmental contractor to provide volunteer health care services to eligible low income persons and consider whether such services should be protected by immunity. Vote 16-1.

Amendment (1182h)

Amend RSA 126-A:70, II(a) as inserted by section 1 of the bill by inserting after subparagraph (8) the following new subparagraphs:

- (9) A representative of the New Hampshire Hospital Association, appointed by the association.
- (10) The attorney general, or designee.
- (11) A social worker, appointed by the board of mental health practice.
- (12) A pharmacist, appointed by the pharmacy board.

Amend RSA 126-A:70, IV as inserted by section 1 of the bill by replacing it with the following:

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

SB 541, establishing a commission to study provider rates. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald LeBrun for Health, Human Services and Elderly Affairs. There appears to be no practical need for the bill as it only addresses a few issues and there was limited support given in public hearing testimony. Vote 16-1.

SB 553, relative to implementation of the Medicaid managed care program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald LeBrun for Health, Human Services and Elderly Affairs. This bill as amended provides for guidelines that need to be met prior to implementation of Phase 2 of the Medicaid Managed Care Program. All reports submitted shall be in accordance with RSA 91-A (Right-to-Know law). Each plan prepared by the Health and Human Services department under section 2 of this bill shall be subject to notice and public comment for 60 days as well as a public hearing. Vote 17-0.

Amendment (1745h)

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

1 Medicaid Managed Care Program; Implementation. Notwithstanding any other provision of law to the contrary, the remaining unimplemented phases of the Medicaid managed care program, established in RSA 126-A:5, XIX, specifically nursing services; services provided under the choices for independence waiver; and services provided under the developmental disability, acquired brain disorder and in-home support waivers issued by the Centers for Medicare and Medicaid Services (CMS) under 42 USC section 1915(c), shall not be implemented until after:

I. The department of health and human services has prepared and adopted a comprehensive plan for the services to be incorporated into managed care.

II. The department has obtained approval by CMS of any waivers and state plan amendments necessary for the incorporation of such services into managed care.

III. The plan has been presented to the fiscal committee of the general court, the oversight committee on health and human services, established in RSA 126-A:13, and the county-state finance commission, established in RSA 28-B:1.

IV. The department has presented a report by the department's actuary on the per member/per month cost of providing services within managed care under each plan to the general court. The report shall also identify all applicable rate cell information and include medical loss ratio information on managed care organization performance in the New Hampshire Medicaid care management program. The report shall be subject to the provisions of RSA 91-A.

V. The governor and executive council have approved any contract or contract amendment for the implementation of such services into managed care.

2 Development of Plan. The department of health and human services shall develop the plan for the incorporation of nursing and waiver services into managed care, as follows:

I. No later than 30 days after the effective date of this section, the department shall convene a working group consisting, at a minimum, of representatives of the following stakeholders: each managed care plan under contract with the state, the New Hampshire Association of Counties, the New Hampshire Health Care Association, Community Support Network, Inc., Granite State Independent Living, the Brain Injury Association of New Hampshire, Granite State Home Health Association, a member of the house of representatives appointed by the speaker of the house of representatives, a member of the senate appointed by the senate president, an independent case management organization industry representative, a member of the governor's commission on managed care designated by the commission, and a member of the medical care advisory committee designated by the committee.

II. The working group shall be convened by the commissioner of health and human services and shall be subject to RSA 91-A. The department, in consultation with the working group, shall prepare a plan for the implementation of nursing and waiver services into managed care. Each plan shall include, at a minimum, a detailed description of the following: eligibility and enrollment, covered services, transition planning, prior authorization, transportation, pharmacy, case management, network adequacy, credentialing, quality metrics and outcome measurements, patient safety, utilization management, finance and reimbursement, rates and payment, grievance and appeals, and office of ombudsman. Each plan shall also address how the incorporation of the services into managed care shall achieve the legislative intent of providing value, quality, efficiency, innovation, and savings.

III. The plans for implementation of nursing and home care services provided under the choices for independence waiver into managed care shall be prepared prior to the plan for any other waiver services. The preparation of any plan by the working group for the incorporation of services provided under the developmental disability, acquired brain syndrome, and in-home supports waivers shall commence only after the completion of implementation of nursing and home care services under the choices for independence waiver into managed care.

3 Hearing; Public Comment. Each plan prepared by the department under section 2 of this act shall be subject to notice and public comment for 60 days and a public hearing.

4 Reports.

I. The department of health and human services shall present an update on the status of the plan preparation each month to the fiscal committee of the general court and the oversight committee on health and human services until the plan has been implemented. The department's updates shall also include managed care organization and department readiness for implementation.

II. No later than August 1, 2016, the department shall submit to the speaker of the house of representatives, the president of the senate, and the county-state finance commission, all proposed changes to state law the department believes may be necessary for the incorporation of nursing and waiver services into managed care.

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

2016-1745h

AMENDED ANALYSIS

This bill establishes procedures for the implementation of phase 2 of the Medicaid managed care plan.

SB 337, establishing a committee to study the immunity of court-appointed special advocates. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Kenison for Judiciary. This bill would study the issue of providing the Court Appointed Special Advocates of New Hampshire and any court-appointed special advocate (CASA) appointed by RSA 169-C with immunity from civil and criminal liability for any act or omission with CASA's activity and authority as a court-appointed special advocate. The committee determined there is no need for a study committee. An improved approach would be to introduce a clean bill regarding CASA immunity in the next session. Vote 15-0.

SB 402, relative to procedures related to the disclosure of exculpatory evidence by police officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Berch for Judiciary. This bill, as amended, sets guidelines and procedures for the production of potentially exculpatory evidence by prosecutors in criminal cases. It clarifies that the prosecutor, who has the legal duty to examine police personnel files for potentially exculpatory evidence, has the ability to access these files, while otherwise maintaining confidentiality. The bill provides for notice to the affected officer when it becomes known that the file contains such material and insures that the police officer has the opportunity to challenge disciplinary findings or administrative actions related to this kind of material. The bill finally mandates that no officer shall be fired solely on the basis that there is potentially exculpatory evidence in his or her personnel file. Vote 19-1.

Amendment (1729h)

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

AN ACT relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file.

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

1 New Subdivision; Police Officers; Disclosure of Exculpatory Evidence; Termination Prohibited. Amend RSA 105 by inserting after section 13-c the following new subdivision:

Disclosure of Exculpatory Evidence

105:13-d Disclosure of Exculpatory Evidence.

I. In this subdivision:

(a) "Exculpatory evidence" means any information required to be disclosed to the defendant in a criminal case under the federal Constitution or the state constitution.

(b) "Personnel file" includes all employment records and any related internal affairs investigations.

II. The prosecutor shall have access to the complete personnel file of any police officer who may be a witness for either party in any criminal case for the purpose of determining the existence of potentially exculpatory evidence. If the prosecutor cannot determine whether such evidence is exculpatory, he or she shall petition the court for an in camera review of the evidence. No prosecutor who reviews a police officer's personnel file shall disclose any information obtained as a result of the review, except as required in this paragraph or to the extent necessary to comply with the federal Constitution or state constitution. The personnel file shall remain confidential unless otherwise provided by law.

III. When the head of a law enforcement agency determines that a police officer's personnel file may contain potentially exculpatory evidence, he or she shall notify the police officer of that determination. The police officer shall have the opportunity to challenge the disciplinary finding or other administrative action resulting from the potentially exculpatory evidence through available contractual, administrative, and legal means. However, the pendency of such challenge shall not prevent the disclosure of the potentially exculpatory evidence in a criminal proceeding in which an officer is a potential witness.

IV. If a county prosecutor, outside of the requirements of a pending criminal case, disseminates or distributes to another person any document or list which contains names of police officers believed to have exculpatory evidence in their personnel files, the county attorney shall notify the attorney general of this fact within 5 business days of the dissemination or distribution. If the prosecutor distributes or disseminates such a list outside the requirements of a criminal case, the attorney general shall develop and implement procedures, which satisfy the due process requirements of the federal Constitution and state constitution, to allow a police officer to seek removal of his or her name from such document or list including but not limited to a declaratory judgment procedure under RSA 491:22. The attorney general shall implement such additional procedures no later than 180 days from the date of distribution by either the county attorney or the attorney general of the document or list.

V. The duty to disclose exculpatory evidence that should have been disclosed prior to trial shall be an ongoing duty that extends beyond a finding of guilt.

105:13-e Termination Prohibited. No police officer shall have his or her employment terminated based solely on a determination that the officer has potentially exculpatory evidence in his or her personnel file which may need to be disclosed to a criminal defendant. Nothing in this section shall prohibit the employing authority from terminating a police officer's employment based on conduct that is the subject of the exculpatory evidence.

2 Repeal. RSA 105:13-b, relative to confidentiality of police personnel files, is repealed.

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

2016-1729h

AMENDED ANALYSIS

This bill requires a determination of whether information in a police officer's personnel file constitutes exculpatory evidence and allows a police officer who has information determined to be exculpatory evidence in his or her personnel file to have an opportunity to challenge the disciplinary finding. This bill also requires the attorney general to develop procedures for a police officer to have his or her name removed from a list of police officers believed to have exculpatory evidence in their personnel files.

SB 449, relative to payment of workers' compensation benefits by direct deposit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas Ley for Labor, Industrial and Rehabilitative Services. This bill solves a problem regarding workers' compensation payments by specifying that the day of such weekly payments be specified in advance by the employer or employer's insurance carrier. By doing so, it permits the individual worker to better plan financially during her or his time on worker's compensation. Vote 18-0.

Amendment (1749h)

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

AN ACT relative to weekly payment of workers' compensation benefits.

Amend RSA 281-A:40 as inserted by section 1 of the bill by replacing it with the following:

281-A:40 Memorandum of Payment. An employer or the employer's insurance carrier shall make payment of compensation in the amount and manner provided by this chapter. ***Weekly payment shall be made on***

or before a day of the week designated in advance by the employer or the employer's insurance carrier at the onset of payment of disability. The employer shall file memoranda of [such] payments with the commissioner in accordance with rules adopted by the commissioner under RSA 281-A:60.

2016-1749h

AMENDED ANALYSIS

This bill requires weekly payment of workers' compensation benefits to be made on or before a day of the week designated in advance by the employer or the employer's insurance carrier at the onset of payment of disability.

SB 418, adding National Guard members to the absentee voting laws and relative to enrollment of laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dianne Schuett for Legislative Administration. This bill includes active service National Guard members in the definition of absent uniformed services voters in the election laws. It also modifies procedures for enrolling bills and resolutions. The committee agreed with the bill as previously amended by the House, with an additional amendment clarifying that the Secretary of State is required to keep bills and resolutions as public records. Vote 6-0.

Amendment (1669h)

Amend the bill by replacing section 2 with the following:

2 Enrollment of Laws. Amend RSA 14:8 to read as follows:

14:8 Enrollment of Laws. All bills and resolutions which have passed both branches of the legislature shall be forwarded to the office of legislative services to be there enrolled and prepared for submission to the governor. After such enrollment the bill or resolution shall be forwarded *by the secretary of state* to the committee on enrolled bills for final approval. ~~[After said final approval the bill or resolution shall be forwarded to the secretary of state. He]~~ *The secretary of state* shall keep such bills and resolutions as public records of the state.

SB 347, enabling the state and municipalities to adopt laws and ordinances regulating attire on state and municipal property. **INEXPEDIENT TO LEGISLATE.**

Rep. Keith Ammon for Municipal and County Government. This bill is enabling legislation to allow towns to adopt laws and ordinances regulating attire on state and municipal property. This provision already exists for cities but was lacking in towns. The committee heard two favorable testimonies and ten unfavorable at the hearing. Based on favorable testimony, the main impetus behind this bill seemed to be to allow towns and the state to ban female toplessness. The fear that the enabling legislation could be used to suppress free speech and restrict personal freedoms, possibly creating restrictions that were gender-specific, prevailed among the committee members. The committee might have considered removing this provision from the statutes for cities if it had not been for the fact that this would be retrospective legislation and would not have been upheld in court when existing ordinances were determined illegal. There has been no widespread evidence of the need for this legislation and the possibility of misuse outweighed the benefits. Also, this bill would have allowed the NH Department of Resources and Economic Development additional rulemaking authority to regulate dress codes in state waters or state parks, forests, or other state recreational areas. Vote 14-1.

SB 348, allowing municipalities to adopt a property tax credit for certain disabled veterans. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin Sterling for Municipal and County Government. This bill continues to expand the provisions for property tax credits for veterans. Current statute allows credits against the tax of a veteran's primary residence depending on time/place served, any loss of limbs and other qualifying conditions which also apply to a surviving spouse. This bill adds another level of credit even though it is enabling legislation and must be approved by the legislative body. One might wonder where it all ends. However, there is a lot of misunderstanding in the wording of this bill and, when the committee heard testimony from the Veterans Administration Hospital as to what the meaning of "totally and permanently disabled" meant and the difference with that provision and "100% disabled" the clouds cleared a bit. Many veterans are determined 100% disabled due to progressive smaller disabilities that add up to 100% but they are not "totally and permanently" disabled. This rating is not easily obtained and may take years to be determined after the VA determines that the veteran has no chance of getting better or back to leading a normal life. The bill, however, did nothing to address the cumulative credits the veteran could benefit from when adding the other provisions currently in statute. Vote 15-1.

SB 438, relative to the aesthetic maintenance of highway intersections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Pierce for Public Works and Highways. This bill, as introduced, sought to allow private entities to aesthetically improve and maintain state highway intersections through creation of RSA 230-84. The bill, as amended, accomplishes the same goal by adding "aesthetic maintenance" to RSA 230-83 thus expanding the scope of what NHDOT allows by sponsorship of private beautification contributions, whether the contribution is limited to just the immediate area of highway intersection or the traditional sponsorship of a length of state highway. Vote 16-0.

Amendment (1589h)

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

AN ACT relative to the aesthetic maintenance of highways.

Amend the bill by replacing section 1 with the following:

1 State Highways; Sponsor-a-Highway Program; Aesthetic Maintenance. Amend the introductory paragraph of RSA 230:83, II to read as follows:

II. May recognize a citizen, group, association, or business that sponsors *and/or provides aesthetic maintenance on* a section of highway by erecting a suitable recognition sign meeting the following criteria:

2016-1589h

AMENDED ANALYSIS

This bill permits the commissioner of the department of transportation to enter into agreements with private entities for the aesthetic maintenance of highways.

SB 549-FN, relative to public-private partnerships for intermodal infrastructure and transportation and establishing the public-private infrastructure oversight commission. **OUGHT TO PASS WITH AMENDMENT.** Rep. Mark McConkey for Public Works and Highways. As amended, this bill is the product of the SB 88 study committee relative to Public Private Partnership (P3) for transportation infrastructure projects and establishes an oversight commission to vet P3 projects prior to being brought to the Commissioner of Transportation. This bill is another tool in the Department of Transportation's toolbox to share resources to finance, design, build, operate and maintain transportation infrastructure projects when limited financial resources are available. This bill as amended preserves legislative oversight. P3 projects must receive approval by the Governor, Council and Capital Budget Overview Committee and all P3 projects shall be approved as part of the state 10-year transportation improvement program in accordance with RSA 240. Vote 16-0.

Amendment (1606h)

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

AN ACT relative to public-private partnerships for transportation infrastructure projects and establishing the public-private infrastructure oversight commission.

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

1 Purpose Statement. Public-private partnerships allow for the sharing of resources to finance, design, build, operate, and maintain transportation infrastructure projects and are especially effective when limited financial resources are available. Such partnerships provide for shared financial responsibilities between the private sector and a public agency. To accomplish that, a clear and succinct law needs to be implemented that considers our infrastructure requirements, delineates responsibilities and commitments, and identifies risks and rewards of both parties. Public-private partnership legislation is designed to address these issues in order to attract the needed investment to sustain and promote growth while maintaining our transportation infrastructure.

2 New Paragraph; Transportation Administration; Powers of Commissioner. Amend RSA 228:21 by inserting after paragraph II the following new paragraph:

III. The commissioner, upon the approval of the governor and council and the capital budget overview committee, may enter into agreements with private entities for design-build-finance-operate-maintain or design-build-operate-maintain services for transportation infrastructure projects under RSA 228:107 through RSA 228:115, provided that such projects shall be approved as part of the state 10-year transportation improvement program in accordance with RSA 240.

3 New Subdivision; Public-Private Partnership Projects. Amend RSA 228 by inserting after section 106 the following new subdivision:

Public-Private Partnership Projects

228:107 Public-Private Partnership Infrastructure Oversight Commission Established. There is established a public-private partnership transportation infrastructure oversight commission to consider and recommend to the commissioner of transportation projects that may be suitable for delivery using design-build-finance-operate-maintain or design-build-operate-maintain services. The commission shall act as an advisory board during the execution of a public-private partnership project, supporting the department in the development of a request for proposals and in the preparation of agreements for public-private partnership projects.

228:108 Membership.

I. The commission established in RSA 228:107 shall have the following members: 2 members who shall reside in different geographic regions of the state, to be appointed by the governor for terms of 2 years; 2 members to be appointed by the president of the senate for terms of 2 years; 2 members to be appointed by the speaker of the house of representatives for terms of 2 years; and one member to be appointed by the state treasurer, who shall not be an employee of the state treasurer, for a term of 2 years. The commissioner, or designee, shall serve as a non-voting member of the commission.

II. Each member of the commission shall be an expert with experience in the fields of transportation law, public policy, public finance, management consulting, transportation, or organizational change; provided that one of the members appointed by the governor shall be an expert in the field of public finance, and one member appointed by the governor shall be an expert in the field of transportation. The governor shall appoint a chairperson from among the members. The members may be eligible for reappointment; however, no member shall serve for more than 3 terms.

III. No person shall be appointed a voting member of the commission who is registered or was registered within the prior one-year period with the secretary of state as a lobbyist under RSA 15; no voting member shall have been a member or employee of the general court or an employee of the executive branch for a period of 6 months prior to his or her appointment; and no member shall have been employed by an organization that has business before the commission, for a period of at least one year prior to his or her appointment.

IV. The commissioner shall call the first meeting within 90 days of the effective date of this section.

V. Members of the commission shall receive mileage at the state employee rate when attending to the duties of the commission.

228:109 Duties.

I. The commission shall:

(a) Establish a general framework for public-private partnership contracts that establishes a process for the submission and evaluation of all such projects and provides a format and forms to enable the bidder to comply with the requirements including terms and conditions.

(b) Provide for the submission of unsolicited proposals, including setting qualification criteria for unsolicited proposals and establishing a process for evaluating unsolicited proposals.

(c) Provide a method and structure for using public advisors for strategic planning, proposal evaluations, and project monitoring and utilize public professionals on a case by case basis.

(d) Perform an analysis to determine whether a project is suitable for a public-private partnership whenever the department notifies the commission of its intent to pursue a public-private partnership contract.

(e) Hold a minimum of 2 publicly noticed hearings per project to establish whether public-private partnership is the appropriate procurement method. Such notice shall be provided at least 14 days prior to the hearing date. The commission shall allow for a 30-day public comment period following the publicly noticed hearing.

(f) Make recommendations to the commissioner, subject to the approval of the governor and council and the capital budget overview committee, concerning the use of public-private partnerships for certain projects.

(g) Upon approval of the governor and council and the capital budget overview committee, the commission shall support the department in the development of a request for proposals.

(h) Provide criteria for qualifications to bid per project, including but not limited to, adequate equipment to perform, financial stability, and proven record on projects of this type.

(i) Assure that any public-private partnership agreement is advanced in accordance with the department's design, permitting, and right of way acquisition process and complies with all federal and state design criteria.

(j) Estimate the costs associated with hiring qualified private and public support personnel to advance and oversee any public-private partnership contract.

(k) Hold a minimum of one publicly noticed hearing per project to solicit public feedback concerning the draft request for proposals. Such notice shall be provided at least 14 days prior to the hearing date. The commission shall allow for a 30-day public comment period following the publicly noticed hearing.

II. Once the commission is satisfied that the request for proposals is complete, governor and council approval shall be obtained before it is released by the department.

228:110 Procedure. Whenever the department notifies the commission that it is contemplating the use of a public-private partnership contract for design-build-finance-operate-maintain or design-build-operate-maintain services, the department shall submit a written request to the commission for its consideration. The commission shall provide an initial written response to the request to consider a public-private partnership contract within 15 days. No request for proposals shall be issued by the department for a public-private agreement for design-build-finance-operate-maintain or design-build-operate-maintain services without the commission's written recommendation and concurrence by governor and council of both the procurement method and content of the request for proposals.

228:111 Commission Report. The commission shall issue the following reports:

I. Within 6 months of the first meeting of the commission a copy of the framework establishing the process for the submission and evaluation of public-private partnership projects shall be provided to the chairpersons of the public works and highways committee, the senate transportation committee and the governor and council. The framework shall include the process for the submission of both solicited and unsolicited proposals and a process for evaluating such proposals. It shall also include how public advisors may be utilized for planning, evaluating, and monitoring of projects.

II. Annually thereafter, a report on the work of the commission shall be provided to the individuals listed in paragraph I, including but not limited to, the number of projects reviewed, the recommendations for such projects and the number of requests for proposals being developed.

228:112 Project Reports.

I. For each request to establish a public-private partnership contract for design-build-finance-operate-maintain or design-build-operate-maintain services, the commission shall report on issues surrounding the project including, but not limited to:

- (a) The impact on current state employees.
- (b) The policy and regulatory structure for overseeing a privately operated transportation facility and ongoing legislative oversight.
- (c) Issues of taxation, profit-sharing, and resolution of new revenue producing ideas.
- (d) Advertising and marketing.
- (e) Use of new technologies.
- (f) Lease terms and termination clauses.
- (g) Additional responsibilities by both the private infrastructure operator and the state during the lease period.
- (h) The financial valuation of the state transportation facility.
- (i) Issues of public concern.
- (j) The anticipated advantages of entering into the anticipated public-private agreement for design-build-finance-operate-maintain or design-build-operate-maintain services.

II. The report shall be delivered within 30 days of the commission's recommendation concerning the use of design-build-finance-operate-maintain or design-build-operate-maintain services to the chairpersons of the public works and highways committee, the senate transportation committee, and the governor and council.

228:113 Contributions from Other States. When a project involves one or more other states, the commissioner may receive and accept capital contributions and funding from such other states and may approve the transfer of support personnel and experts.

228:114 State and Federal Funding. Any public-private partnership projects shall be approved as part of the state 10-year transportation improvement program in accordance with RSA 240.

228:115 Liability Insurance. Any contract for public-private design-build-finance-operate-maintain or design-build-operate-maintain services shall provide for securing and maintaining a liability insurance policy for contractors and engineers in the design phase of a project which shall be limited to 10 percent of the cost of such project. A certificate of liability compliance shall be included in the bid. Any such contract shall require a bond under RSA 447:16 for the design-build and bonds, letters of credit, or other forms of security for the operations and maintenance phases of the project.

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

SB 363, relative to the definition of owner of an OHRV or snowmobile. **OUGHT TO PASS WITH AMENDMENT.** Rep. John Potucek for Resources, Recreation and Development. This bill came to the committee with wording which was confusing to the members. The committee amendment, which replaces the entire bill, authorizes a trust to designate a beneficiary as the person who may register with the state an OHRV or a snowmobile that is held by the trust. Prior to this bill, this particular point was not addressed by existing statute. Vote 16-0.

Amendment (1386h)

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

AN ACT relative to OHRVs and snowmobiles held by a trust.

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

1 New Paragraph; OHRV Held By Trust. Amend RSA 215-A:21 by inserting after paragraph II-c the following new paragraph:

II-d. If an OHRV is held by a trust, the trust may designate a person who is a beneficiary to register the vehicle in the person's name pursuant to this chapter.

2 New Paragraph; Snowmobile Held By A Trust. Amend RSA 215-C:36 by inserting after paragraph IV the following new paragraph:

IV-a. If a snowmobile is held by a trust, the trust may designate a person who is a beneficiary to register the snowmobile in the person's name pursuant to this chapter.

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

2016-1386h

AMENDED ANALYSIS

This bill allows a trust holding an OHRV or snowmobile to designate a person to register the vehicle in his or her name.

SB 383, establishing a commission to study the importance of hiking trails, trail maintenance, and New Hampshire's trail network. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frederick Rice for Resources, Recreation and Development. This bill establishes a commission to study the state's hiking trail network. The amendment adds the requirement to inventory the trail system, to define the role of individual trail maintenance groups in various parts of the state, and to make recommendations on how to improve the trail network. Vote 16-0.

Amendment (1526h)

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

AN ACT establishing a commission to study and recommend improvements to the New Hampshire hiking trails network.

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

1 New Subdivision; Multi-use Statewide Trail System; Commission to Study and Recommend Improvements to the New Hampshire Hiking Trails Network. Amend RSA 216-F by inserting after section 6 the following new subdivision:

Commission to Study and Recommend Improvements
to the New Hampshire Hiking Trails Network

216-F:7 Commission Established; Membership.

I. There is established a commission to study and recommend improvements to the New Hampshire hiking trails network. The members of the commission shall be as follows:

(a) One member of the senate, appointed by the president of the senate.
(b) One member of the house of representatives, appointed by the speaker of the house of representatives.
(c) The director of the department of resources and economic development, division of state parks, or designee.

(d) One representative from the Appalachian Mountain Club, appointed by the club.

(e) One representative from the Wonalancet Outdoor Club, appointed by the club.

(f) One representative from the Dartmouth Outdoor Program/Dartmouth Outing Club, appointed by that organization.

(g) One representative from the Randolph Mountain Club, appointed by the club.

(h) One representative from Trailwrights, appointed by the organization.

(i) One member representing the interests of the White Mountain National Forest, appointed by the administrator of the White Mountain National Forest.

(j) One member from the Cardigan Highlanders Volunteer Trail Crew, appointed by that organization.

(k) One member from the Monadnock-Sunapee Greenway Trail Club, appointed by that organization.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall:

(a) Evaluate and recommend how various groups might work together to maintain and repair New Hampshire's trail network.

(b) Inventory the trail system in New Hampshire and the role of individual trail maintenance groups in various parts of the state.

(c) Create a list of who maintains which trails and which trails are not maintained by any organized group.

(d) Examine the historical management of trails in New Hampshire.

(e) Create strategic recommendations for a more sustainable trail network in New Hampshire.

(f) Examine the cost and volunteer efforts required in maintaining these trails as well as liability protections for trail maintainers.

(g) Solicit the opinions of volunteer trail maintainers.

(h) Study the economic impact of trails in the state of New Hampshire.

(i) Research additional funding sources that could enhance trail maintenance in New Hampshire.

(j) Solicit the advice of educational institutions which may want to be involved in trail maintenance and or trail maintenance research.

(k) Make recommendations for creating a sustainable model for trail management while accommodating the growing use of the trails.

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

V. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2017.

2 Repeal. RSA 216-F:7, relative to the commission to study and recommend improvements to the New Hampshire hiking trails network, is repealed.

2016-1526h

AMENDED ANALYSIS

This bill establishes a commission to study and recommend improvements to the New Hampshire hiking trails network.

SB 333, relative to net energy metering. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for Science, Technology and Energy. This bill mirrored HB 1116 which has already passed the House and been concurred with by the Senate. Therefore, this bill is unnecessary. Vote 14-0.

SB 436, relative to after market automobile parts. **OUGHT TO PASS.**

Rep. Thomas Walsh for Transportation. This bill prohibits an insurer from requiring or specifying aftermarket body parts on any leased vehicle or any new vehicle for up to two years or 30,000 miles. The bill codifies a portion of New Hampshire Department of Insurance bulletin insurance number 99-14-AB into statute for stronger enforceability. The committee felt this change was needed for consumer protection due to the value of vehicles and the lack of definitive information on the safety of some aftermarket parts. The amendment clarifies an insurer's responsibility when requesting aftermarket parts and allows an installer to file a complaint on the consumer's behalf. Vote 13-2.

SB 239-FN, relative to application of the Internal Revenue Code to provisions of the business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick Abrami for Ways and Means. This bill, as amended by the committee, brings New Hampshire business tax codes into alignment with the United States Internal Revenue Code in effect on December 31, 2015. The amendment makes several changes to the bill, including moving the timing and tax year applicability of the update from 2016 to 2017; it expands the number of exceptions to the code's application; and it increases the amount of a capped expense deduction. The amendment also does not allow for an automatic or "rolling" update to federal tax codes without state legislative action. The exceptions to the IRS code's application for NH tax purposes are codes related to Section 168(k), accelerated cost recovery system; Section 199, income attributable to domestic production activities; and Section 181, treatment of certain qualified film and television productions. In addition, Section 179 of the Internal Revenue Code related to expense deductions which are capped at \$500,000 at the federal level will be capped at \$100,000 by New Hampshire. This is an increase from the current \$25,000 level in New Hampshire statute. The sections of the Internal Revenue Codes brought up to date in New Hampshire statute by this bill include Section 108, income from discharge indebtedness; Section 195, start-up expenditures; Section 248, organizational expenditure; Section 709, treatment of organization and syndication fees; Section 179D, energy efficient commercial buildings deduction; Section 48, energy credit; and Section 114, extraterritorial income. To keep up with the Internal Revenue Code changes this bill directs the New Hampshire Commissioner of Revenue Administration to file a report not later than March 31 of each year with the Ways and Means Committees of the NH Senate and NH House of Representatives informing these committees of any changes to the United States Internal Revenue Code, related Treasury regulations, and administrative rulings, which would impact New Hampshire. These bodies would then annually act to determine if those changes should be incorporated into New Hampshire statute. The goal of this legislation is to keep New Hampshire statutes as close to federal statutes where deemed appropriate by the legislature to streamline the tax filing process for New Hampshire businesses. Vote 19-0.

Amendment (1552h)

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

1 New Subparagraph; Business Profits Tax; Definition; United States Internal Revenue Code. Amend RSA 77-A:1, XX by inserting after subparagraph (l) the following new subparagraph:

(m) For all taxable periods beginning on or after January 1, 2017, the United States Internal Revenue Code of 1986 in effect on December 31, 2015, subject to RSA 77-A:3-b.

2 New Section; Business Profits Tax; Adjustments; Internal Revenue Code. Amend RSA 77-A by inserting after section 3-a the following new section:

77-A:3-b Adjustments; Internal Revenue Code Provisions. In determining gross business profits for any period, before net operating loss and special deductions, a business organization shall apply the provisions of the United States Internal Revenue Code consistent with the provisions of this chapter, with the following adjustments:

I. The United States Internal Revenue Code shall be applied without section 168(k) of such code.

II. The United States Internal Revenue Code shall be applied without section 199 of such code.

III. The United States Internal Revenue Code shall be applied without section 181 of such code.

IV. Section 179 of the Internal Revenue Code shall be applied as provided in RSA 77-A:3-a.

3 Applicability. Section 2 of this act shall apply to taxable periods beginning on or after January 1, 2017.

4 Business Profits Tax; Section 179 Expense Deductions. RSA 77-A:3-a is repealed and reenacted to read as follows:

77-A:3-a Expense Deductions. In determining gross business profits before net operating loss and special deductions, a business organization shall calculate expense deductions as permitted under Section 179 of the Internal Revenue Code as provided in RSA 77-A:1, XX, except that for property placed in service on or after January 1, 2017, a business organization shall calculate expense deductions not to exceed \$100,000.

5 New Paragraph; Duties of the Commissioner of Revenue Administration; Report; Internal Revenue Code Changes. Amend RSA 21-J:3 by inserting after paragraph XXXII the following new paragraph:

XXXIII. File a report not later than March 31 of each year with the ways and means committees of the senate and the house of representatives informing the committees of any changes to the United States Internal Revenue Code, related Treasury Regulations, and administrative rulings, which would impact New Hampshire.

6 Repeal. RSA 77-A:1, X(g), relative to a reference to the Internal Revenue Code, is repealed.

7 Effective Date.

I. Section 4 of this act shall take effect January 1, 2017.

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

2016-1552h

AMENDED ANALYSIS

This bill updates the effective version of the United States Internal Revenue Code of 1986 applicable to the business profits tax, subject to certain adjustments. The bill also requires the commissioner of revenue administration to report annually on changes to the Internal Revenue Code.

SB 342-FN, making certain changes to business profits tax provisions affecting a business organization when owners sell or exchange ownership interests in the business. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick Abrami for Ways and Means. This bill corrects a flaw in our tax statutes. NH taxes partnerships, sub-chapter S corporations and LLCs differently than does the federal government and the vast majority of states. The federal government and most states treat all net income or loss from one of these three entities as a pass through on the owner's personal tax returns. Since NH does not have a personal income tax, NH taxes the entity with both the Business Enterprise Tax (BET) and Business Profit Tax (BPT). When the interest in one of these types of organizations is sold for more than the owner's basis, NH imposes BPT on the business organization, for the difference between the sales price and the seller's basis. In return the business organization gets to increase the basis of its assets in an amount equal to the purchase price less the previous owner's basis. This is referred to as a step-up in basis. The Business Tax Commission had identified this situation as a flaw that hurts NH's competitiveness and significantly disadvantages small businesses, especially start-up businesses. This bill fixes this flaw in current statute. The bill approved by and sent over by the Senate eliminated the tax on the business entity. This bill was amended to give the business entity the choice between not paying the tax and therefore not getting the step-up in basis or paying the tax and getting the step-up in basis. This amendment provides the needed flexibility for NH businesses. Vote 15-0.

Amendment (1308h)

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

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

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

1 Sale or Exchange of an Interest in a Business Organization. RSA 77-A:4, XIV is repealed and reenacted to read as follows:

XIV.(a) In the case of a business organization where an ownership interest in the business organization is sold or exchanged and the transaction, for federal income tax purposes results in an increase in the basis of the assets for one or more of the parties to the transaction, the business organization shall:

(1) Add to the gross business profits of the business organization, for each taxable period, an amount equal to the annual depreciation or amortization attributable to the increase in the basis of the assets recognized by the parties to the transaction for federal income tax purposes; and

(2) Calculate the gain or loss on the sale or other disposition of an asset without regard to the basis increase recognized by any party to the transaction for federal income tax purposes, from the sale or exchange of the ownership interest in the business organization.

(b) A business organization may, for a particular sale or exchange, make an irrevocable election on a timely filed return including any extension period, to recognize the basis increase of the assets for one or more of the parties to the transaction for federal income tax purposes. Such business organization for the purposes of the business profits tax shall:

(1) Be required to make an addition to gross business profits of the business organization equal to the net increase in the basis of all assets transferred or sold in the tax period in which the sale or exchange of the ownership interest occurs;

(2) Be allowed a deduction against its gross business profits for annual depreciation or amortization attributable to the increase in the basis of the assets recognized by the parties to the transaction for federal income tax purposes; and

(3) Calculate the gain or loss on the sale or other disposition of an asset with regard to the basis increase recognized by any party to the transaction for federal income tax purposes, from the sale or exchange of the ownership interest in the business organization.

2 Applicability. This act shall take effect for sales or exchanges of interests in business organizations that occur on and after January 1, 2016.

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

2016-1308h

AMENDED ANALYSIS

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

SB 440-FN, repealing the repeal of certain fees in the shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bill Ohm for Ways and Means. Funding for this program is due to expire July 1, 2016. The committee feels the program deserves to be extended for another 3 years, after which the amount in the dedicated fund can be reviewed and the fee can be re-evaluated. The Senate bill eliminated the expiration date while the committee amendment simply changes the expiration date to July 1, 2019. Vote 19-0.

Amendment (1564h)

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

AN ACT extending the date of the repeal of certain fees in the shoreland protection act.

Amend the bill by replacing section 1 with the following:

1 Shoreland Protection Act; Fees; Repeal; Effective Date. Amend 2008, 5:28, II as amended by 2011, 224:408 to read as follows:

II. Section 27 of this act shall take effect July 1, ~~2016~~ **2019**.

2016-1564h

AMENDED ANALYSIS

This bill extends the date of the repeal of certain fees in the shoreland protection act.

SB 494-FN-A, limiting an exemption from the road toll. **OUGHT TO PASS.**

Rep. Robert Nigrello for Ways and Means. The bill eliminates the exemption for federal vehicles from the New Hampshire road toll. The bill maintains the federal military vehicle exemption. The committee agrees that all vehicles using our state roads should contribute to the maintenance of the roads. Vote 19-0.

SB 510-FN, relative to parking at state park parking meters. **OUGHT TO PASS.**

Rep. Patrick Abrami for Ways and Means. The State Park License Plate was enacted in 2010 under RSA 261:75-c for the purpose of benefiting the state park system. Currently the park plate provides access to day use areas, but not for parking at meters. The intent of this bill is to allow for vehicles displaying this type of plate at metered seacoast parking facilities up to 6 hours of continuous free use during the off season when it would not affect overall revenues to the park system. This legislation was reviewed and supported by the State Parks System Advisory Council. This is seen as an incentive to increase plate sales with no impact on metered parking revenue because, unlike the summer season, the parking lots are seldom full during the off season dates prescribed in the bill. The increase in State Park Plate purchases would help support the operation of the entire park system, providing a steady revenue stream especially when revenue is impacted by weather. In addition, this legislation would allow the Division of Parks and Recreation of the Department of Resources and Economic Development to increase the fees at the meters during holidays and weekends. This is consistent with statutory direction under RSA 216-A: 3-g that provides the agency the ability to maximize revenues and to adjust fees according to market conditions as is the common practice in private industry with the approval of the Joint Fiscal Committee. Vote 18-0.

SB 521-FN, relative to an OHRV registration fee for persons who are members of an OHRV club, and requiring a report on registration alternatives for OHRV users who do not use organized trail systems. **OUGHT TO PASS.**

Rep. Mary Cooney for Ways and Means. This bill was passed by the Transportation Committee and came to the Ways and Means Committee for evaluation of the fees. It was developed by a study committee (SB 173 Chapter 34:1, Laws of 2015) to mirror the fees imposed upon snowmobile owners. The purpose is to collect fees in order to fund the maintenance of trails for OHRV (off highway recreation vehicle) use. The effective date for collection is May 1, 2017 with FY 2018 being the first year of revenue impact. This will give the NHOHVA (New Hampshire Off Highway Vehicle Association) enough time to raise funds for the electronic registration system needed to complement the system. As with the snowmobile association, this will allow those who do not wish to join a club to still contribute to trail maintenance. In addition, there is a provision for the Executive Director of the Fish and Game Department, in conjunction with NHOHVA, to look at other issues that may arise, such as one time use for extracting a deer taken during hunting season. A report to the legislature by December 1, 2017 is required. Vote 17-1.

REGULAR CALENDAR**SB 506, clarifying who may adopt. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daniel Itse for the Majority of Children and Family Law. This bill as amended expands the family arrangements which may be created by adoption. First, it recognizes the same sex marriages the legislature created in 2008. Second, it accepts those families who chose not to have a state sanctioned marriage. Third, it accepts family members who are acting to protect minors who have lost their parents. But it maintains the historical position that a child thrives best in intact families. Vote 7-4.

Rep. Martha Hennessey for the Minority of Children and Family Law. As originally written, this bill encouraged broad petitions for adoption while the amendment makes limits based on undefined terms, such as "familial." This bill was designed to encourage petitions for adoption and not to limit.

Majority Amendment (1771h)

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

AN ACT relative to adoption.

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

1 Adoption; Who May Adopt. Amend RSA 170-B:4, I to read as follows:

I. ~~[Husband and wife together]~~ **A married couple.**

2 New Paragraphs; Adoption; Who May Adopt. Amend RSA 170-B:4 by inserting after paragraph VI the following new paragraphs:

V. Two unmarried adults in a familial relationship. In this paragraph, a familial relationship shall be determined by considering all relevant circumstances of the petitioners, including, but not limited to:

(a) The sharing of a common residence.

(b) Economic interdependence, such as jointly owning or renting a home.

(c) A shared commitment to parenting duties and responsibilities.

VI. Any 2 family members.

3 Effective Date. This act shall take effect January 1, 2017.

2016-1771h

AMENDED ANALYSIS

This bill permits a married couple, 2 unmarried adults in a familial relationship, or any 2 family members to adopt.

Rep. Martha Hennessey spoke against.

Rep. Itse spoke in favor.

On a division vote, with 150 members having voted in the affirmative, and 137 in the negative, the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Porter requested a roll call; sufficiently seconded.

YEAS 151 - NAYS 193**YEAS - 151****BELKNAP**

Aldrich, Glen
Gallagher, Brian
Varney, Peter

Dumais, Russell
Hurt, George

Tilton, Franklin
Sylvia, Michael

Flanders, Donald
Fraser, Valerie

CARROLL

Avellani, Lino
McConkey, Mark
Umberger, Karen

Chandler, Gene
Nelson, Bill

Comeau, Ed
Parker, Harold

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Ames, Richard
McConnell, James

Tilton, Benjamin
Sterling, Franklin

Emerson, Susan

Hunt, John

COOS

Fothergill, John

Richardson, Herbert

Holl, John

GRAFTON

Bailey, Brad
Ladd, Rick

Darrow, Stephen

Johnson, Eric

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara

Ammon, Keith
Bouldin, Amanda

Griffin, Barbara
Burt, John

Balcom, John
Christensen, Chris

Coffey, James
Estevez, Eric
Gargas, Carolyn
Hopper, Gary
Kurk, Neal
McLean, Mark
Peterson, Ken
Rouillard, Claire
Simmons, Tammy
Sullivan, Victoria

Danielson, David
Flanagan, Jack
Haefner, Robert
Infantine, William
Ober, Lynne
Murotake, David
Pierce, David
Rowe, Robert
Souza, Kathleen
Wolf, Terry

Donovan, Daniel
Fromuth, Bart
Hansen, Peter
Belanger, James
Lachance, Joseph
Murphy, Keith
Proulx, Mark
Schleien, Eric
Straight, Phillip
Zaricki, Nick

Edwards, Elizabeth
Smith, Gregory
Hinch, Richard
Rice, Kimberly
Martel, Andre
Pellegrino, Anthony
Ober, Russell
Scotsas, Lisa
Takesian, Charlene

McGuire, Dan
Kotowski, Frank

Hoell, J.R.
Kuch, Bill

Horn, Werner
Martin, John

Kidder, David
Seaworth, Brian

MERRIMACK

ROCKINGHAM

Christie, Andrew
Cardon, G. Thomas
Dean-Bailey, Yvonne
Emerick, J. Tracy
Friel, William
Introne, Robert
Katsakiores, Phyllis
Manning, John
Milz, David
Packard, Sherman
Gordon, Richard
Sytek, John
Weyler, Kenneth

Abrami, Patrick
Chirichiello, Brian
DeSimone, Debra
Chase, Francis
Green, Dennis
Itse, Daniel
Kolodziej, Walter
Matthews, Carolyn
Nigrello, Robert
Peckham, Michele
Tilton, Rio
Vose, Michael

Abramson, Max
Cook, Allen
Devine, James
Rice, Frederick
Guthrie, Joseph
Sweeney, Joe
Griffin, Mary
McBeath, Rebecca
O'Connor, John
Potucek, John
Schroadter, Adam
Webb, James

Barnes, Arthur
Thomas, Douglas
Doucette, Fred
Fesh, Robert
Hoelzel, Kathleen
Ward, Joanne
Major, Norman
McMahon, Charles
Osborne, Jason
Prudhomme-O'Brien, Katherine
Sherman, Thomas
Welch, David

Berube, Roger
Gray, James
Pitre, Joseph

Bickford, David
Hannon, Joseph
Whitehouse, Joshua

Cheney, Catherine
Jones, Laura

Graham, Robert
Kaczynski, Thomas

STRAFFORD

SULLIVAN

Schmidt, Andrew
Smith, Steven

Grenier, James

O'Hearne, Andrew

Rollins, Skip

NAYS - 193

BELKNAP

Fields, Dennis

Howard, Raymond

LeBreche, Shari

Spanos, Peter

CARROLL

Buco, Thomas

Butler, Edward

Cordelli, Glenn

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Eaton, Daniel
Parkhurst, Henry
Sad, Tara

Berch, Paul
Roberts, Kris
Pearson, William
Shepardson, Marjorie

Bordenet, John
Ley, Douglas
Phillips, Larry
Weber, Lucy

Chase, Cynthia
Mann, John
Robertson, Timothy

COOS

Froburg, Alethea
Theberge, Robert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

Rideout, Leon

GRAFTON

Abel, Richard
Brown, Duane
Hennessey, Martha
Piper, Wendy
White, Andrew

Almy, Susan
Hennessey, Erin
Maes, Kevin
Smith, Suzanne

Bennett, Travis
Ford, Susan
Massimilla, Linda
Sykes, George

Cooney, Mary
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Roberts, Carol
DiSilvestro, Linda
Freitas, Mary
Gorman, Mary
Harvey, Suzanne
Jack, Martin

Baroody, Benjamin
Cohen, Alan
Edelblut, Frank
Gagne, Larry
Gould, Linda
Heath, Mary
LeBrun, Donald

Boehm, Ralph
Cornell, Patricia
Ferreira, Elizabeth
Gidge, Kenneth
Goulette, William
Herbert, Christopher
Leishman, Peter

Byron, Frank
Cote, David
Forest, Armand
Goley, Jeffrey
Guerette, C. Lee
Hogan, Edith
O'Brien, Michael

Mangipudi, Latha
McNamara, Richard
Brown, Pamela
Christie, Rick
Seidel, Carl
Soucy, Timothy
Ulery, Jordan
Woodbury, David

Manley, Jonathan
Notter, Jeanine
Long, Patrick
Walsh, Robert
Shattuck, Gilman
Stepanek, Stephen
Vann, Ivy

Marston, Dick
O'Neil, William
Palmer, Barry
Rosenwald, Cindy
Shaw, Barbara
Smith, Timothy
O'Brien, William

McClarren, Donald
Ohm, Bill
Porter, Marjorie
Sanborn, Laurie
Snow, Kendall
Twombly, Timothy
Williams, Kermit

MERRIMACK

Turcotte, Alan
Brewster, Michael
Long, Douglas
Gile, Mary
Frazer, June
MacKay, James
Patten, Dick
Schuett, Dianne
Wheeler, Deborah

French, Barbara
McGuire, Carol
Deloge, Helen
French, Harold
Karrick, David
Marple, Richard
Ratzki, Mario
Shurtleff, Stephen

Bartlett, Christy
Rice, Chip
Doherty, David
Henle, Paul
Kenison, Linda
Moffett, Howard
Rogers, Katherine
Walsh, Thomas

Bradley, Paula
Carson, Clyde
Ebel, Karen
Hill, Gregory
Luneau, David
Myler, Mel
Saundersen, George
Wallner, Mary Jane

ROCKINGHAM

Baldasaro, Alfred
Cahill, Michael
Duarte, Joe
Francese, Paula
Heffron, Frank
Lundgren, David
Spillane, James

Bates, David
Cali-Pitts, Jacqueline
Edgar, Michael
Ward, Gerald
Hodgdon, Bruce
Gordon, Pamela
True, Chris

Berrien, Skip
Cushing, Robert
Elliott, Robert
Gannon, William
Kappler, Lawrence
Pantelakos, Laura

Borden, David
DiFranco, Debbie
Ferrante, Beverly
Harris, Jeffrey
Lovejoy, Patricia
Simpson, Alexis

STRAFFORD

Baber, William
Cilley, Jacalyn
Horrigan, Timothy
Turcotte, Leonard
Rollo, Deanna
Treleven, Susan

Beaudoin, Steven
DeLemus, Susan
Ward, Kenneth
Leeman, Don
Southworth, Thomas
Verschueren, James

Bixby, Peter
DiSesa, Len
Kaen, Naida
Smith, Marjorie
Spang, Judith
Wall, Janet

Burton, Wayne
Gardner, Janice
Knowles, Robert
Schmidt, Peter
Sprague, Dale
Wuelper, Kurt

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
Laware, Thomas

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne

and the majority committee report failed.

Rep. Long moved the minority committee report of Inexpedient to Legislate.

Minority committee report adopted.

SB 537, relative to record management of abuse and neglect reports. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Skip Berrien for the Majority of Children and Family Law. This bill extends the length of time that the Division of Children, Youth and Families retains child protection records in order that subsequent investigations can be more complete. Reported cases which are not investigated will be retained for 7 years. Investigated cases which are not substantiated will be retained for 10 years. Substantiated cases will be retained indefinitely. These extended record retentions will identify patterns of potential maltreatment which are important for protection against further abuse or neglect. Vote 11-3.

Rep. Daniel Itse for the Minority of Children and Family Law. This bill increases the records retention time for abuse and neglect cases. It increases screened-out cases from 1 to 7 years, unfounded cases from 3 to 10 years, and founded cases from 7 years to forever. This bill reverses the act of the legislature in 2002, introduced by then-Senator Gordon, which continued the then-existing limits on unfounded and founded cases and established limits on screened-out cases. The minority agrees that the limits ought to be reviewed and with the establishment of triggers to continue retention, but believes this increase in limits to be excessive.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Itse offered floor amendment (1899h).

Floor Amendment (1899h)

Amend RSA 169-C:35-a, I and II as inserted by section 2 of the bill by replacing it with the following:

I. The department shall retain a screened-out report for 3 years from the date that the report was screened out. If during the 3-year retention period, the department receives a subsequent report of abuse or neglect concerning the same alleged perpetrator or the same child or any siblings or other children in the same household or in the care of the same adults, the department shall retain information from the prior and subsequent reports for an additional 3 years from the date a subsequent report is screened out, an additional

3 years from the date a subsequent report is deemed unfounded, and indefinitely if the subsequent report is deemed founded. The department shall delete or destroy all electronic and paper records of the reports when the retention period for the most recent report expires.

II. The department shall retain an unfounded report for 5 years from the date that the department determined the case to be unfounded. If during the 5-year retention period, the department receives a subsequent report of abuse or neglect concerning the same alleged perpetrator or the same child or any siblings or other children in the same household or in the care of the same adults, the department shall retain the information from the prior and subsequent reports for an additional 5 years from the date the subsequent report is screened out or deemed unfounded, or indefinitely if the subsequent report is deemed founded. The department shall delete or destroy all electronic and paper records of the reports when the most recent report expires.

2016-1899h

AMENDED ANALYSIS

This bill revises the record retention requirements for founded, unfounded, and screened-out reports of abuse or neglect.

Rep. Itse spoke in favor.

Rep. Berrien spoke against.

On a division vote, with 163 members having voted in the affirmative, and 181 in the negative, floor amendment (1899h) failed.

The question now being adoption of the majority committee report of Ought to Pass.

Rep. Itse spoke against and yielded to questions.

Rep. Spillane spoke against.

Rep. Berrien spoke in favor.

Rep. Potucek requested a roll call; sufficiently seconded.

YEAS 169 - NAYS 179

YEAS - 169

BELKNAP

Tilton, Franklin

CARROLL

Buco, Thomas
Ticehurst, Susan

Butler, Edward
Umberger, Karen

Crawford, Karel

McConkey, Mark

CHESHIRE

Abbott, Michael
Chase, Cynthia
Ley, Douglas
Phillips, Larry
Tatro, Bruce

Ames, Richard
Eaton, Daniel
Mann, John
Robertson, Timothy
Weber, Lucy

Berch, Paul
Emerson, Susan
Parkhurst, Henry
Sad, Tara

Bordenet, John
Hunt, John
Pearson, William
Shepardson, Marjorie

COOS

Fothergill, John
Tholl, John

Froburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTON

Abel, Richard
Hennessey, Erin
Maes, Kevin
Smith, Suzanne

Almy, Susan
Ford, Susan
Massimilla, Linda
Sykes, George

Bennett, Travis
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Hennessey, Martha
Piper, Wendy

HILLSBOROUGH

Backus, Robert
Christensen, Chris
Cote, David
Freitas, Mary
Goley, Jeffrey
Herbert, Christopher
LeBrun, Donald
Manley, Jonathan
Long, Patrick
Rosenwald, Cindy
Snow, Kendall
Williams, Kermit

Baroody, Benjamin
Roberts, Carol
DiSilvestro, Linda
Smith, Gregory
Guerette, C. Lee
Hinch, Richard
Leishman, Peter
McNamara, Richard
Palmer, Barry
Schleien, Eric
Soucy, Timothy
Wolf, Terry

Barry, Richard
Cohen, Alan
Edwards, Elizabeth
Gargas, Carolyn
Harvey, Suzanne
Jack, Martin
O'Brien, Michael
O'Neil, William
Porter, Marjorie
Shattuck, Gilman
Smith, Timothy
Woodbury, David

Biggie, Barbara
Cornell, Patricia
Forest, Armand
Gidge, Kenneth
Heath, Mary
Ober, Lynne
Mangipudi, Latha
Brown, Pamela
Walsh, Robert
Shaw, Barbara
Vann, Ivy

MERRIMACK

French, Barbara
Carson, Clyde

Bartlett, Christy
Long, Douglas

Bradley, Paula
Deloge, Helen

Rice, Chip
Doherty, David

Gile, Mary
Kenison, Linda
Moffett, Howard
Saunderson, George
Wheeler, Deborah

Henle, Paul
Kotowski, Frank
Myler, Mel
Schuett, Dianne

Frazer, June
Luneau, David
Ratzki, Mario
Shurtleff, Stephen

Karrick, David
MacKay, James
Rogers, Katherine
Wallner, Mary Jane

ROCKINGHAM

Christie, Andrew
Cali-Pitts, Jacqueline
DiFranco, Debbie
Friel, William
Matthews, Carolyn
Prudhomme-O'Brien, Katherine

Berrien, Skip
Cushing, Robert
Edgar, Michael
Ward, Gerald
Milz, David
Sherman, Thomas

Borden, David
DeSimone, Debra
Elliott, Robert
Heffron, Frank
Gordon, Pamela
Simpson, Alexis

Cahill, Michael
Devine, James
Francese, Paula
Lovejoy, Patricia
Pantelakos, Laura

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Baber, William
Cilley, Jacalyn
Horrigan, Timothy
Schmidt, Peter
Sprague, Dale

Berube, Roger
DiSesa, Len
Ward, Kenneth
Rollo, Deanna
Treleaven, Susan

Bixby, Peter
Gardner, Janice
Kaen, Naida
Southworth, Thomas
Verschueren, James

Burton, Wayne
Gray, James
Smith, Marjorie
Spang, Judith
Wall, Janet

SULLIVAN

Schmidt, Andrew
Gottling, Suzanne

Cloutier, John
Irwin, Virginia

Converse, Larry
O'Hearne, Andrew

Gagnon, Raymond
Oxenham, Lee

NAYS - 179

BELKNAP

Aldrich, Glen
Gallagher, Brian
Spanos, Peter

Dumais, Russell
Howard, Raymond
Sylvia, Michael

Fields, Dennis
Hurt, George
Fraser, Valerie

Flanders, Donald
LeBreche, Shari
Varney, Peter

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Avellani, Lino
Nelson, Bill

Chandler, Gene
Parker, Harold

Comeau, Ed
Schmidt, Stephen

Cordelli, Glenn

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Tilton, Benjamin

Roberts, Kris

McConnell, James

Sterling, Franklin

COOS

GRAFTON

Bailey, Brad
Gionet, Edmond
White, Andrew

Brown, Duane
Hull, Robert

Darrow, Stephen
Ingbretson, Paul

Johnson, Eric
Ladd, Rick

HILLSBOROUGH

Adams, Christopher
Boehm, Ralph
Coffey, James
Edelblut, Frank
Fromuth, Bart
Goulette, William
Hopper, Gary
Christiansen, Lars
McClarren, Donald
Notter, Jeanine
Peterson, Ken
Ober, Russell
Scotsas, Lisa
Stepanek, Stephen
Ulery, Jordan

Ammon, Keith
Bouldin, Amanda
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Estevez, Eric
Gagne, Larry
Haefner, Robert
Infantine, William
Lachance, Joseph
McLean, Mark
Ohm, Bill
Pierce, David
Rouillard, Claire
Seidel, Carl
Straight, Phillip
Sullivan, Victoria

Griffin, Barbara
Burt, John
Donovan, Daniel
Ferreira, Elizabeth
Gorman, Mary
Hansen, Peter
Belanger, James
Marston, Dick
Murotake, David
Parison, James
Proulx, Mark
Rowe, Robert
Simmons, Tammy
Takesian, Charlene
O'Brien, William

Balcom, John
Byron, Frank
Eastman, Eric
Flanagan, Jack
Gould, Linda
Hogan, Edith
Rice, Kimberly
Martel, Andre
Murphy, Keith
Pellegrino, Anthony
Christie, Rick
Sanborn, Laurie
Souza, Kathleen
Twombly, Timothy
Zaricki, Nick

MERRIMACK

Turcotte, Alan
Ebel, Karen
Horn, Werner
Martin, John

Brewster, Michael
French, Harold
Kidder, David
Patten, Dick

McGuire, Carol
Hill, Gregory
Kuch, Bill
Seaworth, Brian

McGuire, Dan
Hoell, J.R.
Marple, Richard
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Bates, David

Abramson, Max
Cardon, G. Thomas

Baldasaro, Alfred
Chirichiello, Brian

Barnes, Arthur
Cook, Allen

Thomas, Douglas
Emerick, J. Tracy
Fesh, Robert
Harris, Jeffrey
Sweeney, Joe
Kolodziej, Walter
Manning, John
O'Connor, John
Potucek, John
Spillane, James
Webb, James

Dean-Bailey, Yvonne
Chase, Francis
Gannon, William
Hodgdon, Bruce
Ward, Joanne
Lundgren, David
McBeath, Rebecca
Osborne, Jason
Gordon, Richard
Sytek, John
Weyler, Kenneth

Doucette, Fred
Rice, Frederick
Green, Dennis
Introne, Robert
Kappler, Lawrence
Griffin, Mary
McMahon, Charles
Packard, Sherman
Tilton, Rio
True, Chris

Duarte, Joe
Ferrante, Beverly
Guthrie, Joseph
Itse, Daniel
Katsakiores, Phyllis
Major, Norman
Nigrello, Robert
Peckham, Michele
Schroadter, Adam
Vose, Michael

STRAFFORD

Beaudoin, Steven
Graham, Robert
Kaczynski, Thomas
Pitre, Joseph

Bickford, David
Groen, Warren
Knowles, Robert
Whitehouse, Joshua

Cheney, Catherine
Hannon, Joseph
Turcotte, Leonard
Wuelper, Kurt

DeLemus, Susan
Jones, Laura
Leeman, Don

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Grenier, James

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Rollins, Skip

Smith, Steven

and the majority committee report failed.

Rep. Itse moved the minority committee report of Inexpedient to Legislate.

On a division vote, with 201 members having voted in the affirmative, and 148 in the negative, the minority committee report was adopted.

SB 411, relative to the merger of lots that are mortgaged. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kermit Williams for the Majority of Commerce and Consumer Affairs. This bill changes the procedure for the voluntary merger of land parcels. It limits the ability to merge the parcels if mortgages are involved. The merger cannot take place if there are multiple different mortgages on the parcels, and consent must be obtained from the mortgage holder if the merger is otherwise permitted. The committee added a change to the statute for the reversal of prior involuntary mergers. We removed the sunset date for requesting the reversal of such a mortgage, which will be allowed as long as the merger was not recorded by deed with the Registry of Deeds. Vote 18-2.

Rep. Laurie Sanborn for the Minority of Commerce and Consumer Affairs. Both the original bill and the bill as amended require property owners to obtain written permission from mortgage holder(s) when they want to merge contiguous lots if they have a lien on one of the properties, even if the land owner owns the other property outright. In doing so, this bill reduces property owners' rights and gives more power to banks and planning boards. Current law allows you to apply for a voluntary merger and have it approved without attempting to get bank permission. Banks are hard to reach, mortgage holders can change frequently, and we heard testimony that 99% of them will never approve such a merger. The minority felt that there was no clear and compelling need presented to demonstrate why passage of this bill was needed at this time.

Majority Amendment (1806h)

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

AN ACT relative to the merger of lots.

Amend RSA 674:39-a, II as inserted by section 1 of the bill by replacing it with the following:

II. No merger shall be allowed if there are mortgages on more than one of the separate lots proposed to be merged and such mortgages are held by different mortgage holders. If a merger is allowed, the written consent of each holder of a mortgage shall be required as a condition to the approval of the merger. If the merger is approved, then the mortgage or mortgages shall be deemed by operation of law to apply to all lots involved in the merger. The consent of each mortgage holder shall be required to be recorded with notice of the merger pursuant to paragraph I. The municipality shall not be liable for any deficiency in the notice to mortgage holders.

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

2 Restoration of Involuntarily Merged Lots. Amend RSA 674:39-aa, II(a) to read as follows:

(a) ~~[The request is submitted to the governing body prior to December 31, 2016]~~ ***The merger was not recorded by deed with the register of deeds.***

2016-1806h AMENDED ANALYSIS

This bill requires that mortgage holders approve the voluntary merger of lots and prohibits merger if there are mortgages on multiple lots and the mortgages are held by different persons. This bill also provides that requests for restoration of lots that were involuntarily merged are limited to mergers not recorded by deed filed with the register of deeds.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

SB 532-FN, relative to prior authorization for substance abuse treatment. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for the Majority of Commerce and Consumer Affairs. A bipartisan majority of the committee believes that this bill will make very significant pro-patient improvements to NH's laws regarding prior authorization for inpatient substance use treatment, and will dramatically expedite the approval of effective treatment that is most likely to lead to recovery. It also reflects a very fair compromise reached by the stakeholders and substantial concessions by the insurance carriers. First, the bill defines "clinical stabilization services" and "short-term inpatient withdrawal management." Furthermore, for those carriers that require prior authorization for inpatient substance use disorder services, this bill requires each carrier to either a) grant to the patient 24 hours of inpatient care without prior authorization while the patient's provider and carrier determine an appropriate care plan, or b) have a 24/7/365 hotline that the patient's treating clinician can call to get a medical necessity determination and the carrier's assistance with patient placement. Under this second option, the carrier must provide a prior authorization decision as soon as practicable, but no more than 6 hours after receiving the treating clinician's clinical rationale consistent with the American Society of Addiction Medicine (ASAM) criteria adopted per SB 576 which was adopted earlier this Session. These new requirements for carriers will provide significant benefits to NH residents in need of prompt admission for inpatient substance use treatment. These requirements do not exist in current law today and directly address concerns that have been raised. The 6-hour turn around is also a very significant concession made by the carriers, and is even lower than the 12-hour turn around in the Senate-passed version of this bill. While most prior authorization requests are currently granted immediately, current NH law allows for up to a 72-hour turnaround time and up to a 24-hour turn around time in emergent situations. Thus, this bill now cuts the statutory prior authorization turn around time down by as much as 75%-92%. Importantly, this bill does not include a new mandate sought by a minority of the committee that would require carriers to pay for inappropriate and ineffective services delivered to the patient during the turn around period. However, the majority of the committee strongly believes that if the prior authorization request is not granted due to the requested treatment being inconsistent with ASAM criteria, then there should not be a new mandate for carriers to pay for inappropriate services. The legislature should not be passing new mandates that create perverse incentives and unintended consequences, including rewarding providers who fail to appropriately apply the nationally-accepted standard of ASAM criteria, putting upward pressure on insurance premiums by requiring carriers to pay for inappropriate treatment, exacerbating the treatment capacity shortages that already exist in NH's substance use disorder inpatient care system, and undermining the critical role that prior authorization plays in ensuring patient safety and managing health care costs. The committee thoroughly vetted this type of new mandate, and the majority of the committee soundly rejected it. This bill as amended by the majority will provide significant improvements and many important benefits to NH residents who are in need of substance use treatment. Vote 13-7.

Rep. Joseph Hannon for the Minority of Commerce and Consumer Affairs. The committee debate on this bill centered on a single word change; which, in the opinion of the minority, had the unfortunate result of completely undercutting the purpose of this bill. The majority agreed to a request from the insurance carriers to change the word on lines 13-14 on page 2, from "until" to "after." In short, this change has the result of forcing individuals in need of acute substance use disorder treatment to wait for up to 6 hours for health insurance carrier approval to access clinically appropriate services. The minority believes this change must be undone. The committee heard testimony from numerous stakeholders that, when an individual is at the point of agreeing to seek help for their addiction, the window of opportunity is often short - sometimes lasting less than 45 minutes. It is important to reiterate that the purpose of this bill is to ensure that individuals have immediate preliminary access to services, so clinically appropriate treatment can be obtained without delay. Furthermore, this bill requires treating clinicians to make medical necessity determinations using American Society of Addiction Medicine criteria before services can be rendered. The majority's argument that these criteria can be interpreted differently by different providers and, therefore, the carrier must have the ability to review medical necessity through a prior authorization is well taken, but falls short. When reviewing opioid claims for substance use disorder treatment services from 2014 to 2015, the New Hampshire Insurance Department found that of 11,650 total claims, the carrier's specialist agreed with the treating provider's assessment 99.54% of the time, or in 11,596 of those cases. The majority would have you believe that the carrier's interest in preventing 56 cases of disagreement on treatment criteria is more valuable than providing immediate access to critically necessary services for more than 11,600 people. Given the overwhelming rate at which the carriers ultimately agree with the treating clinician's assessment, it is clear to the minority that requiring prior authorization for these services is an artificial, and unnecessary, barrier to treatment. The immediacy of serving this population, given the risk of overdose and death, should not be overlooked. New Hampshire is facing an epidemic, and providing for immediate access to services is one important way

to stem the tide of overdose deaths. As one father said, “a carrier’s lost opportunity to manage care is nothing compared to a parent’s loss of a child.” Changing back the word “after” to “until” would remove a critical barrier to treatment, permitting immediate access to critical services for tens of thousands suffering in New Hampshire. This change is simply good policy.

Majority Amendment (1778h)

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

AN ACT relative to prior authorization for substance use treatment.

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

1 Substance Use Disorders; Definitions. Amend RSA 420-J:15 to read as follows:

420-J:15 Definitions. In this subdivision:

I. “ASAM criteria” means the latest edition of the Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions, developed by the American Society of Addiction Medicine.

II. ***“Clinical stabilization services” means 24-hour clinically managed post-withdrawal management treatment for adults or adolescents which may include intensive education and counseling regarding the nature of addiction and its consequences, relapse prevention, outreach to families and significant others, and after-care planning, for individuals beginning to engage in recovery from addiction.***

III. ***“Short-term inpatient withdrawal management” means 24-hour medically supervised addiction treatment for adults or adolescents provided in medically-managed or medically-monitored inpatient facilities that provide evaluation and withdrawal management and which may include biopsychosocial assessment, individual and group counseling, psychological educational groups, and discharge planning.***

IV. “Substance use disorder services” means health care services that are provided to a covered person as treatment for an addictive substance-related condition, not including treatment for any condition related to tobacco use.

2 Substance Use Disorders; Prior Authorization. Amend RSA 420-J:17 to read as follows:

420-J:17 Prior Authorization.

I. Whenever substance use disorder services are a covered benefit under a health benefit plan subject to this chapter, no prior authorization shall be required for the first 2 routine outpatient visits of an episode of care by an individual for assessment and care with respect to a substance use disorder.

II. ***Whenever substance use disorder services are a covered benefit under a health benefit plan subject to this chapter, no prior authorization shall be required for short-term inpatient withdrawal management and clinical stabilization services for up to 24 hours, when prescribed by a clinician trained in the use and application of the ASAM criteria; provided, that the facility notifies the patient’s health carrier as soon as practicable after admission of the patient. If the facility fails to notify the patient’s health carrier as soon as practicable after admission of the patient, the facility shall be financially responsible for the costs of any services provided by the facility to the patient.***

III. ***Alternatively, a carrier may require prior authorization for the services described in paragraph II, but only if the carrier has a medical clinician or licensed alcohol and drug counselor available on a 24-hour hotline to make the medical necessity determination and assist with placement at the appropriate level of care, and the carrier provides a prior authorization decision as soon as practicable after receipt from the treating clinician of the clinical rationale consistent with the ASAM criteria, but in no event more than 6 hours of receiving such information; provided that after such hotline determination is made, coverage for substance use disorder services shall be provided at an appropriate level of care consistent with the ASAM criteria, as defined in RSA 420-J:15, I.***

IV. ***If an insurance policy does not require prior authorization for short-term inpatient withdrawal management services or clinical stabilization services, paragraphs II and III shall not apply.***

V. ***Nothing in this section shall be construed to require coverage for services provided by a non-participating provider.***

3 Effective Date. This act shall take effect January 1, 2017.

2016-1778h

AMENDED ANALYSIS

This bill clarifies prior authorization requirements under the managed care law for substance use services. On a division vote, with 274 members having voted in the affirmative, and 66 in the negative, the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Hannon offered floor amendment (1920h).

Floor Amendment (1920h)

Amend RSA 420-J:17, III as inserted by section 2 of the bill by replacing it with the following:

III. Alternatively, a carrier may require prior authorization for the services described in paragraph II, but only if the carrier has a medical clinician or licensed alcohol and drug counselor available on a 24-hour hotline to make the medical necessity determination and assist with placement at the appropriate level of care, and the carrier provides a prior authorization decision as soon as practicable after receipt from the treating clinician of the clinical rationale consistent with the ASAM criteria, but in no event more than 6 hours of receiving such information; provided that until such hotline determination is made, coverage for substance use disorder services shall be provided at an appropriate level of care consistent with the ASAM criteria, as defined in RSA 420-J:15, I.

Rep. Hannon spoke in favor.

Rep. Hunt spoke against.

Rep. Butler spoke in favor, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 210 - NAYS 139**YEAS - 210****BELKNAP**

Aldrich, Glen

Tilton, Franklin

Fisher, Robert

Gallagher, Brian

CARROLL

Avellani, Lino

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael

Ames, Richard

Tilton, Benjamin

Berch, Paul

Chase, Cynthia

Eaton, Daniel

Emerson, Susan

Roberts, Kris

Ley, Douglas

Mann, John

McConnell, James

Parkhurst, Henry

Pearson, William

Phillips, Larry

Sad, Tara

Shepardson, Marjorie

Weber, Lucy

COOSFothergill, John
Theberge, RobertFroburg, Alethea
Thomas, Yvonne

Hatch, William

Moynihan, Wayne

GRAFTONAbel, Richard
Cooney, Mary
Higgins, Patricia
Massimilla, Linda
Townsend, CharlesAlmy, Susan
Hennessey, Erin
Hull, Robert
Nordgren, Sharon
White, AndrewBailey, Brad
Ford, Susan
Hennessey, Martha
Smith, SuzanneBennett, Travis
Gionet, Edmond
Maes, Kevin
Sykes, George**HILLSBOROUGH**Adams, Christopher
Bouldin, Amanda
Cote, David
Eastman, Eric
Freitas, Mary
Gorman, Mary
Heath, Mary
Jack, Martin
O'Brien, Michael
McClarren, Donald
Notter, Jeanine
Parison, James
Walsh, Robert
Scotsas, Lisa
Snow, Kendall
Vann, Ivy
Zaricki, NickBackus, Robert
Roberts, Carol
Danielson, David
Edwards, Elizabeth
Smith, Gregory
Goulette, William
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McNamara, Richard
O'Neil, William
Pierce, David
Rosenwald, Cindy
Shattuck, Gilman
Soucy, Timothy
Williams, KermitBalcom, John
Cohen, Alan
DiSilvestro, Linda
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Brown, Pamela
Porter, Marjorie
Rouillard, Claire
Shaw, Barbara
Smith, Timothy
Wolf, TerryBaroody, Benjamin
Cornell, Patricia
Donovan, Daniel
Forest, Armand
Goley, Jeffrey
Harvey, Suzanne
Hopper, Gary
Lachance, Joseph
Marston, Dick
Murphy, Keith
Long, Patrick
Proulx, Mark
Schleien, Eric
Simmons, Tammy
Takesian, Charlene
Woodbury, David**MERRIMACK**Turcotte, Alan
Brewster, Michael
Doherty, David
Hill, Gregory
Kenison, Linda
Moffett, Howard
Rogers, Katherine
Shurtleff, StephenFrench, Barbara
Rice, Chip
Ebel, Karen
Horn, Werner
Luneau, David
Myler, Mel
Saunderson, George
Wallner, Mary JaneBartlett, Christy
Carson, Clyde
Gile, Mary
Frazer, June
MacKay, James
Patten, Dick
Schuett, Dianne
Wheeler, DeborahBradley, Paula
Deloge, Helen
Henle, Paul
Karrick, David
Martin, John
Ratzki, Mario
Seaworth, Brian

ROCKINGHAM

Abramson, Max
Cali-Pitts, Jacqueline
Doucette, Fred
Francesce, Paula
Sweeney, Joe
McBeath, Rebecca
Schroadter, Adam
True, Chris

Berrien, Skip
Cook, Allen
Duarte, Joe
Ward, Gerald
Ward, Joanne
Gordon, Pamela
Sherman, Thomas
Vose, Michael

Borden, David
Cushing, Robert
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Lovejoy, Patricia
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Baber, William
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Smith, Marjorie
Spang, Judith
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Whitehouse, Joshua

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NAYS - 139**BELKNAP**

Dumais, Russell
Hurt, George
Fraser, Valerie

Fields, Dennis
LeBreche, Shari
Varney, Peter

Flanders, Donald
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Howard, Raymond
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Harris, Jeffrey

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Hoelzel, Kathleen

Introne, Robert
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Katsakiores, Phyllis
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Gardner, Janice
Leeman, Don

Gray, James
Pitre, Joseph

SULLIVAN

Grenier, James

Rollins, Skip

Smith, Steven

and floor amendment (1920h) was adopted.

Majority committee report adopted and ordered to third reading.

The House recessed at 12:10 p.m.

RECESS

The House reconvened at 1:30 p.m.

(Speaker Jasper in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 231, 601, 1121, 1124, 1130, 1154, 1164, 1175, 1195, 1202, 1223, 1226, 1239, 1292, 1329, 1340, 1352, 1372, 1378, 1409, 1410, 1450, 1451, 1459, 1467, 1515, 1579, 1587, 1599 and 1655 and Senate Bills numbered 152, 309, 323, 344, 352, 353, 356, 357, 359, 362, 374, 377, 386, 388, 433, 456, 461, 465, 475, 484, 517, 519, 524 and 545.

Rep. Hinch, Sen. Soucy for the Committee

REGULAR CALENDAR CONT'D

SB 336, relative to the qualifications for obtaining a license to carry a concealed pistol or revolver. **INEX-PEDIENT TO LEGISLATE.**

Rep. Latha Mangipudi for Criminal Justice and Public Safety. This bill would have removed the term "suitable" from RSA 159:6 which relates to the application to carry deadly weapons concealed upon the person. The bill also would substitute a requirement that the applicant not be prohibited from possessing a firearm. This would mean that an applicant who drinks excessively would be able to carry a firearm concealed on his or her person. The issuing authority would no longer be able to disqualify the town drunk from obtaining a concealed carry license. Currently, if an applicant is denied, he or she has access to the circuit or superior court to prove that he or she is a suitable person to be licensed. This has worked well for almost 100 years. There are thousands of concealed carry licenses issued each year and very few denials. The NH Chiefs of Police testified in opposition to this bill. Vote 11-7.

Reps. Hoell and Abramson spoke against.

Rep. Welch spoke in favor.

Rep. Kappler requested a roll call; sufficiently seconded.

YEAS 156 - NAYS 189

YEAS - 156 BELKNAP

Fields, Dennis

Flanders, Donald

CARROLL

Buco, Thomas
Schmidt, Stephen

Butler, Edward
Ticehurst, Susan

Crawford, Karel

McConkey, Mark

CHESHIRE

Abbott, Michael
Bordenet, John
Roberts, Kris
Pearson, William
Shepardson, Marjorie

Ames, Richard
Chase, Cynthia
Ley, Douglas
Phillips, Larry
Tatro, Bruce

Tilton, Benjamin
Eaton, Daniel
Mann, John
Robertson, Timothy
Weber, Lucy

Berch, Paul
Emerson, Susan
Parkhurst, Henry
Sad, Tara

COOS

Fothergill, John
Richardson, Herbert

Froburg, Alethea
Theberge, Robert

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Ford, Susan
Nordgren, Sharon
Townsend, Charles

Almy, Susan
Higgins, Patricia
Piper, Wendy

Bennett, Travis
Hennessey, Martha
Smith, Suzanne

Cooney, Mary
Maes, Kevin
Sykes, George

HILLSBOROUGH

Backus, Robert
Roberts, Carol
Freitas, Mary
Guerette, C. Lee
Herbert, Christopher
Manley, Jonathan
Palmer, Barry
Rowe, Robert
Smith, Timothy
Woodbury, David

Baroody, Benjamin
Cohen, Alan
Gargas, Carolyn
Hansberry, Daniel
Christiansen, Lars
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Takesian, Charlene

Booras, Efstathia
Cornell, Patricia
Gidge, Kenneth
Harvey, Suzanne
Leishman, Peter
Brown, Pamela
Walsh, Robert
Snow, Kendall
Vann, Ivy

Christensen, Chris
Donovan, Daniel
Gorman, Mary
Heath, Mary
Mangipudi, Latha
Long, Patrick
Rosenwald, Cindy
Soucy, Timothy
Williams, Kermit

MERRIMACK

French, Barbara
Deloge, Helen
Henle, Paul
Kenison, Linda
Moffett, Howard
Saunderson, George
Wheeler, Deborah

Bartlett, Christy
Doherty, David
Hess, David
Kidder, David
Myler, Mel
Schuett, Dianne

Bradley, Paula
Ebel, Karen
Frazer, June
Luneau, David
Ratzki, Mario
Shurtleff, Stephen

Carson, Clyde
Gile, Mary
Karrick, David
MacKay, James
Rogers, Katherine
Wallner, Mary Jane

ROCKINGHAM

Barnes, Arthur
Cali-Pitts, Jacqueline
Elliott, Robert
Lovejoy, Patricia
McBeath, Rebecca
Sherman, Thomas

Berrien, Skip
Cushing, Robert
Francese, Paula
Griffin, Mary
Gordon, Pamela
Simpson, Alexis

Borden, David
DiFranco, Debbie
Ward, Gerald
Major, Norman
Pantelakos, Laura
Welch, David

Cahill, Michael
Edgar, Michael
Heffron, Frank
Matthews, Carolyn
Peckham, Michele

STRAFFORD

Baber, William
Cilley, Jacalyn
Smith, Marjorie
Spang, Judith
Wall, Janet

Berube, Roger
DiSesa, Len
Schmidt, Peter
Sprague, Dale

Bixby, Peter
Horrigan, Timothy
Rollo, Deanna
Treleaven, Susan

Burton, Wayne
Kaen, Naida
Southworth, Thomas
Verschueren, James

SULLIVAN

Schmidt, Andrew
Irwin, Virginia

Cloutier, John
O'Hearne, Andrew

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne

NAYS - 189**BELKNAP**

Aldrich, Glen
Gallagher, Brian
Spanos, Peter

Dumais, Russell
Howard, Raymond
Sylvia, Michael

Tilton, Franklin
Hurt, George
Fraser, Valerie

Fisher, Robert
LeBreche, Shari
Varney, Peter

CARROLL

Avellani, Lino
Nelson, Bill

Chandler, Gene
Umberger, Karen

Comeau, Ed

Cordelli, Glenn

CHESHIRE

Hunt, John

McConnell, James

Sterling, Franklin

COOS

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Johnson, Eric
Ladd, Rick

Brown, Duane
Gionet, Edmond
Massimilla, Linda

Darrow, Stephen
Hull, Robert

Hennessey, Erin
Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Barry, Richard
Burt, John

Ammon, Keith
Biggie, Barbara
Byron, Frank

Griffin, Barbara
Boehm, Ralph
Coffey, James

Balcom, John
Bouldin, Amanda
Danielson, David

DiSilvestro, Linda
Estevez, Eric
Smith, Gregory
Haefner, Robert
Hopper, Gary
Rice, Kimberly
LeBrun, Donald
Murphy, Keith
Pellegrino, Anthony
Christie, Rick
Schleien, Eric
Simmons, Tammy
Twombly, Timothy
Wolf, Terry

Eastman, Eric
Ferreira, Elizabeth
Gagne, Larry
Hansen, Peter
Infantine, William
Kurk, Neal
Marston, Dick
Notter, Jeanine
Peterson, Ken
Ober, Russell
Scoutsas, Lisa
Souza, Kathleen
Ulery, Jordan
Zaricki, Nick

Edelblut, Frank
Flanagan, Jack
Gould, Linda
Hinch, Richard
Belanger, James
Ober, Lynne
McLean, Mark
Ohm, Bill
Pierce, David
Rouillard, Claire
Seidel, Carl
Stepanek, Stephen
Sullivan, Victoria

Edwards, Elizabeth
Fromuth, Bart
Goulette, William
Hogan, Edith
Jack, Martin
Lachance, Joseph
Murotake, David
Parison, James
Proulx, Mark
Sanborn, Laurie
Shaw, Barbara
Straight, Phillip
O'Brien, William

MERRIMACK

Turcotte, Alan
McGuire, Dan
Horn, Werner
Martin, John

Brewster, Michael
French, Harold
Kotowski, Frank
Patten, Dick

McGuire, Carol
Hill, Gregory
Kuch, Bill
Seaworth, Brian

Long, Douglas
Hoell, J.R.
Marple, Richard
Walsh, Thomas

ROCKINGHAM

Christie, Andrew
Baldasaro, Alfred
Cook, Allen
Devine, James
Chase, Francis
Friel, William
Hagan, Joseph
Introne, Robert
Kappler, Lawrence
McMahon, Charles
Osborne, Jason
Gordon, Richard
Sytek, John
Weyler, Kenneth

Abrami, Patrick
Bates, David
Thomas, Douglas
Doucette, Fred
Rice, Frederick
Gannon, William
Harris, Jeffrey
Itse, Daniel
Katsakiores, Phyllis
Milz, David
Packard, Sherman
Tilton, Rio
True, Chris

Abramson, Max
Cardon, G. Thomas
Dean-Bailey, Yvonne
Duarte, Joe
Ferrante, Beverly
Green, Dennis
Hodgdon, Bruce
Sweeney, Joe
Kolodziej, Walter
Nigrello, Robert
Potucek, John
Schroadter, Adam
Vose, Michael

Azarian, Gary
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Fesh, Robert
Guthrie, Joseph
Hoelzel, Kathleen
Ward, Joanne
Manning, John
O'Connor, John
Prudhomme-O'Brien, Katherine
Spillane, James
Webb, James

STRAFFORD

Beaudoin, Steven
Graham, Robert
Jones, Laura
Leeman, Don

Bickford, David
Gray, James
Kaczynski, Thomas
Pitre, Joseph

Cheney, Catherine
Groen, Warren
Knowles, Robert
Whitehouse, Joshua

DeLemus, Susan
Hannon, Joseph
Turcotte, Leonard
Wuelper, Kurt

SULLIVAN

Converse, Larry
Smith, Steven

Grenier, James

Laware, Thomas

Rollins, Skip

and the committee report failed.

Rep. Hoell moved Ought to Pass and offered floor amendment (1888h).

Floor Amendment (1888h)

Amend RSA 159:6, I as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) No officer or employee of the state of New Hampshire, or any subdivision thereof, shall be held liable for any criminal act committed as a result of such officer or employee issuing a license pursuant to this section.

2016-1888h

AMENDED ANALYSIS

This bill amends the requirements for obtaining a concealed carry license by removing the requirement that the applicant be "suitable" and inserting a requirement that the applicant not be prohibited from possessing a firearm by state or federal statute. The bill also provides immunity for an officer or employee of the state who issues a concealed carry license as authorized by statute.

Reps. Hoell and Tholl spoke in favor.

Floor amendment (1888h) was adopted.

The question now being adoption of the motion of Ought to Pass with Amendment.

Rep. Marston requested a roll call; sufficiently seconded.

YEAS 217 - NAYS 132**YEAS - 217
BELKNAP**

Aldrich, Glen
Fisher, Robert
LeBreche, Shari
Varney, Peter

Dumais, Russell
Gallagher, Brian
Spanos, Peter

Tilton, Franklin
Howard, Raymond
Sylvia, Michael

Fields, Dennis
Hurt, George
Fraser, Valerie

CARROLL

Avellani, Lino
Crawford, Karel
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

CHESHIRE

Emerson, Susan
Sterling, Franklin

Hunt, John

Roberts, Kris

McConnell, James

COOS

Fothergill, John
Theberge, Robert

Moynihan, Wayne
Tholl, John

Richardson, Herbert

Rideout, Leon

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Gionet, Edmond
Massimilla, Linda

Darrow, Stephen
Hull, Robert

Hennessey, Erin
Ingbreton, Paul

HILLSBOROUGH

Adams, Christopher
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Bouldin, Amanda
Coffey, James
Eastman, Eric
Ferreira, Elizabeth
Gagne, Larry
Goulette, William
Hogan, Edith
Jack, Martin
Ober, Lynne
Marston, Dick
Notter, Jeanine
Peterson, Ken
Ober, Russell
Scoutsas, Lisa
Souza, Kathleen
Twombly, Timothy
Wolf, Terry

Ammon, Keith
Barry, Richard
Burt, John
Danielson, David
Edelblut, Frank
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
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Lachance, Joseph
McLean, Mark
Ohm, Bill
Pierce, David
Rouillard, Claire
Seidel, Carl
Stepanek, Stephen
Ulery, Jordan
Zaricki, Nick

Griffin, Barbara
Biggie, Barbara
Byron, Frank
DiSilvestro, Linda
Edwards, Elizabeth
Fromuth, Bart
Gidge, Kenneth
Hansen, Peter
Infantine, William
Kurk, Neal
LeBrun, Donald
Murotake, David
Parison, James
Proulx, Mark
Sanborn, Laurie
Shaw, Barbara
Straight, Phillip
Sullivan, Victoria

Balcom, John
Boehm, Ralph
Christensen, Chris
Donovan, Daniel
Estevez, Eric
Smith, Gregory
Gould, Linda
Hinch, Richard
Belanger, James
Christiansen, Lars
Mangipudi, Latha
Murphy, Keith
Pellegrino, Anthony
Christie, Rick
Schleien, Eric
Simmons, Tammy
Takesian, Charlene
O'Brien, William

MERRIMACK

Turcotte, Alan
McGuire, Dan
Hoell, J.R.
Marple, Richard
Walsh, Thomas

Brewster, Michael
French, Harold
Horn, Werner
Martin, John
Wheeler, Deborah

McGuire, Carol
Hess, David
Kotowski, Frank
Saunderson, George

Long, Douglas
Hill, Gregory
Kuch, Bill
Seaworth, Brian

ROCKINGHAM

Christie, Andrew
Baldasaro, Alfred
Chirichiello, Brian
DeSimone, Debra
Emerick, J. Tracy
Fesh, Robert
Guthrie, Joseph
Hoelzel, Kathleen
Ward, Joanne
Griffin, Mary
Milz, David
Packard, Sherman
Gordon, Richard
Sytek, John
Welch, David

Abrami, Patrick
Barnes, Arthur
Cook, Allen
Devine, James
Chase, Francis
Friel, William
Hagan, Joseph
Introne, Robert
Kappler, Lawrence
Major, Norman
Nigrello, Robert
Peckham, Michele
Tilton, Rio
True, Chris
Weyler, Kenneth

Abramson, Max
Bates, David
Thomas, Douglas
Doucette, Fred
Rice, Frederick
Gannon, William
Harris, Jeffrey
Itse, Daniel
Katsakiores, Phyllis
Manning, John
O'Connor, John
Potucek, John
Schroadter, Adam
Vose, Michael

Azarian, Gary
Cardon, G. Thomas
Dean-Bailey, Yvonne
Duarte, Joe
Ferrante, Beverly
Green, Dennis
Hodgdon, Bruce
Sweeney, Joe
Kolodziej, Walter
McMahon, Charles
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Webb, James

STRAFFORD

Beaudoin, Steven
Graham, Robert
Jones, Laura
Leeman, Don
Wuelper, Kurt

Bickford, David
Gray, James
Kaczynski, Thomas
Pitre, Joseph

Cheney, Catherine
Groen, Warren
Knowles, Robert
Sprague, Dale

DeLemus, Susan
Hannon, Joseph
Turcotte, Leonard
Whitehouse, Joshua

SULLIVAN

Converse, Larry
Rollins, Skip

Grenier, James
Smith, Steven

Laware, Thomas

Oxenham, Lee

**NAYS - 132
BELKNAP**

Flanders, Donald

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Bordenet, John
Mann, John
Robertson, Timothy
Weber, Lucy

Ames, Richard
Chase, Cynthia
Parkhurst, Henry
Sad, Tara

Tilton, Benjamin
Eaton, Daniel
Pearson, William
Shepardson, Marjorie

Berch, Paul
Ley, Douglas
Phillips, Larry
Tatro, Bruce

COOS

Froburg, Alethea

Hatch, William

Thomas, Yvonne

GRAFTON

Abel, Richard
Ford, Susan
Nordgren, Sharon
Townsend, Charles

Almy, Susan
Higgins, Patricia
Piper, Wendy

Bennett, Travis
Hennessey, Martha
Smith, Suzanne

Cooney, Mary
Maes, Kevin
Sykes, George

HILLSBOROUGH

Backus, Robert
Cornell, Patricia
Gorman, Mary
Heath, Mary
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Vann, Ivy

Booras, Efstathia
Cote, David
Guerette, C. Lee
Herbert, Christopher
Brown, Pamela
Walsh, Robert
Snow, Kendall
Williams, Kermit

Roberts, Carol
Freitas, Mary
Hansberry, Daniel
Leishman, Peter
Long, Patrick
Rosenwald, Cindy
Soucy, Timothy
Woodbury, David

Cohen, Alan
Goley, Jeffrey
Harvey, Suzanne
Manley, Jonathan
Palmer, Barry
Rowe, Robert
Smith, Timothy

MERRIMACK

French, Barbara
Deloge, Helen
Henle, Paul
Kidder, David
Myler, Mel
Schuett, Dianne

Bartlett, Christy
Doherty, David
Frazer, June
Luneau, David
Patten, Dick
Shurtleff, Stephen

Bradley, Paula
Ebel, Karen
Karrick, David
MacKay, James
Ratzki, Mario
Wallner, Mary Jane

Carson, Clyde
Gile, Mary
Kenison, Linda
Moffett, Howard
Rogers, Katherine

ROCKINGHAM

Berrien, Skip
Cushing, Robert
Francese, Paula
Matthews, Carolyn
Sherman, Thomas

Borden, David
DiFranco, Debbie
Ward, Gerald
McBeath, Rebecca
Simpson, Alexis

Cahill, Michael
Edgar, Michael
Heffron, Frank
Gordon, Pamela

Cali-Pitts, Jacqueline
Elliott, Robert
Lovejoy, Patricia
Pantelakos, Laura

STRAFFORD

Baber, William
Cilley, Jacalyn
Kaen, Naida
Southworth, Thomas
Wall, Janet

Berube, Roger
DiSesa, Len
Smith, Marjorie
Spang, Judith

Bixby, Peter
Horrigan, Timothy
Schmidt, Peter
Treleaven, Susan

Burton, Wayne
Ward, Kenneth
Rollo, Deanna
Verschueren, James

SULLIVAN

Schmidt, Andrew
Irwin, Virginia

Cloutier, John
O'Hearne, Andrew

Gagnon, Raymond

Gottling, Suzanne

and the motion was adopted and ordered to third reading.
Rep. Goley voted Nay and intended to vote Yea.

SB 339-FN, relative to required DNA analysis for certain offenses. **OUGHT TO PASS WITH AMENDMENT.** Rep. Len DiSesa for Criminal Justice and Public Safety. Current law requires that the collection of a DNA sample (a cheek swab) be taken and analyzed upon a person's intake or prior to the release of a person from the state prison. The collection and analysis are allowed under current statute for any person convicted of any sexual offense, any offense against a child, any other felony offense prohibited by NH law, or ". . . another state or federal law, whether on probation, conditional or unconditional release, completion of sentence, or release for any other reason." This bill as amended adds the language ". . . or any person declared not guilty by reason of insanity and civilly committed to the Department of Corrections." This language addition closes a loophole in the statute and would allow the Department of Corrections to collect and analyze a DNA sample if a person committed a felony offense but was found not guilty by reason of insanity. DNA is only collected at the state prison, not at any county jail or other lockup facility. Currently, there are less than 20 persons incarcerated who would fall into this category, as well as a much smaller number of persons who have been civilly committed to the state prison because they are a danger to either themselves or others. It costs about \$100 for collecting and analyzing each DNA swab, but there is a federally-funded program that pays for this so there is no cost to the state. Further, all fifty states have a variation of this law, with some states like California collecting DNA samples upon arrest rather than upon conviction. The amendment also adds the following language: "This paragraph shall not apply to any person who has been involuntarily committed to the secure psychiatric unit under RSA 135-C [New Hampshire Mental Health Services System] or RSA 622:45 [Secure Psychiatric Unit]." Both the Department of Corrections and the Department of Safety supported this bill. Tim Pifer, the NH State Police Forensic Laboratory Director, testified that given the substantial recidivism rate of persons who are found not guilty by reason of insanity for serious crimes, the bill would serve both as a deterrent and as a useful investigative tool for unsolved crimes. NH Department of Corrections Commissioner William Wrenn also appeared before the committee to voice strong support for this bill. The committee debated the balance between public safety and individual rights to privacy, but the majority of the committee felt this to be a minimal intrusion to an individual with the greater good to society to be of stronger benefit. Over the years, with the perfecting of DNA analysis, many cold cases have been solved and many wrongly convicted persons have been exonerated. Vote 17-2.

Amendment (1605h)

Amend RSA 651-C:2, I as inserted by section 1 of the bill by replacing it with the following:

I. Upon intake or prior to the release of any offender after conviction for the commission of any sexual offense, as defined in RSA 651-B:1, V, or any offense against a child as defined in RSA 651-B:1, VII, or any other felony offense prohibited by the laws of this or another state or federal law, whether on probation, conditional or unconditional release, completion of sentence, or release for any other reason, ***or any person found to be not guilty by reason of insanity under RSA 651:8-b for any of the offenses listed under this paragraph, or any person committed to the secure psychiatric unit by order of the court after being found not competent to stand trial pursuant to RSA 135:17-a for an offense listed under this paragraph, and subsequently committed under RSA 171-B:12 or RSA 135-C:34,*** such person shall have a DNA sample taken for DNA analysis to determine identification characteristics specific to the person.

2016-1605h

AMENDED ANALYSIS

This bill requires DNA analysis for certain persons found not guilty by reason of insanity or committed to the secure psychiatric unit.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

SB 498-FN, relative to penalties for possession of certain controlled drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert Cushing for Criminal Justice and Public Safety. This bill signals an important agreement between the House and the Senate and amongst stakeholders in substance misuse policy discussions that New Hampshire needs to take a public health and harm reduction approach to the use of marijuana. Currently, a criminal penalty accompanying a conviction for first-time possession of a small amount of marijuana can lead to a lifetime of harsh consequences. These may include denial of student financial aid, housing, employment, and professional licenses. This bill as amended would make first-time possession of a small amount of marijuana, up to one quarter ounce, a violation, subject to a fine of \$300, instead of a misdemeanor crime subject to arrest, jail time, and a criminal record. The amended bill only applies to first-time possession - second and subsequent offenses of possessing a small amount of marijuana could still be charged as a misdemeanor. Half the fines collected under the amended bill would be deposited into the fund to be used for drug and alcohol misuse prevention and education. The bill also provides that, in addition to paying a fine, a judge may order young people who are found to possess a small amount of marijuana to perform community service and may direct them to participate in alcohol and drug treatment programs. This bill does not endorse the use of marijuana, nor ignore the problems that can be associated with its use. Instead, it suggests that limited law

enforcement and court resources should be applied more wisely and in accordance with public opinion. A UNH/WMUR poll released in July 2015 indicated that 72% of Granite Staters support decriminalizing marijuana. This bill as amended is a compromise that takes an incremental step toward reducing collateral damage done to people who use or experiment with marijuana. It seeks to stop making criminals out of citizens by placing our marijuana laws more in line with voter opinion and the New Hampshire Constitution and is a common sense approach that will enable us to redirect resources to combat the scourge of opioids that is ravaging our state. Vote 12-7.

Amendment (1587h)

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

1 Statement of Purpose.

I. New Hampshire's criminal justice system faces unprecedented challenges associated with the rising rate of opioid and opiate addiction.

II. Unlike opioids and opiates, which in 2015 reportedly caused 396 fatal overdose deaths in New Hampshire, marijuana has never been known to cause a fatal overdose. In fact, in August of 2015 the Journal of the American Medical Association reported that states that had made marijuana available for patients with severe pain saw a 24.8 percent drop in the rate of opioid deaths. Marijuana can thus be seen as a part of an effective strategy to combat opioid overdoses.

III. New Hampshire has maintained criminal penalties against marijuana possession for decades, and yet marijuana remains by far the most commonly used illicit substance in New Hampshire, with more than 11 percent of state residents reporting having used it in the past month, according to survey data from 2014 published by the Substance Abuse and Mental Health Services Administration. The same survey reported that only 3.69 percent of residents had used an illicit drug other than marijuana in the past month.

IV. The American Academy of Pediatrics endorsed decriminalization of marijuana in 2015, noting that reducing possession penalties to a violation has "not led to an increase in youth use rates" in states where it has been enacted.

V. Reducing the penalty for possessing 1/4 ounce or less of marijuana to a violation for first offenses and allowing offenders to pay fines by mail will result in less time and resources being spent on such cases, allowing police and courts to spend more time and resources dealing with serious crimes.

VI. A criminal penalty accompanying a conviction for possession of one-quarter ounce or less of marijuana can lead to a lifetime of harsh consequences. These may include denial of student financial aid, housing, employment, and professional licenses. Reducing this penalty to a violation for first offenses will significantly reduce the number of New Hampshire residents who receive criminal records for possessing one-quarter ounce or less of marijuana.

2 New Sections; Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-B by inserting after section 2-b the following new sections:

318-B:2-c Personal Possession of Marijuana.

I. Except as provided in RSA 126-X, no person shall possess 1/4 ounce or less of marijuana, including adulterants or dilutants.

II. Except as provided in RSA 126-X, no person shall possess one gram or less of hashish, including adulterants or dilutants.

III.(a) Any person 18 years of age or older who violates the provisions of paragraph I or II shall be subject to a fine of \$300.

(b) Any person 18 years of age or older who violates the provisions of paragraph I or II and has one prior conviction for violating paragraph I or II in the preceding 3 years shall be guilty of a misdemeanor. Notwithstanding any provision of law to the contrary, any complaint alleging a second offense under paragraph I or II occurring within 3 years of a prior offense may be reduced to a violation at any time prior to trial. In addition to any other penalty authorized by law, any person sentenced under this subparagraph shall be ordered to pay a fine in the amount of not more than \$500.

(c) Any person 18 years of age or older who violates the provisions of paragraph I or II and has 2 or more prior convictions for violating paragraph I or II in the preceding 3 years shall be guilty of a misdemeanor. In addition to any other penalty authorized by law, any person sentenced under this subparagraph shall be ordered to pay a fine in the amount of not more than \$500.

(d) Any person under 18 years of age possessing 1/4 ounce or less of marijuana, including adulterants and dilutants, or one gram or less of hashish, including adulterants or dilutants, may be subject to a petition under RSA 169-B or 169-D. In addition to any requirements imposed as a result of a petition under RSA 169-B or 169-D, the court may order the offender to participate in up to 35 hours of community service, which shall be completed within one year of the date of the offense. Further, the court may order the offender to complete an alcohol and substance abuse education program that has been approved by the department of health and human services, at the offender's expense, within one year of the date of the offense. The offender shall furnish the court with evidence of completion of both an approved alcohol and substance abuse education program and

community service. An offender who fails to complete an alcohol and substance abuse education program or community service requirement as ordered may be subject to an additional fine of up to \$350. In all cases under this subparagraph, the offender's parent or legal guardian shall be notified of all proceedings.

(e) Any person who is not yet 21 years of age on the date of the incident, who is convicted of a violation under paragraph I or II may, at the discretion of the court, be subject to the revocation or denial of a driver's license or privilege to drive for not more than 30 days on the first finding or conviction under this paragraph, and not more than one year for a subsequent finding or conviction. Nothing in this paragraph shall prevent the court from requiring any person subject to this provision to successfully complete a substance abuse education program in lieu of a loss or denial of driving license or privilege. The director, upon receipt of a notification from the court that the court has ordered the suspension of a person's license or driving privilege pursuant to this paragraph, shall issue a formal order of suspension and, in the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license. Notwithstanding any other law regarding confidentiality, any court which convicts or makes a finding that an offense described in this paragraph has occurred involving a person who meets the age limits specified in this paragraph, and which orders the revocation or denial of a driver's license or privilege to drive, shall forward a notice of such conviction or finding to the director. The director shall maintain the confidentiality of notices received.

(f) The director shall, when ordered by the court, revoke the driver's license or privilege to drive or deny an application for a license for not more than 30 days on the first finding or conviction under paragraph I or II, and not more than one year for a subsequent finding or conviction; provided, however, that the director shall not revoke or deny a license or privilege to drive under this paragraph without first giving the person an opportunity for a hearing to determine that the person is the individual who was convicted of the offense and against whom the court order applies. In the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license. This section shall only apply to a person who is not yet 21 years of age.

IV.(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph I or II. A person who commits a violation under paragraph I or II shall be released on a hand summons, provided the law enforcement officer does not have lawful grounds for arrest for a different offense. If a person has a previous conviction for a violation of paragraph I or II within the preceding 3 years, a law enforcement officer may issue a summons for the offense which informs the person that they must appear in court for arraignment on the date marked on the summons.

(b) Any person found with a violation level amount of marijuana or hashish who refuses to provide their correct full name and address shall be subject to arrest rather than issuance of a summons to ensure appearance at court.

(c) Except as specifically provided in this section, neither the state nor any of its political subdivisions shall impose any form of penalty on a person for possessing 1/4 ounce or less of marijuana, or one gram or less of hashish, or paraphernalia for marijuana use.

(d) This paragraph shall not be construed to prohibit a law enforcement agency from investigating or charging a person for a violation of RSA 265-A.

(e) This paragraph shall not be construed to prohibit a law enforcement officer from taking a person into protective custody pursuant to RSA 172:15.

V. One-half of the amount of all fines collected under this section shall be deposited in the alcohol abuse prevention and treatment fund established in RSA 176-A:1 to be used for alcohol and other drug abuse prevention, treatment, and recovery, including the development of a marijuana education program pursuant to RSA 12-J:3, III-b, and one-half of the amount of such fines shall be used to fund the continued operation of the judicial branch.

318-B:2-d Plea by Mail.

I. Any person 18 years of age or older who is charged with a violation of RSA 318-B:2-c, I or II may enter a plea of guilty, nolo contendere, or not guilty, by mail in a circuit court, district division, unless such person has received a summons that indicates that he or she must appear in person for arraignment pursuant to the provisions of RSA 318-B:2-c, IV(a).

II. Any defendant not subject to a must appear summons based upon a prior conviction shall receive, in addition to a summons, a fine notice entitled "Notice of Fine" which shall contain the amount of the fine for a violation of RSA 318-B:2-c, I or II. A defendant who is issued a summons and notice of fine and who wishes to plead guilty or nolo contendere shall enter his or her plea on the summons and return it with payment of the fine within 30 days of the date of the summons. Payment by credit card may be accepted in lieu of cash payment.

III. If the defendant wishes to enter a plea of not guilty, he or she shall enter such plea on the summons and return it within 30 days of the date of the summons. The circuit court, district division shall schedule a trial.

IV. Whenever a defendant does not enter a plea by mail within 30 days of the date of the summons, the defendant shall be defaulted and shall be subject to an additional \$100 fine.

V. Whenever a defendant willfully fails to pay a fine in connection with a conviction for a violation of RSA 318-B:2-c, I or II, or payment of such fine is noncollectible, the defendant shall be defaulted and the court may impose an additional fine of \$100.

3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II to read as follows:

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter, shall be sentenced as follows, except as otherwise provided in this section:

(a) In the case of a controlled drug or its analog, classified in schedules I, II, III or IV, other than those specifically covered in this section, the person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class A felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of up to \$50,000 may be imposed[;].

(b) In the case of a controlled drug or its analog classified in schedule V, the person shall be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$15,000, or both. If a person commits any such violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed[;].

(c) ~~In the case of more than 5 grams of hashish, the person shall be guilty of a misdemeanor, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$5,000 may be imposed.~~

(d) In the case of **more than 1/4 ounce of** marijuana, including any adulterants or dilutants, or [5 grams or less] **more than one gram** of hashish, the person shall be guilty of a class A misdemeanor.

4 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) **Except as provided in RSA 318-B:2-c**, controls any premises or vehicle where he knows a controlled drug or its analog is illegally kept or deposited;

5 Other Alcohol or Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years.

This section shall not apply to the possession of marijuana or hashish as provided in RSA 318-B:2-c.

6 New Paragraph; Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery; Duties. Amend RSA 12-J:3 by inserting after paragraph III-a the following new paragraph:

III-b. Develop a marijuana education program.

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

2016-1587h

AMENDED ANALYSIS

This bill reduces the penalty for possession of 1/4 ounce or less of marijuana or one gram or less of hashish to a violation. The bill also requires the governor's commission on alcohol and drug abuse prevention, treatment, and recovery to develop a marijuana education program.

Committee amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Edwards requested a roll call; sufficiently seconded.

YEAS 289 - NAYS 58

YEAS - 289

BELKNAP

Aldrich, Glen
LeBreche, Shari

Fields, Dennis
Sylvia, Michael

Fisher, Robert
Fraser, Valerie

Howard, Raymond
Varney, Peter

CARROLL

Avellani, Lino
Schmidt, Stephen

Buco, Thomas
Ticehurst, Susan

Butler, Edward
Umberger, Karen

Comeau, Ed

CHESHIRE

Abbott, Michael
Bordenet, John
Hunt, John
McConnell, James
Sad, Tara
Weber, Lucy

Ames, Richard
Chase, Cynthia
Roberts, Kris
Pearson, William
Shepardson, Marjorie

Tilton, Benjamin
Eaton, Daniel
Ley, Douglas
Phillips, Larry
Sterling, Franklin

Berch, Paul
Emerson, Susan
Mann, John
Robertson, Timothy
Tatro, Bruce

COOS

Fothergill, John
Thomas, Yvonne

Froburg, Alethea

Moynihan, Wayne

Rideout, Leon

GRAFTON

Abel, Richard
Darrow, Stephen
Gionet, Edmond
Hennessey, Martha
Piper, Wendy

Almy, Susan
Hennessey, Erin
Higgins, Patricia
Maes, Kevin
Smith, Suzanne

Bennett, Travis
Johnson, Eric
Hull, Robert
Massimilla, Linda
Sykes, George

Cooney, Mary
Ford, Susan
Ingbretson, Paul
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Adams, Christopher
Balcom, John
Booras, Efstathia
Christensen, Chris
Cornell, Patricia
Eastman, Eric
Ferreira, Elizabeth
Smith, Gregory
Gonzalez, Carlos
Guerette, C. Lee
Hopper, Gary
Rice, Kimberly
Lachance, Joseph
McLean, Mark
Ohm, Bill
Proulx, Mark
Rosenwald, Cindy
Schleien, Eric
Shaw, Barbara
Smith, Timothy
Sullivan, Victoria
Wolf, Terry

Ammon, Keith
Baroody, Benjamin
Bouldin, Amanda
Roberts, Carol
Danielson, David
Edelblut, Frank
Flanagan, Jack
Gagne, Larry
Gorman, Mary
Harvey, Suzanne
Infantine, William
Kurk, Neal
Leishman, Peter
McNamara, Richard
Long, Patrick
Christie, Rick
Rouillard, Claire
Scotsas, Lisa
Simmons, Tammy
Takesian, Charlene
Vann, Ivy
Woodbury, David

Griffin, Barbara
Biggie, Barbara
Burt, John
Coffey, James
DiSilvestro, Linda
Edwards, Elizabeth
Freitas, Mary
Gidge, Kenneth
Gould, Linda
Heath, Mary
Belanger, James
Christiansen, Lars
Mangipudi, Latha
Murotake, David
Parison, James
Ober, Russell
Rowe, Robert
Seidel, Carl
Soucy, Timothy
Twombly, Timothy
O'Brien, William
Zaricki, Nick

Backus, Robert
Boehm, Ralph
Byron, Frank
Cohen, Alan
Donovan, Daniel
Estevez, Eric
Fromuth, Bart
Goley, Jeffrey
Goulette, William
Herbert, Christopher
Jack, Martin
Ober, Lynne
Manley, Jonathan
Murphy, Keith
Porter, Marjorie
Walsh, Robert
Sanborn, Laurie
Shattuck, Gilman
Stepanek, Stephen
Ulery, Jordan
Williams, Kermit

MERRIMACK

Turcotte, Alan
Brewster, Michael
McGuire, Dan
Gile, Mary
Horn, Werner
Kidder, David
MacKay, James
Myler, Mel
Saunderson, George
Walsh, Thomas

French, Barbara
McGuire, Carol
Deloge, Helen
French, Harold
Frazer, June
Kotowski, Frank
Marple, Richard
Patten, Dick
Schuett, Dianne
Wallner, Mary Jane

Bartlett, Christy
Carson, Clyde
Doherty, David
Henle, Paul
Karrick, David
Kuch, Bill
Martin, John
Ratzki, Mario
Seaworth, Brian
Wheeler, Deborah

Bradley, Paula
Long, Douglas
Ebel, Karen
Hoell, J.R.
Kenison, Linda
Luneau, David
Moffett, Howard
Rogers, Katherine
Shurtleff, Stephen

ROCKINGHAM

Christie, Andrew
Baldasaro, Alfred
Borden, David
Cook, Allen
DiFranco, Debbie
Elliott, Robert
Fesh, Robert
Guthrie, Joseph
Sweeney, Joe
Lovejoy, Patricia
McMahon, Charles
Osborne, Jason
Potucek, John
Sherman, Thomas
True, Chris

Abrami, Patrick
Barnes, Arthur
Cali-Pitts, Jacqueline
Cushing, Robert
Doucette, Fred
Emerick, J. Tracy
Francese, Paula
Hagan, Joseph
Ward, Joanne
Major, Norman
Milz, David
Gordon, Pamela
Prudhomme-O'Brien, Katherine
Simpson, Alexis
Vose, Michael

Abramson, Max
Bates, David
Cardon, G. Thomas
Thomas, Douglas
Duarte, Joe
Chase, Francis
Ward, Gerald
Heffron, Frank
Kappler, Lawrence
Matthews, Carolyn
Nigrello, Robert
Pantelakos, Laura
Tilton, Rio
Spillane, James
Webb, James

Azarian, Gary
Berrien, Skip
Chirichiello, Brian
Dean-Bailey, Yvonne
Edgar, Michael
Ferrante, Beverly
Green, Dennis
Itse, Daniel
Katsakiores, Phyllis
McBeath, Rebecca
O'Connor, John
Peckham, Michele
Schroadter, Adam
Sytek, John

STRAFFORD

Baber, William
Bixby, Peter
DeLemus, Susan
Horriggan, Timothy
Kaen, Naida
Smith, Marjorie
Spang, Judith
Wall, Janet

Beaudoin, Steven
Burton, Wayne
DiSesa, Len
Jones, Laura
Knowles, Robert
Schmidt, Peter
Sprague, Dale
Whitehouse, Joshua

Berube, Roger
Cheney, Catherine
Graham, Robert
Ward, Kenneth
Turcotte, Leonard
Pitre, Joseph
Treleaven, Susan
Wuelper, Kurt

Bickford, David
Cilley, Jacalyn
Hannon, Joseph
Kaczynski, Thomas
Leeman, Don
Southworth, Thomas
Verschueren, James

SULLIVAN

Schmidt, Andrew
Gottling, Suzanne
O'Hearne, Andrew

Cloutier, John
Grenier, James
Oxenham, Lee

Converse, Larry
Irwin, Virginia
Rollins, Skip

Gagnon, Raymond
Laware, Thomas
Smith, Steven

NAYS - 58**BELKNAP**

Dumais, Russell
Hurt, George

Tilton, Franklin
Spanos, Peter

Flanders, Donald

Gallagher, Brian

CARROLL

Chandler, Gene
Nelson, Bill

Cordelli, Glenn
Parker, Harold

Crawford, Karel

McConkey, Mark

CHESHIRE

Parkhurst, Henry

COOS

Richardson, Herbert

Tholl, John

GRAFTON

Bailey, Brad

Brown, Duane

Ladd, Rick

HILLSBOROUGH

Barry, Richard
Hansberry, Daniel
LeBrun, Donald
Pellegrino, Anthony
Souza, Kathleen

Cote, David
Hansen, Peter
Marston, Dick
Peterson, Ken
Straight, Phillip

Gargas, Carolyn
Hinch, Richard
Brown, Pamela
Pierce, David

Haefner, Robert
Hogan, Edith
Palmer, Barry
Snow, Kendall

MERRIMACK

Hess, David

Hill, Gregory

ROCKINGHAM

Cahill, Michael
Friel, William
Hoelzel, Kathleen
Manning, John
Weyler, Kenneth

DeSimone, Debra
Gannon, William
Introne, Robert
Packard, Sherman

Devine, James
Harris, Jeffrey
Kolodziej, Walter
Gordon, Richard

Rice, Frederick
Hodgdon, Bruce
Griffin, Mary
Welch, David

STRAFFORD

Gray, James

Groen, Warren

Rollo, Deanna

and the committee report was adopted and ordered to third reading.

SB 540-FN, relative to the possession, use, or sale of kratom by any person under 18 years of age. **OUGHT TO PASS.**

Rep. John Martin for Criminal Justice and Public Safety. Kratom is illegal to import into the United States. It is also illegal in Thailand, the country where it is primarily grown. Kratom has been described as similar to khat, a drug widely used in Africa to stimulate warlord gangs and child soldiers. There is documentary evidence submitted which suggests that this substance, when abused, can be addictive, and in several instances where it has been offered as an alternative to opioids, its use has led back to opioid abuse in a vicious cycle. There are currently no prohibitions in NH law against this substance. This is a start, albeit a small one. Vote 9-8.

Rep. Marston spoke against.

Rep. Martin spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Spillane moved that **SB 540-FN**, relative to the possession, use, or sale of kratom by any person under 18 years of age, be laid on the table.

On a division vote, with 202 members having voted in the affirmative, and 143 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

SB 483-FN, establishing a committee to study the necessity of creating a chartered public school program officer position and to study appropriations to chartered public schools for the 2016 and 2017 fiscal years. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary Heath for the Majority of Education. This bill as amended establishes the position of a chartered school program officer in the department of education. In 2013, HB 1128 established a study committee which resulted in further legislation that established a commission to study the issues related to children attending public charter

schools. In 2014, that commission was enacted by statute and meets regularly to discuss public school charter issues. That commission identified the need for and strongly recommended a charter school program officer within the department of education. The chartered public school officer will serve an important role in the design, development, authorization, evaluation and implementation of NH public charter schools. Furthermore, the position will assist in securing federal funds and other resources for public charter schools as well as creating a forum to share ideas among charter schools and programs that our traditional public schools may want to explore. This bill will require the commissioner of education to establish this position to take effect July 1, 2017. Vote 14-6.

Rep. Glenn Cordelli for the Minority of Education. This bill, as amended, would seek to create a new position in the Department of Education in the next budget. The minority believes that this position can be requested in the next budget by the department without this bill. For a number of years, this function has actually been grant funded. As we recently saw with the denial of an application for a Windham Charter School, they received the needed support from the department. The issue is with the Board of Education who denied the application. This bill does not address that larger issue.

Majority Amendment (1362h)

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

AN ACT establishing the position of chartered public school program officer in the department of education.

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

1 Statement of Purpose. The chartered public school program officer position under this act provides state-wide administrative oversight, support, and guidance to ensure the chartered public school education program, including the delivery of special education services, which complies with state and federal requirements.

2 New Paragraph; Department of Education; Duties of Commissioner; Chartered Public School Program Officer. Amend RSA 21-N:4 by inserting after paragraph XI the following new paragraph:

XII. No later than October 1, 2017, establish a chartered public school program officer position which shall be a classified position. The commissioner shall include a new classified chartered public school program officer classified position in its efficiency expenditure report pursuant to RSA 9:4 for the biennium ending June 30, 2019 and every biennium thereafter. The chartered public school program officer shall:

- (a) Answer inquiries regarding charter public schools.
- (b) Act as a liaison between chartered public schools and the department of education.
- (c) Ensure that a chartered public school is implementing its charter mission.
- (d) Provide training for interested parties on the governance of chartered public schools and the development of chartered public school policy.
- (e) Assist the chartered public school in identifying and securing alternative funding sources.
- (f) Receive and evaluate progress reports from chartered public schools, identify best practices for instruction and management in chartered public schools, and develop a process to share such best practices with other public schools.
- (g) Act as the liaison between chartered public schools and the United States Department of Education.
- (h) Act as the liaison between chartered public school advocacy groups and interested parties.
- (i) Act as the liaison between chartered public schools and other public schools in the chartered public school's geographic region.
- (j) Work closely with the resident school districts and chartered public schools to assure appropriate support for students with disabilities.

3 Effective Date. This act shall take effect July 1, 2017.

2016-1362h

AMENDED ANALYSIS

This bill requires the commissioner of the department of education to establish the position of chartered public school program officer.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

On a division vote, with 207 members having voted in the affirmative, and 134 in the negative, the majority committee report was adopted and ordered to third reading.

SB 4, relative to eligibility to vote and relative to availability of voter information. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Adam Schroader for the Majority of Election Law. This bill, establishing a 30-day domicile requirement for voting in New Hampshire, is similar to SB 179 from last year. It strikes a balance between ease-of-voting and the necessity of protecting the integrity of our elections. It is the result of many hearings and meetings with the public, the Secretary of State and Deputy Secretary of State, and groups concerned with the election process. Testimony included surprisingly high statistics of voters registering in New Hampshire with out-of-state drivers' licenses and verified cases of drive-by-voting from the Department of Justice. A July 2015

WMUR Granite State poll reported a majority of Granite Staters support a 30-day residency requirement for voting in New Hampshire, as was included previously in SB 179 and also here in SB 4. The majority of the committee feels it is crucial that those who vote in the State of New Hampshire are, in fact, residents and domiciliaries of the state and not individuals seeking to take advantage of the voting system for personal gain. Elections are often decided by narrow margins and even a small degree of influence carries the potential to change the result of an election. Vote 10-7.

Rep. Wayne Moynihan for the Minority of Election Law. Despite an earlier proposal for a 10-day prohibition against new citizens voting in NH, the committee majority now proposes passage of SB 4, which establishes a 30-day residency requirement. Clearly, the NH Constitution establishes that a citizen may vote in NH wherever he or she is “domiciled” on the day of the election. In a state such as ours, where the capacity for same-day voter registration has been well established, the minority believes it is unfair and constitutionally wrong to require a citizen to prove an extended period of in-state residency in order to vote. Testimony from town clerks, the NH League of Women Voters, and other witnesses clearly established that this change to our law would definitely prevent eligible voters from voting. The likelihood of this offensive result is based on actual interactions between voters and these clerks and advocates in recent past elections. The bill authorizes clerks and registrars to consider a citizen’s federal tax records, interactions with government agencies, and to examine NH licenses to determine domicile. At the time of the executive session, an amendment to the bill was presented to add a “Statement of Purpose” to the bill. It is to be attached to the new law to explain to others what this new law means. The “Statement” actually has the audacity to include the claims that it expresses not only the intent of this legislature in passing this law, but also the intent of the members of the 1974 Constitutional Convention; the past intent of a “Supreme Court,” but without identifying which case or even which supreme court it is referring to; and, finally, it states that the 1976 “domicile” amendment to the NH Constitution “no longer complies with current statutes,” a claim which sort of puts the cart before the horse. This bill will deprive valid NH citizens of their fundamental right to vote.

Majority Amendment (1349h)

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Statement of Purpose. The New Hampshire constitution states: “Every person shall be considered an inhabitant for the purposes of voting in the town, ward, or unincorporated place where he has his domicile.” Members of the 1974 Constitutional Convention voted to make “domicile” a prerequisite for voting, rather than being an inhabitant or resident, with the intent to require a more definite and permanent qualification that preserves and promotes confidence in elections. It was deemed that a person may have multiple residences at one time, but only one domicile. The amendment to the constitution was passed during the 1976 general election; however, under the wording of our current statutes, it is difficult for the state to assert this constitutional interest in preserving the integrity, fairness, and efficiency of the election process. The Supreme Court has stated that this interest justifies the state’s imposition of certain eligibility requirements for voters and has upheld the legislatures’ duty to set qualifications for the equal constitutional right to be elected. A 30-day domiciliary requirement for electors provides administrative clarification while preserving and promoting voter confidence in New Hampshire’s unmatched tradition of ballot access and voter participation.

Rep. Moynihan spoke against.

Rep. Gray spoke in favor.

On a division vote, with 202 members having voted in the affirmative, and 140 in the negative, the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Gannon offered floor amendment (1876h).

Floor Amendment (1876h)

Amend the bill by replacing sections 1-3 with the following:

1 Voter; Domicile. Amend RSA 654:1, I to read as follows:

I.(a) Every inhabitant [of the state], having [a single] established domicile [for voting purposes] in this state for no less than 10 consecutive days before any election where the inhabitant offers to vote, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he or she is domiciled.

(b)(1) An inhabitant’s domicile for voting purposes [is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government.] shall be the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his or her habitation is fixed and to which a person, whenever he or she is temporarily absent, has the intention of returning after a departure or absence therefrom, including when the person is absent because of military service or temporarily absent as described in RSA 654:2.

(2) *In determining what is a principal or primary place of abode of a person, without limitation the following factors or evidence relating to such person may be taken into account: civic and community participation, the place where a person spends most nights of the year, the location from which a person would apply for a passport or other federal identification, residence for income or other tax purposes, eligibility for a resident hunting and fishing license, and a New Hampshire driver's license.*

(3) *A qualified voter who has left his or her home and gone into another state or town of this state for a temporary purpose only shall not be considered to have lost his or her domicile as described in RSA 654:2.*

(4) *A person shall not be considered to have gained a domicile in any town or ward of this state into which he or she comes for temporary purposes only, without the intention of making it his or her home but with the intention of leaving it when he or she has accomplished the purpose that brought him or her there. Evidence that a person who, prior to arriving in New Hampshire, was domiciled in another state and is temporarily present in New Hampshire for any purpose including, but not limited to vacation, short-term temporary work, volunteering for social or civic purposes, or volunteering or working on political campaigns is not sufficient evidence that the person has established a domicile in New Hampshire.*

(5) *If a qualified voter moves to another state, with the intention of making it his or her permanent home, he or she shall be considered to have lost his or her domicile in this state.*

(c) A person has the right to change domicile at any time, however a mere intention to change domicile in the future does not, of itself, terminate an established domicile before the person actually moves.

2 New Paragraphs; Voter; Domicile. Amend RSA 654:1 by inserting after paragraph I-a the following new paragraphs:

I-b. Any person who establishes a voting domicile that otherwise meets the requirement of paragraph I, less than 10 days before any election where the inhabitant offers to vote shall vote at the polling place for the town or ward of his or her most recent previous domicile. Except that any person who transfers an existing New Hampshire voter registration and satisfies the requirements of this chapter for proving his or her new domicile may vote at the polling place for the town or ward of his or her new domicile.

I-c. Any person who met the requirements of this chapter to register to vote in New Hampshire who has established a voting domicile outside of New Hampshire within the 10 consecutive days before an election and is not allowed to register and vote in that election in the state of his or her new domicile because he or she established that new domicile within 10 consecutive days before that election may vote at the polling place for the New Hampshire town or ward where he or she was previously domiciled.

3 Voter Registration Form. Amend RSA 654:7, IV to read as follows:

IV.(a) [A] Standard registration application [form] **forms** shall be used throughout the state. The registration [form] **forms** shall be no larger than 8 1/2 inches by 11 inches.

(b) The secretary of state shall prescribe the form of the voter registration form to be used for voter registrations, **transfers, or updates** other than those 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 _____

VOTER REGISTRATION FORM

(Please print or type)

1. Name	_____		
	Last	(suffix)	First
			Full Middle Name
2. Domicile Address	_____		
	Street		Ward Number
	Town or City		Zip Code
3. Mailing Address if different than in 2	_____		
	Street		
	Town or City		Zip Code
4. Place and Date of Birth	_____		
	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

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.

I understand that to vote in this [city/town] **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 [city/town] **ward/town**. **Furthermore, I understand that I must have been domiciled in New Hampshire for no less than 10 consecutive days before the first election in which I intend to vote.**

I understand that if I have not been domiciled in New Hampshire for at least 10 consecutive days prior to an election but have completed this form, I have not met the registration requirements for said election but will be registered for the first election that I am eligible to vote in.

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 am subject to the laws of the state of New Hampshire which apply to all residents, including laws requiring a driver to register a motor vehicle and apply for a New Hampshire's driver's license within 60 days of becoming a resident.]~~

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 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

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.

(c) The secretary of state shall prescribe the form of the voter registration form to be used only for voter registrations, **transfers, or updates** 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 _____

VOTER REGISTRATION FORM

FOR USE AT THE POLLING PLACE ON THE DATE OF THE STATE GENERAL ELECTION

(Please print or type)

1. Name _____

Last

(suffix)

First

Full Middle Name

2. Domicile Address _____

Street

Ward Number

Town or City

Zip Code

3. Mailing Address if different than in 2 _____

Street

Town or City

Zip Code

2016-1876h
AMENDED ANALYSIS

This bill:

I. Expands the definition of domicile for voting purposes and requires that a voter be a resident of the state for at least 10 days.

II. Modifies the voter registration form.

III. Allows otherwise confidential voter information to be made available to the legislature in an aggregated or statistical data format.

Rep. Gannon spoke in favor.

Rep. Burton spoke against.

Floor amendment (1876h) failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Moynihan spoke against.

Rep. William O'Brien spoke in favor.

Rep. Sanborn requested a roll call; sufficiently seconded.

YEAS 203 - NAYS 144

**YEAS - 203
BELKNAP**

Aldrich, Glen
Fisher, Robert
Hurt, George
Fraser, Valerie

Dumais, Russell
Flanders, Donald
LeBreche, Shari
Varney, Peter

Tilton, Franklin
Gallagher, Brian
Spanos, Peter

Fields, Dennis
Howard, Raymond
Sylvia, Michael

CARROLL

Avellani, Lino
Crawford, Karel
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

CHESHIRE

Emerson, Susan
Sterling, Franklin

Hunt, John

McConnell, James

Phillips, Larry

COOS

Fothergill, John

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Johnson, Eric
Ladd, Rick

Brown, Duane
Gionet, Edmond

Darrow, Stephen
Hull, Robert

Hennessey, Erin
Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
Barry, Richard
Byron, Frank
Donovan, Daniel
Ferreira, Elizabeth
Gagne, Larry
Haefner, Robert
Hopper, Gary
Kurk, Neal
LeBrun, Donald
Murphy, Keith
Parison, James
Proulx, Mark
Rowe, Robert
Seidel, Carl
Straight, Phillip
O'Brien, William

Ammon, Keith
Biggie, Barbara
Christensen, Chris
Eastman, Eric
Flanagan, Jack
Gonzalez, Carlos
Hansen, Peter
Infantine, William
Christiansen, Lars
Marston, Dick
Notter, Jeanine
Pellegrino, Anthony
Christie, Rick
Sanborn, Laurie
Simmons, Tammy
Twombly, Timothy
Wolf, Terry

Griffin, Barbara
Boehm, Ralph
Coffey, James
Edelblut, Frank
Fromuth, Bart
Gould, Linda
Hinch, Richard
Belanger, James
Ober, Lynne
McLean, Mark
Ohm, Bill
Peterson, Ken
Ober, Russell
Schleien, Eric
Souza, Kathleen
Ulery, Jordan
Zaricki, Nick

Balcom, John
Burt, John
Danielson, David
Estevez, Eric
Smith, Gregory
Goulette, William
Hogan, Edith
Rice, Kimberly
Lachance, Joseph
Murotake, David
Palmer, Barry
Pierce, David
Rouillard, Claire
Scotsas, Lisa
Stepanek, Stephen
Sullivan, Victoria

MERRIMACK

Brewster, Michael
French, Harold
Horn, Werner
Marple, Richard

McGuire, Carol
Hess, David
Kidder, David
Martin, John

Long, Douglas
Hill, Gregory
Kotowski, Frank
Seaworth, Brian

McGuire, Dan
Hoell, J.R.
Kuch, Bill
Walsh, Thomas

ROCKINGHAM

Christie, Andrew
 Baldasaro, Alfred
 Cook, Allen
 Doucette, Fred
 Chase, Francis
 Friel, William
 Hagan, Joseph
 Introne, Robert
 Kappler, Lawrence
 Major, Norman
 Milz, David
 Packard, Sherman
 Gordon, Richard
 Sytek, John
 Welch, David

Abrami, Patrick
 Barnes, Arthur
 Thomas, Douglas
 Duarte, Joe
 Rice, Frederick
 Gannon, William
 Harris, Jeffrey
 Itse, Daniel
 Katsakiores, Phyllis
 Manning, John
 Nigrello, Robert
 Peckham, Michele
 Tilton, Rio
 True, Chris
 Weyler, Kenneth

Abramson, Max
 Cardon, G. Thomas
 Dean-Bailey, Yvonne
 Elliott, Robert
 Ferrante, Beverly
 Green, Dennis
 Hodgdon, Bruce
 Sweeney, Joe
 Kolodziej, Walter
 Matthews, Carolyn
 O'Connor, John
 Potucek, John
 Schroadter, Adam
 Vose, Michael

Azarian, Gary
 Chirichiello, Brian
 Devine, James
 Emerick, J. Tracy
 Fesh, Robert
 Guthrie, Joseph
 Hoelzel, Kathleen
 Ward, Joanne
 Griffin, Mary
 McMahon, Charles
 Osborne, Jason
 Prudhomme-O'Brien, Katherine
 Spillane, James
 Webb, James

STRAFFORD

Beaudoin, Steven
 Graham, Robert
 Jones, Laura
 Leeman, Don

Berube, Roger
 Gray, James
 Kaczynski, Thomas
 Pitre, Joseph

Cheney, Catherine
 Groen, Warren
 Knowles, Robert
 Whitehouse, Joshua

DeLemus, Susan
 Hannon, Joseph
 Turcotte, Leonard
 Wuelper, Kurt

SULLIVAN

Grenier, James

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 144**CARROLL**

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
 Bordenet, John
 Ley, Douglas
 Robertson, Timothy
 Weber, Lucy

Ames, Richard
 Chase, Cynthia
 Mann, John
 Sad, Tara

Tilton, Benjamin
 Eaton, Daniel
 Parkhurst, Henry
 Shepardson, Marjorie

Berch, Paul
 Roberts, Kris
 Pearson, William
 Tatro, Bruce

COOS

Froburg, Alethea
 Thomas, Yvonne

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
 Ford, Susan
 Massimilla, Linda
 Sykes, George

Almy, Susan
 Higgins, Patricia
 Nordgren, Sharon
 Townsend, Charles

Bennett, Travis
 Hennessey, Martha
 Piper, Wendy
 White, Andrew

Cooney, Mary
 Maes, Kevin
 Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
 Cohen, Alan
 Edwards, Elizabeth
 Guerette, C. Lee
 Herbert, Christopher
 Manley, Jonathan
 Porter, Marjorie
 Shaw, Barbara
 Takesian, Charlene

Booras, Efstathia
 Cornell, Patricia
 Freitas, Mary
 Hansberry, Daniel
 Jack, Martin
 McNamara, Richard
 Walsh, Robert
 Snow, Kendall
 Vann, Ivy

Bouldin, Amanda
 Cote, David
 Gidge, Kenneth
 Harvey, Suzanne
 Leishman, Peter
 Brown, Pamela
 Rosenwald, Cindy
 Soucy, Timothy
 Williams, Kermit

Roberts, Carol
 DiSilvestro, Linda
 Gorman, Mary
 Heath, Mary
 Mangipudi, Latha
 Long, Patrick
 Shattuck, Gilman
 Smith, Timothy
 Woodbury, David

MERRIMACK

Turcotte, Alan
 Carson, Clyde
 Gile, Mary
 Kenison, Linda
 Myler, Mel
 Saunderson, George
 Wheeler, Deborah

French, Barbara
 Deloge, Helen
 Henle, Paul
 Luneau, David
 Patten, Dick
 Schuett, Dianne

Bartlett, Christy
 Doherty, David
 Frazer, June
 MacKay, James
 Ratzki, Mario
 Shurtleff, Stephen

Bradley, Paula
 Ebel, Karen
 Karrick, David
 Moffett, Howard
 Rogers, Katherine
 Wallner, Mary Jane

ROCKINGHAM

Bates, David
 Cali-Pitts, Jacqueline
 Francese, Paula
 McBeath, Rebecca
 Simpson, Alexis

Berrien, Skip
 Cushing, Robert
 Ward, Gerald
 Gordon, Pamela

Borden, David
 DiFranco, Debbie
 Heffron, Frank
 Pantelakos, Laura

Cahill, Michael
 Edgar, Michael
 Lovejoy, Patricia
 Sherman, Thomas

STRAFFORD

Baber, William
Cilley, Jacalyn
Kaen, Naida
Southworth, Thomas
Verschuieren, James

Bickford, David
DiSesa, Len
Smith, Marjorie
Spang, Judith
Wall, Janet

Bixby, Peter
Horrigan, Timothy
Schmidt, Peter
Sprague, Dale

Burton, Wayne
Ward, Kenneth
Rollo, Deanna
Treleaven, Susan

SULLIVAN

Schmidt, Andrew
Gottling, Suzanne

Cloutier, John
Irwin, Virginia

Converse, Larry
O'Hearne, Andrew

Gagnon, Raymond
Oxenham, Lee

and the majority committee report was adopted and ordered to third reading.

SB 423, relating to the right of 17-year olds to register to vote. **OUGHT TO PASS.**

Rep. William Pearson for Election Law. This bill simply clarifies a current law. While there were some on the committee who felt our voting system is vulnerable to participation by those under 18 years of age, the Secretary of State assured us that our supervisors of the checklists are very well trained and, as of yet, there have been no incidents where a 17-year-old has been able to fraudulently vote. As the bill does not make any changes to current practice, the bipartisan majority of the Election Law Committee sees no cause for concern and recommend that this bill Ought to Pass. Vote 10-7.

Rep. Bates spoke against.

Reps. Pearson and Hoelzel spoke in favor.

On a division vote, with 193 members having voted in the affirmative, and 142 in the negative, the committee report was adopted and ordered to third reading.

SB 315, relative to the regulation of barbers, cosmetologists, estheticians, and manicurists. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Schmidt for the Majority of Executive Departments and Administration. This bill, as adopted by the Senate, is a request of the Board of Barbering, Cosmetology and Esthetics. It is essentially a housekeeping bill modifying certain definitions relevant to the professions overseen by the board. It also makes certain simplifying and facilitating changes to current license renewal provisions, and restructures the list of persons exempt from licensure requirements. The committee amendment removes the requirement for licensing shampoo assistant apprentices and removes 'shampooing' from the definitions of 'barber' and 'cosmetologist.' Vote 8-7.

Rep. J.R. Hoell for the Minority of Executive Departments and Administration. The bill seeks to update and expand the definitions for what is included in the field of cosmetology and other professions regulated under RSA 313-A. The bill as filed also would have licensed the "profession" of shampoo assistant apprentice. The minority of the committee agreed with the changes that were made in the committee amendment, but felt that there are still issues in the Barbering and Cosmetology Practice Act that have not been addressed. Although completely unenforced, current law technically prohibits a parent from cutting the hair of their child, or even of their elderly parent, without a license. Furthermore, the penalties for cutting someone's hair or decorating their nails without the appropriate license is a Class A misdemeanor for a person and a felony for setting up a business to provide these services. The members felt that the penalties are excessive and that adopting two other simple changes would significantly enhance the bill. The minority felt that its amendment, which allows a person who is not engaged in the profession as a primary occupation to cut the hair of their friends and family members, is in keeping with current practice and that we should align our statutes to what we believe that people should be allowed to do.

Majority Amendment (1697h)

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

1 Barbering, Cosmetology, and Esthetics; Definitions; Barbering. Amend RSA 313-A:1, II(c) to read as follows:

(c) [~~Shampooing;~~] Arranging, dressing, or styling **the hair**.

2 Definition; Master Barber. Amend RSA 313-A:1, II-a(c) to read as follows:

(c) [~~Shampooing;~~] Arranging, dressing, or dyeing the hair or applying hair tonics;

3 Definition; Cosmetology. Amend RSA 313-A:1, VI to read as follows:

VI. "Cosmetology" means arranging, dressing, curling, waving, [~~cleansing;~~] cutting, bleaching, coloring, or similarly treating the hair of any person, and performing other work customarily performed by a cosmetologist such as giving facials [~~and~~], manicures, **pedicures, and artificial nail enhancements, applying makeup or eyelashes to any person, and removing superfluous hair.**

4 Definition; Esthetics. Amend RSA 313-A:1, VIII(d) to read as follows:

(d) Providing pedicure **and manicure** services, including therapeutic skin and nail care treatments for the [foot] **feet and hands**, beautifying the [foot] **feet and hands**, and massaging, cleansing, or stimulating the [foot] **feet and hands** by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, trimming or filing the [toenails] **nails**, and polishing the [toenail] **nails**.

5 Definitions; Manicuring or Pedicuring. Amend RSA 313-A:1, X to read as follows:

X. "Manicuring" or "pedicuring" means cutting, trimming, polishing, **applying artificial enhancements such as tips or acrylic to the natural nails, or** coloring or cleansing the nails of any person.

6 Board of Barbering, Cosmetology and Esthetics; Owner Member. Amend RSA 313-A:2, I to read as follows:

I. There shall be a board of barbering, cosmetology, and esthetics consisting of 7 members as follows: one licensed barber, one licensed cosmetologist, one licensed esthetician, one licensed manicurist, one owner of a licensed **barbering, cosmetology, esthetics, or manicuring** school who shall be a resident of New Hampshire or a designee of such owner who shall be a ~~[licensed cosmetologist]~~ **licensee** and a resident of New Hampshire, one owner of a registered tanning facility and one public member; each to be appointed by the governor with the consent of the council to a term of 5 years. No board member shall be appointed to more than 2 consecutive terms. Appointees to the unexpired portion of a full term shall become members of the board on the day following such appointment. Time served in filling an unexpired term shall not affect an appointee's eligibility to serve 2 consecutive full terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

7 Temporary Permit; Expiration. Amend RSA 313-A:18, II to read as follows:

II. A temporary permit shall authorize its holder to engage temporarily in the practice of the profession for which such permit was issued under the guidance of a licensed practitioner in a registered salon or barbershop. If, upon notice from the board, the applicant fails without just cause to take the examination, the permit shall terminate. If the applicant fails to pass the examination, the board in its discretion may grant a second temporary permit, under like conditions, which permit in all circumstances shall expire ~~[upon the holding of the next successive examination]~~ **60 days from its issuance**, unless just cause for failure to take the examination shall be shown to the satisfaction of the board.

8 Renewal of Expired License; Late Fee. Amend RSA 313-A:20 to read as follows:

313-A:20 Expiration and Renewal of Licenses. Each barber, master barber, barber instructor, apprentice, barbershop, barber school, esthetician, esthetics instructor, esthetics school, esthetics salon, manicurist, apprentice, beauty salon, or manicuring salon license issued under this chapter shall expire on the last day of the birth month of the licensee in the odd year next succeeding its date of issuance. Each cosmetologist, cosmetology instructor, or cosmetology school license issued under this chapter shall expire on the last day of the birth month of the licensee in the even year next succeeding its date of issuance. Any personal license which has expired may be renewed ~~[at any time during the year next following upon]~~ **within 6 months by** payment of the renewal fee **and a late fee** established by the board ~~[and an additional fee of \$5, and at any time during the next succeeding year period upon the payment of the renewal fee and an additional fee of \$10. If the holder of any license fails to renew the license within 2 years after its expiration, such license may be renewed within 5 years after expiration by paying a fee].~~ **After 6 months and within 5 years, a personal license may be renewed by paying the renewal fee and a late fee established by the board.** Any school or shop license which has expired may be renewed upon payment of the renewal fee plus a late fee established by the board.

9 Apprentice Licensure. Amend RSA 313-A:24 to read as follows:

313-A:24 Apprentice Registration **and Licensure**.

I. No person shall enter an apprenticeship or enroll in a school under this chapter unless such person has registered with the board as an apprentice **and been issued an apprentice license**. The board shall have sole authority to regulate apprentices and apprenticeship under this chapter. **The board shall issue an apprentice license to any student receiving instruction within a licensed school or shop to learn barbering, cosmetology, esthetics, or manicuring.**

II. A person applying for ~~[registration]~~ **a license** under this section shall be granted such ~~[registration]~~ **license** upon:

- (a) Submitting proof sufficient to the board to show that such person is at least 16 years of age;
- (b) ~~[Submitting 3 passport-size photographs;~~
- (c) ~~[Paying a fee established by the board; and~~
- (c) ~~[(d)]~~ **(c)** Being deemed by the board to be of good professional character.

III. No salon or barbershop shall at any one time have more than one apprentice per licensed professional, except as follows:

- (a) Each licensed barber may have up to 2 apprentices for barbering.
- (b) Each licensed master barber may have up to 2 apprentices for barbering, or one apprentice master barber and one apprentice barber.

IV. Upon completing the number of hours specified in the board's apprentice rules, an apprentice shall be eligible to apply to the board for licensure.

10 Barbering, Cosmetology, and Esthetics; Exemptions. Amend RSA 313-A:25 to read as follows:

313-A:25 Exemptions.

~~[E.]~~ The provisions of this chapter relative to barbering, **cosmetology, esthetics, and manicuring** shall not be construed to apply to the following persons:

~~[(a)] I. Physicians and surgeons licensed under RSA 329 when engaged in the practice of their profession[;].~~
~~[(b)] II. Chiropractors licensed under RSA 316-A when engaged in the practice of their profession[;].~~
~~[(c)] III. Commissioned medical or surgical officers of the United States army, navy, or marine hospital service[;].~~

~~[(d)] IV. Registered and practical nurses licensed under RSA 326-B *when engaged in the practice of their profession*[;].~~

~~[(e)] Licensed cosmetologists or estheticians under this chapter;~~

~~[(f)] Persons engaged in the practice of barbering in public or private institutions where such practice is carried on solely for the benefit of such institution;~~

~~[(g)] V. Morticians licensed under RSA 325 when engaged in the practice of their profession. [; or~~

~~[(h)] Persons conducting programs for barbering demonstration sponsored by a recognized barber organization.~~

~~[H. The provisions of this chapter relative to cosmetology or esthetics shall not be construed to apply to the following persons:~~

~~(a) Licensed barbers engaged in their usual occupation.~~

~~[(b)] VI. Persons engaged in behalf of a manufacturer or distributor solely in demonstrating the use of any machine or other article for purposes of sale, without charge to the person who is the subject of such demonstration.~~

~~[(c)] VII. Persons engaged in the practice of *barbering*, cosmetology[~~-or~~], esthetics, *or manicuring* in a charitable or benevolent institution, *nursing home, long-term care facility, or assisted living facility* where such practice is carried on solely for the benefit of the residents of such institution.~~

~~[(d)] VIII. Persons conducting programs relating to demonstrations of *barbering*, cosmetology [or], esthetics, *or manicuring* sponsored by a [recognized cosmetological or esthetical] *professional* organization.~~

~~[(e)] Licensed cosmetologists engaged in the practice of cosmetology upon an invalid, a person with a disability, or a person confined to the home because of age;]~~

IX. Licensees engaged in the practice of their profession upon a person who is not able to leave his or her residence because the person has a disability, limited mobility, or by reason of the person's age in that person's place of residence.

~~[(f)] X. Persons licensed as massage therapists under RSA 328-B.~~

~~[(g)] XI. Persons licensed as physical therapists or physical therapist assistants under RSA 328-A and 328-F.~~

XII. Persons employed as shampoo assistants in a licensed shop who perform the functions of shampooing, rinsing, and removing rollers or perm rods, and rinsing treated or untreated hair.

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

2016-1697h

AMENDED ANALYSIS

This bill modifies definitions and makes various changes to license renewal, temporary licenses, apprentice licensure, and exemptions from licensure by the board of barbering, cosmetology, and esthetics. Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Hoell offered minority committee amendment (1866h).

Minority Amendment (1866h)

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

1 Barbering, Cosmetology, and Esthetics; Definitions; Barbering. Amend RSA 313-A:1, II(c) to read as follows:

(c) [~~Shampooing;~~] Arranging, dressing, or styling *the hair*.

2 Definition; Master Barber. Amend RSA 313-A:1, II-a(c) to read as follows:

(c) [~~Shampooing;~~] Arranging, dressing, or dyeing the hair or applying hair tonics;

3 Definition; Cosmetology. Amend RSA 313-A:1, VI to read as follows:

VI. "Cosmetology" means arranging, dressing, curling, waving, [~~cleansing;~~] cutting, bleaching, coloring, or similarly treating the hair of any person, and performing other work customarily performed by a cosmetologist such as giving facials [~~and~~], manicures, *pedicures, and artificial nail enhancements, applying makeup or eyelashes to any person, and removing superfluous hair.*

4 Definition; Esthetics. Amend RSA 313-A:1, VIII(d) to read as follows:

(d) Providing pedicure *and manicure* services, including therapeutic skin and nail care treatments for the [foot] *feet and hands*, beautifying the [foot] *feet and hands*, and massaging, cleansing, or stimulating the [foot] *feet and hands* by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, trimming or filing the [toenails] *nails*, and polishing the [toenail] *nails*.

5 Definitions; Manicuring or Pedicuring. Amend RSA 313-A:1, X to read as follows:

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8 Renewal of Expired License; Late Fee. Amend RSA 313-A:20 to read as follows:

313-A:20 Expiration and Renewal of Licenses. Each barber, master barber, barber instructor, apprentice, barbershop, barber school, esthetician, esthetics instructor, esthetics school, esthetics salon, manicurist, apprentice, beauty salon, or manicuring salon license issued under this chapter shall expire on the last day of the birth month of the licensee in the odd year next succeeding its date of issuance. Each cosmetologist, cosmetology instructor, or cosmetology school license issued under this chapter shall expire on the last day of the birth month of the licensee in the even year next succeeding its date of issuance. Any personal license which has expired may be renewed ~~[at any time during the year next following upon]~~ **within 6 months by** payment of the renewal fee **and a late fee** established by the board ~~[and an additional fee of \$5, and at any time during the next succeeding year period upon the payment of the renewal fee and an additional fee of \$10. If the holder of any license fails to renew the license within 2 years after its expiration, such license may be renewed within 5 years after expiration by paying a fee].~~ **After 6 months and within 5 years, a personal license may be renewed by paying the renewal fee and a late fee established by the board.** Any school or shop license which has expired may be renewed upon payment of the renewal fee plus a late fee established by the board.

9 Apprentice Licensure. Amend RSA 313-A:24 to read as follows:

313-A:24 Apprentice Registration **and Licensure**.

I. No person shall enter an apprenticeship or enroll in a school under this chapter unless such person has registered with the board as an apprentice **and been issued an apprentice license**. The board shall have sole authority to regulate apprentices and apprenticeship under this chapter. **The board shall issue an apprentice license to any student receiving instruction within a licensed school or shop to learn barbering, cosmetology, esthetics, or manicuring.**

II. A person applying for ~~[registration]~~ **a license** under this section shall be granted such ~~[registration]~~ **license** upon:

- (a) Submitting proof sufficient to the board to show that such person is at least 16 years of age;
- (b) ~~[Submitting 3 passport-size photographs;~~
- (c) ~~[Paying a fee established by the board; and~~
- (c) ~~[(d)]~~ **(c)** Being deemed by the board to be of good professional character.

III. No salon or barbershop shall at any one time have more than one apprentice per licensed professional, except as follows:

- (a) Each licensed barber may have up to 2 apprentices for barbering.
- (b) Each licensed master barber may have up to 2 apprentices for barbering, or one apprentice master barber and one apprentice barber.

IV. Upon completing the number of hours specified in the board's apprentice rules, an apprentice shall be eligible to apply to the board for licensure.

10 Barbering, Cosmetology, and Esthetics; Exemptions. Amend RSA 313-A:25 to read as follows:

313-A:25 Exemptions.

~~[I.]~~ The provisions of this chapter relative to barbering, **cosmetology, esthetics, and manicuring** shall not be construed to apply to the following persons:

- ~~[(a)]~~ **I.** Physicians and surgeons licensed under RSA 329 when engaged in the practice of their profession[;].
- ~~[(b)]~~ **II.** Chiropractors licensed under RSA 316-A when engaged in the practice of their profession[;].

~~[(e)]~~ **III.** Commissioned medical or surgical officers of the United States army, navy, or marine hospital service[;].

~~[(d)]~~ **IV.** Registered and practical nurses licensed under RSA 326-B *when engaged in the practice of their profession*[;].

~~[(e)]~~ Licensed cosmetologists or estheticians under this chapter;

~~[(f)]~~ Persons engaged in the practice of barbering in public or private institutions where such practice is carried on solely for the benefit of such institution;

~~[(g)]~~ **V.** Morticians licensed under RSA 325 when engaged in the practice of their profession. [; or

~~[(h)]~~ Persons conducting programs for barbering demonstration sponsored by a recognized barber organization.

~~[H.]~~ The provisions of this chapter relative to cosmetology or esthetics shall not be construed to apply to the following persons:

~~[(a)]~~ Licensed barbers engaged in their usual occupation.

~~[(b)]~~ **VI.** Persons engaged in behalf of a manufacturer or distributor solely in demonstrating the use of any machine or other article for purposes of sale, without charge to the person who is the subject of such demonstration.

~~[(c)]~~ **VII.** Persons engaged in the practice of *barbering*, cosmetology~~[-or]~~, esthetics, *or manicuring* in a charitable or benevolent institution, *nursing home, long-term care facility, or assisted living facility* where such practice is carried on solely for the benefit of the residents of such institution.

~~[(d)]~~ **VIII.** Persons conducting programs relating to demonstrations of *barbering*, cosmetology [or], esthetics, *or manicuring* sponsored by a ~~[recognized cosmetological or esthetical]~~ *professional* organization.

~~[(e)]~~ Licensed cosmetologists engaged in the practice of cosmetology upon an invalid, a person with a disability, or a person confined to the home because of age,]

IX. Licensees engaged in the practice of their profession upon a person who is not able to leave his or her residence because the person has a disability, limited mobility, or by reason of the person's age in that person's place of residence.

~~[(f)]~~ **X.** Persons licensed as massage therapists under RSA 328-B.

~~[(g)]~~ **XI.** Persons licensed as physical therapists or physical therapist assistants under RSA 328-A and 328-F.

XII. Persons employed as shampoo assistants in a licensed shop who perform the functions of shampooing, rinsing, and removing rollers or perm rods, and rinsing treated or untreated hair.

XIII. A person providing services of barbering, cosmetology, esthetics, or manicuring to friends and family members when the person does not provide such services as his or her primary occupation.

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

2016-1866h

AMENDED ANALYSIS

This bill modifies definitions and makes various changes to license renewal, temporary licenses, apprentice licensure, and exemptions from licensure by the board of barbering, cosmetology, and esthetics.

Rep. Peter Schmidt spoke against.

Rep. Hoell spoke in favor and requested a roll call; not sufficiently seconded.

On a division vote, with 163 members having voted in the affirmative, and 166 in the negative, the minority committee amendment failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

MOTION TO SUSPEND HOUSE RULES

Rep. Hoell moved that House Rules be so far suspended as to allow consideration of floor amendment (1864h) that will require a second committee past the deadline.

Rep. Hoell spoke in favor.

Rep. Tholl spoke against.

On a division vote, with 111 members having voted in the affirmative, and 218 in the negative, the motion failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Andrew Christie yielded to questions.

On a division vote, with 209 members having voted in the affirmative, and 131 in the negative, the majority committee report was adopted and ordered to third reading.

SB 396, relative to compatibility of electrical devices with the National Electric Code and the state building code. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Beaudoin for Executive Departments and Administration. Certain power tools, appliances, medical equipment, high efficiency refrigerators, and even some newer light bulbs will cause arc fault circuit interrupters (AFCI), a safety device in electrical systems, to falsely sense an arc within the circuit causing nuisance tripping and unnecessary interruption of power. This bill would prohibit the sale of equipment that is incompatible with

AFCIs within the state of NH. The majority felt that the manufacturers of AFCIs should be designing their devices to be compatible with existing appliances, not the other way around. The majority of the committee felt that in the rare cases that this happens, most manufacturers, instead of entering into a costly redesign of their product, would simply pull their equipment from the relatively small NH market. Since the House has already passed HB 533 that addresses this issue in a different manner, this bill is unnecessary. Vote 10-5.

Committee report adopted.

SB 421, relative to liability of governmental units. **REFER FOR INTERIM STUDY.**

Rep. Jacalyn Cilley for Executive Departments and Administration. This bill makes a number of substantive as well as “housekeeping” changes to RSA 507-B as it relates to immunity provisions for governmental units at the municipal, county and state level. The majority of the committee expressed concerns over such provisions as adding language concerning programs for pooled risks into this statute when these are authorized and governed under RSA 5-B sufficiently. In addition, the majority felt that this bill was not ready for prime time at this point as it continues to make reference to work that should have been concluded in 1979. Lastly, those who testified on the bill noted that the content was the compromise between plaintiff and defense attorneys and acknowledged that there was more to be done on the matter of liability of governmental units. The majority of the ED&A Committee felt it prudent that further work be done to come to more universal consensus on this topic. Vote 9-5.

Committee report adopted.

SB 452-FN, requiring certain state agencies to conduct an audit of laws governing coastal regions to enable authorities to take appropriate actions. **OUGHT TO PASS.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill requires state agencies, including but not limited to, the Department of Environmental Services, the Department of Resources and Economic Development, the Department of Transportation, and the Fish and Game Department to conduct an audit of state laws, rules, and agency policies in the NH coastal regions, in order to be better prepared for flood risks arising from natural events. Some of these agencies are already engaged in this work as part of their ongoing mission. The bill further permits the planning of a well-coordinated response to such prospective events. Vote 9-6. On a division vote, with 206 members having voted in the affirmative, and 115 in the negative, the committee report was adopted and ordered to third reading.

CACR 27, relating to the operating budget. Providing that the state shall not spend more from any fund than such fund receives in revenue, nor use the proceeds of any bond to fund its annual operating expenditures. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Neal Kurk for the Majority of Finance. As amended by the committee, this CACR provides that, in any budget period, the state shall not spend more on operating budget expenses than it receives in revenues, plus any surplus from the preceding budget period, or use the proceeds of any indebtedness to fund its operating expenses. The CACR further provides that the spending cap may be overridden by a two-thirds vote of both House and Senate, which may occur whenever the legislature wishes. While there are comparable provisions in current state statute, they relate largely to budgets and appropriations, not actual spending. Moreover, those statutory provisions may be changed at any time by majority vote or by subsequent contrary legislation, such as an out-of-balance budget. A constitutional provision is different. The majority of the committee believes that this constitutional amendment appropriately sets into our basic governing document the value of financial prudence shared by our state’s citizens. Vote 15-11.

Rep. Marjorie Smith for the Minority of Finance. The minority believes that while the concept reflected in CACR 27 is worthy of consideration, the language of the amendment is unworkable. The language specifies “spend,” not “Plan to spend.” When would the vote be held; would it be monthly, or annually, or when the audit is completed, or when the CAFR is presented to the fiscal committee? Would it be the legislative or the executive branch that called for the vote? Would this amendment open the door for judicial involvement in the budget process? For these and related issues the minority believes that CACR 27 should be referred for Interim Study.

Majority Amendment (1870h)

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

RELATING TO: the operating budget.

PROVIDING THAT: the state shall not spend more on operating budget expenses than it receives in revenues plus any surplus from the previous budget period, or use the proceeds of any instrument of indebtedness to fund its operating expenditures.

Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 6-b the following new article:

[Art.] 6-c [Balanced Budget.] The state shall not, without an affirmative vote of two-thirds of the total number of representatives apportioned under part 2, article 9 and of the total number of senators allocated by part 2, article 25, either spend more on operating expenses in any budget period than it receives in revenues, plus any surplus from the previous budget period, or use the proceeds of any instrument of indebtedness to fund, directly or indirectly, its operating expenditures.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the second part of the constitution by inserting after article 6-b a new article to read as follows:

[Art.] 6-c [Balanced Budget.] The state shall not, without an affirmative vote of two-thirds of the total number of representatives apportioned under part 2, article 9 and of the total number of senators allocated by part 2, article 25, either spend more on operating expenses in any budget period than it receives in revenues, plus any surplus from the previous budget period, or use the proceeds of any instrument of indebtedness to fund, directly or indirectly, its operating expenditures.”

2016-1870h

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the state may not spend more on operating expenses than it receives in revenues plus any surplus from the previous budget period, or use the proceeds of any instrument of indebtedness to fund operating expenses.

Rep. Marjorie Smith spoke against and yielded to questions.

Rep. Kurk spoke in favor.

On a division vote, with 185 members having voted in the affirmative, and 125 in the negative, the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Marjorie Smith spoke against and yielded to questions.

Rep. William O'Brien spoke in favor.

Rep. Sanborn requested a roll call; sufficiently seconded.

YEAS 201 - NAYS 139

YEAS - 201

BELKNAP

Aldrich, Glen
Fisher, Robert
Hurt, George
Fraser, Valerie

Dumais, Russell
Flanders, Donald
LeBreche, Shari
Varney, Peter

Tilton, Franklin
Gallagher, Brian
Spanos, Peter

Fields, Dennis
Howard, Raymond
Sylvia, Michael

CARROLL

Avellani, Lino
Crawford, Karel
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Parker, Harold

CHESHIRE

Tilton, Benjamin
Sterling, Franklin

Emerson, Susan

Hunt, John

McConnell, James

COOS

Fothergill, John

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Johnson, Eric
Ladd, Rick

Brown, Duane
Gionet, Edmond

Darrow, Stephen
Hull, Robert

Hennessey, Erin
Ingbreton, Paul

HILLSBOROUGH

Adams, Christopher
Barry, Richard
Burt, John
Danielson, David
Estevez, Eric
Smith, Gregory
Gould, Linda
Hinch, Richard
Belanger, James
Ober, Lynne
McLean, Mark
Ohm, Bill
Proulx, Mark
Rowe, Robert
Seidel, Carl
Straight, Phillip
Sullivan, Victoria

Ammon, Keith
Biggie, Barbara
Byron, Frank
Donovan, Daniel
Ferreira, Elizabeth
Gagne, Larry
Goulette, William
Hogan, Edith
Rice, Kimberly
Lachance, Joseph
Murotake, David
Parison, James
Christie, Rick
Sanborn, Laurie
Simmons, Tammy
Takesian, Charlene
O'Brien, William

Griffin, Barbara
Boehm, Ralph
Christensen, Chris
Eastman, Eric
Flanagan, Jack
Gargas, Carolyn
Haefner, Robert
Hopper, Gary
Kurk, Neal
LeBrun, Donald
Murphy, Keith
Pellegrino, Anthony
Ober, Russell
Schleien, Eric
Souza, Kathleen
Twombly, Timothy
Wolf, Terry

Balcom, John
Bouldin, Amanda
Coffey, James
Edelblut, Frank
Fromuth, Bart
Gonzalez, Carlos
Hansen, Peter
Infantine, William
Christiansen, Lars
Marston, Dick
Notter, Jeanine
Peterson, Ken
Rouillard, Claire
Scotsas, Lisa
Stepanek, Stephen
Ulery, Jordan
Zaricki, Nick

MERRIMACK

Brewster, Michael
French, Harold
Horn, Werner
Martin, John

McGuire, Carol
Hess, David
Kotowski, Frank
Seaworth, Brian

Long, Douglas
Hill, Gregory
Kuch, Bill
Walsh, Thomas

McGuire, Dan
Hoell, J.R.
Marple, Richard

ROCKINGHAM

Christie, Andrew
Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Chase, Francis
Gannon, William
Harris, Jeffrey
Itse, Daniel
Katsakiores, Phyllis
Matthews, Carolyn
O'Connor, John
Potucek, John
Schroadter, Adam
Vose, Michael

Abrami, Patrick
Barnes, Arthur
Cook, Allen
Duarte, Joe
Rice, Frederick
Green, Dennis
Hodgdon, Bruce
Sweeney, Joe
Kolodziej, Walter
McMahon, Charles
Osborne, Jason
Prudhomme-O'Brien, Katherine
Spillane, James
Webb, James

Abramson, Max
Bates, David
Thomas, Douglas
Elliott, Robert
Ferrante, Beverly
Guthrie, Joseph
Hoelzel, Kathleen
Ward, Joanne
Griffin, Mary
Milz, David
Packard, Sherman
Gordon, Richard
Sytek, John
Welch, David

Azarian, Gary
Cardon, G. Thomas
Dean-Bailey, Yvonne
Emerick, J. Tracy
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kappler, Lawrence
Major, Norman
Nigrello, Robert
Peckham, Michele
Tilton, Rio
True, Chris
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Graham, Robert
Jones, Laura
Leeman, Don

Bickford, David
Gray, James
Kaczynski, Thomas
Pitre, Joseph

Cheney, Catherine
Groen, Warren
Knowles, Robert
Whitehouse, Joshua

DeLemus, Susan
Hannon, Joseph
Turcotte, Leonard
Wuelper, Kurt

SULLIVAN

Grenier, James

Laware, Thomas

Rollins, Skip

Smith, Steven

NAYS - 139**CARROLL**

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael
Chase, Cynthia
Parkhurst, Henry
Sad, Tara

Ames, Richard
Eaton, Daniel
Pearson, William
Shepardson, Marjorie

Berch, Paul
Ley, Douglas
Phillips, Larry
Tatro, Bruce

Bordenet, John
Mann, John
Robertson, Timothy
Weber, Lucy

COOS

Froburg, Alethea

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Abel, Richard
Ford, Susan
Massimilla, Linda
Sykes, George

Almy, Susan
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

Bennett, Travis
Hennessey, Martha
Piper, Wendy
White, Andrew

Cooney, Mary
Maes, Kevin
Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin
Cornell, Patricia
Gidge, Kenneth
Hansberry, Daniel
Jack, Martin
Manley, Jonathan
Long, Patrick
Rosenwald, Cindy
Smith, Timothy

Booras, Efsthia
Cote, David
Goley, Jeffrey
Harvey, Suzanne
Leishman, Peter
McNamara, Richard
Pierce, David
Shaw, Barbara
Vann, Ivy

Roberts, Carol
DiSilvestro, Linda
Gorman, Mary
Heath, Mary
O'Brien, Michael
O'Neil, William
Porter, Marjorie
Snow, Kendall
Williams, Kermit

Cohen, Alan
Freitas, Mary
Guerette, C. Lee
Herbert, Christopher
Mangipudi, Latha
Brown, Pamela
Walsh, Robert
Soucy, Timothy
Woodbury, David

MERRIMACK

Turcotte, Alan
Carson, Clyde
Gile, Mary
Kenison, Linda
Moffett, Howard
Rogers, Katherine
Wallner, Mary Jane

French, Barbara
Deloge, Helen
Henle, Paul
Kidder, David
Myler, Mel
Saunderson, George
Wheeler, Deborah

Bartlett, Christy
Doherty, David
Frazer, June
Luneau, David
Patten, Dick
Schuett, Dianne

Bradley, Paula
Ebel, Karen
Karrick, David
MacKay, James
Ratzki, Mario
Shurtleff, Stephen

ROCKINGHAM

Berrien, Skip
Cushing, Robert
Ward, Gerald
Gordon, Pamela

Borden, David
DiFranco, Debbie
Heffron, Frank
Pantelakos, Laura

Cahill, Michael
Edgar, Michael
Lovejoy, Patricia
Sherman, Thomas

Cali-Pitts, Jacqueline
Francese, Paula
McBeath, Rebecca
Simpson, Alexis

STRAFFORD

Baber, William
Cilley, Jacalyn
Kaen, Naida
Spang, Judith

Berube, Roger
DiSesa, Len
Smith, Marjorie
Treleaven, Susan

Bixby, Peter
Horrigan, Timothy
Schmidt, Peter
Verschueren, James

Burton, Wayne
Ward, Kenneth
Rollo, Deanna
Wall, Janet

SULLIVAN

Cloutier, John
Irwin, Virginia

Converse, Larry
O'Hearne, Andrew

Gagnon, Raymond
Oxenham, Lee

Gottling, Suzanne

and the majority committee report failed lacking the necessary three-fifths vote.

MOTION TO LAY ON THE TABLE

Rep. Kurk moved that **CACR 27**, relating to the operating budget. Providing that the state shall not spend more on operating budget expenses than it receives in revenue plus any surplus from the previous budget period, or use the proceeds of any instrument of indebtedness to fund its operating expenditures, be laid on the table. Motion adopted.

REGULAR CALENDAR CONT'D

SB 368-FN-A, making a capital appropriation for department of environmental services monitoring equipment. **OUGHT TO PASS.**

Rep. J. Tracy Emerick for Finance. This bill appropriates \$260,000 of unused capital funds for the purchase and installation of new and repair of existing monitoring equipment for the Piscataqua, Great Bay and Hampton estuaries. State water monitoring is advantageous to the state over data collected by the EPA, so such EPA data may be verified, or not. Vote 26-0.

Committee report adopted and ordered to third reading.

SB 406-FN, relative to classification of certain state employee positions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Tracy Emerick for Finance. The bill as it passed the House changed the labor classifications of certain state employee positions. This committee amendment does two things: it funds the purchase of full-body scanners and modifies funds transfer authority for the Liquor Commission. Both were the subject of hearings on non-germane amendments. Full-body scanners are being purchased to deal with the increase in drugs and other contraband being smuggled into state prisons and county jails, with three slated for the Concord men's prison, two for the Berlin prison and one for the women's prison, at a cost of \$1.1 million. An additional \$740,000 is appropriated for 50% grants to counties to purchase body scanners for their correctional facilities. The language modification for the Liquor Commission allows operating funds transfers up to \$75,000 (the same as all state departments) on a non-cumulative basis. Presently, the transfers are managed on a cumulative basis. Vote 16-0.

Amendment (1801h)

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

AN ACT relative to classification of certain state employee positions and relative to the liquor commission.

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

3 Liquor Commission; Transfer of Funds Within Operating Budget. Amend RSA 176:16, V to read as follows:

V. The commissioner is authorized to transfer funds within and among all accounting units within the commission's operating budget and to create accounting units and expenditure classes as required and as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal law, regulations, or programs, and otherwise as necessary for the efficient management of the liquor commission. Any *individual* transfer of \$75,000 or more shall require prior approval of the fiscal committee of the general court and governor and council, *and any determination of this prior approval requirement shall not be determined on a cumulative basis*. The provisions of this section shall not be subject to RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c.

4 Appropriation; Department of Corrections; Scanners for State Correctional Facilities. In addition to any other funds appropriated to the department of corrections, the sum of \$1,110,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the department for the purchase and installation of 6 full body security scanners in the state correctional facilities. Three of the scanners shall be installed in the state prison for men in Concord, 2 scanners shall be installed in the northern New Hampshire correctional facility in Berlin, and one scanner shall be installed in the new state prison for women. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 New Section; State Prisons; Security Screening. Amend RSA 622 by inserting after section 6 the following new section:

622:6-a Security Screening Required. All individuals entering a state correctional facility, including but not limited to visitors, state officials, employees, contractors, and vendors, shall be subject to a security screening using a full body security scanner. The full body security scanners shall be installed and operated in a manner that enables the detection of contraband but does not display or record an image of an individual's private body parts. With the exception of images that show contraband and are needed as evidence for prosecution, no image may be copied, duplicated, or retained for more than 24 hours.

6 Appropriation; Department of Justice; Scanners for County Correctional Facilities. In addition to any other funds appropriated to the department of justice, the sum of \$740,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the department for the purpose of providing grants to the counties for up to 50 percent of the cost of one full body scanner for each county correctional facility in New Hampshire that does not have such a scanner as of the effective date of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. Sections 4, 5, and 6 of this act shall take effect July 1, 2016.

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

2016-1801h
AMENDED ANALYSIS

This bill:

I. Adds the following positions to the unclassified salary schedule: administrator of the site evaluation committee, deputy commissioner of the liquor commission, deputy commissioner of the department of information technology, and executive director of the office of professional licensure and certification.

II. Changes the salary classification of the chairman of the liquor commission, executive assistant to the adult parole board, chief information security officer, commandant of the state veterans home, the deputy director of the division of motor vehicles, and the executive director of the judicial council.

III. Clarifies when prior approval by the fiscal committee and governor and council is required for the liquor commissioner to transfer funds within accounting units.

IV. Makes appropriations to the department of corrections to purchase 6 full body scanners for use in state correctional facilities and to the department of justice to administer grants to counties to offset a portion of the cost of full body scanners for county correctional facilities.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

SB 464-FN-A, establishing a statewide drug offender grant program and making appropriations therefor, and relative to transferring certain revenues to the revenue stabilization reserve account. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Danielson for Finance. This bill establishes a drug court program or an alternative drug offender program and makes a \$2.23 million appropriation therefor. An alternative drug offender program means a program offered by a county as an alternative to operating a drug court for non-violent offenders, including diversion programs and programs utilizing intensive probation, random drug testing and evidence-based cognitive therapy. It specifies the use of "best practices" as based on research-based, specific practitioner-focused drug court guidance published by the National Association of Drug Court Professionals. It also establishes the position of the drug offender program coordinator within the administrative office of the superior court. This bill uses the definition of drug courts as already established in state law. Under the guidance and approval of the Chief Justice of the Superior Court, the coordinator will develop draft policies and procedures for both types of programs, will measure recidivism rates and other outcome measures, will evaluate on-going compliance with relevant standards and will assist staff who are creating either drug courts or alternative drug offender programs and will assist counties with relevant training. A maximum amount of money has been established for counties based on size. The size refers to the actual number of cases heard in the superior court(s) in that county and not to population of the county. A minimum grant will be 50 percent up to \$245,000 per year for large counties, \$150,000 per year for medium counties, \$100,000 for small counties. Counties that have implemented felonies first will be eligible for a state-funded drug court up to the maximum of \$490,000 per year for large counties, \$300,000 per year for medium counties and \$200,000 for small counties. Counties which wish to have larger drug courts or drug alternative programs than provided by these grants may contribute to the costs. The application process for establishing either program is specified in the bill. Reporting on each of these programs will be done annually and such reports will be made available on the legislative budget assistant's website annually. Should reporting not be completed, funding will cease until mandated reports are received. Funding for FY 17 is provided in the bill. This amendment also adds \$40 million of revenues in excess of budget estimates to the 'Rainy Day' fund at the end of FY 16. Vote 26-0.

Amendment (1853h)

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

AN ACT establishing a statewide drug offender grant program, establishing drug courts or alternative drug offender programs in certain counties, making appropriations therefor, and transferring certain revenues to the revenue stabilization reserve account.

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

1 Chapter Title; Drug Courts and Alternative Drug Offender Grant Program. Amend the chapter heading of RSA 490-G to read as follows:

CHAPTER 490-G**DRUG COURTS AND ALTERNATIVE DRUG OFFENDER GRANT PROGRAM**

2 New Subdivision; Drug Offender Grant Program. Amend RSA 490-G by inserting after section 2 the following new subdivision:

Drug Offender Grant Program

490-G:3 Definitions. In this subdivision:

I. "Alternative drug offender program" means a program offered by a county as an alternative to operating a drug court for non-violent offenders including diversion programs and programs utilizing intensive probation, random drug testing, and evidence-based cognitive therapy.

II. "Best practices" means research-based, specific, practitioner-focused drug court guidance published by the National Association of Drug Court Professionals. For alternative drug offender programs, best practices include evidence-based programs which divert non-violent offenders out of the criminal justice system or utilize intensive probation supervision, sanctions, and behavior therapy to address behavior.

III. "Office" means the office of drug offender program coordinator within the administrative office of the superior court.

IV. "Drug court" means drug courts as described in RSA 490-G:1 and RSA 490-G:2.

490-G:4 Grant Program Created.

I. There is established a statewide drug offender grant program which shall provide state matching funds as appropriated to support drug courts or alternative drug offender programs in state superior court districts. The grant program shall be available to counties operating either a drug court or an alternative drug offender program prior to the effective date of this section, and to counties that have not yet implemented a drug court or an alternative drug offender program. A county shall be eligible for a drug court or an alternative drug offender grant, but not both. Beginning in fiscal year 2018, the statewide drug offender grant program shall continue as long as it is funded through appropriations in the state operating budget.

II. There is established the office of drug offender program coordinator within the administrative office of the superior court. The office shall be responsible for developing an application process by which counties may apply for a state grant and evaluating the operating drug courts and alternative drug offender programs. Subject to approval of the chief justice of the superior court, the office shall:

(a) Determine approval requirements including the New Hampshire drug court and alternative drug offender program approval checklists. Prior to accepting applications for grants, the approval checklists shall be posted on the judicial branch website. The checklists shall be updated on the website as revisions are made.

(b) Establish and periodically update best practices for operating drug courts and alternative drug offender programs.

(c) Develop draft policies and procedures including a participant handbook, program outline, and implementation plan.

(d) Measure recidivism rates and other outcome measures.

(e) Evaluate compliance with relevant standards

(f) Assist in creating drug courts or alternative drug offender programs in counties seeking to implement or continue either of them.

(g) Assist counties in obtaining ongoing training.

III. A county operating a drug court or alternative drug offender program which is not funded by the judicial branch pursuant to RSA 592-B:9, or which seeks to establish such a program, may be eligible for a state grant which shall pay 50 percent of the cost up to the amounts indicated in RSA 490-G:5, I from funds administered by the administrative office of the superior court. The remaining cost shall be funded by the county.

490-G:5 Eligibility for Grants.

I. For the purpose of grants, the superior court districts of each county shall be grouped into 3 categories: small, medium, and large, based on the number of court filings in each district and subject to annual review by the chief justice of the superior court. Coos, Carroll, and Sullivan counties shall initially be categorized as small. Grafton, Belknap, and Cheshire counties shall initially be categorized as medium. The districts of Hillsborough county superior court north and Hillsborough county superior court south, and Strafford, Merrimack, and Rockingham counties shall initially be categorized as large. Subject to available state appropriations,

large counties and districts shall each be eligible for a grant of up to \$245,000 per year; medium counties shall each be eligible for a grant of up to \$150,000 per year; and small counties shall each be eligible for a grant of up to \$100,000 per year. Grants shall be awarded based on the date of program approval on a first-come, first-served basis, but shall not be retroactive. Counties may apply for grants during the year and grants may be prorated for a portion of the year for the number of months the grant will be in effect for that year. Grants shall not be prorated based on the amount of appropriation available. Any state drug offender grant program funds which are not expended by a county at the end of the county's fiscal year shall be returned to the judicial branch administrative office of the superior court for deposit in the state general fund.

II. To be eligible for a state grant, a county operating either a drug court or an alternative drug offender program which is not funded by the judicial branch pursuant to RSA 592-B:9 shall receive a recommendation for approval from the office. Grants shall be paid by the administrative office of the superior court following receipt of recommendation by the office and final approval of the chief justice of the superior court. The office shall determine how often approval shall be required and the office shall recommend subsequent grants when the currently operating drug court or alternative drug offender program establishes compliance with the New Hampshire drug court or alternative drug offender program approval checklist as promulgated by the office.

III. A county without a drug offender program which seeks to implement either a drug court or an alternative drug offender program shall first apply for a federal grant for the purpose of establishing a program. A county shall be required to apply for a federal grant only once. Any county that applied for a federal grant before the effective date of this section shall not be required to apply again. In the event the county is awarded a federal grant, or any other grant from a nonprofit organization, designed to fund a drug court or alternative drug offender program, the county shall be eligible for a state grant only after the federal or other nonprofit grant has expired. If the county does not receive a federal or other nonprofit grant for which it applied, then it shall be eligible to apply for a state grant.

IV.(a) A county seeking to implement either a drug court or an alternative drug offender program may obtain a state grant for the purpose of establishing a program after satisfying the conditions in paragraph III. To obtain a state grant, a county shall:

- (1) Submit a budget for the total cost of the program to the office for review;
- (2) Obtain from the office draft policies and procedures, including a participant handbook or program outline and implementation plan, which the county may amend and return to the office for consideration and approval;
- (3) Obtain and complete drug offender program training as approved by the office; and
- (4) Based on the information provided in subparagraphs (1)-(3), the office shall recommend programs for final approval of the chief justice of the superior court.

(b) If the county's proposed program and required documentation is approved, the county shall receive the grant amount of 50 percent of the approved budget up to the amounts indicated in RSA 490-G:5, I for one year.

(c)(1) An alternative drug offender program may be established either separately or jointly with another county for high risk, and high or moderate need offenders. The grant amount available to counties applying jointly shall be the sum of the amounts each county would be eligible for separately. The alternative drug offender program developed shall be evidence-based, cost effective, and shall employ the use of an evidence-based risk/need assessment to determine participant eligibility. For counties to be eligible for a state grant, they shall obtain approval from the office of the drug offender program coordinator. Alternative drug offender programs shall comply with the requirements of subparagraph (a).

(2) Before obtaining a state grant, a county shall apply for federal grants that may be applicable for the alternative drug offender program. If denied, the county may be eligible for the state grant pursuant to the conditions of this section. If the county obtains a federal grant, it becomes eligible for the state grant only after the federal grant has been exhausted. The county shall be required to apply for a federal grant only once.

(d) To receive funding for subsequent years, the county shall obtain approval from the office. The office shall determine how often approval shall be required. Subject to final approval by the chief justice of the superior court, the office shall grant approval if the county:

- (1) Establishes compliance with the New Hampshire alternative drug offender program approval checklist as promulgated by the office; and
- (2) Provides a complete accounting of program activities, expenditures, and outcome measures for the past year including, but not limited to, the number of participants, number of graduates, and the number of recidivists; and
- (3) Establishes that the program is cost effective.

V. The judicial branch administrative office of the superior court is authorized to expend from appropriated sums the amounts necessary to fund the grants certified by the office.

490-G:6 Report. Beginning with a report due on or before January 1, 2018, the office of drug offender program coordinator shall prepare an annual report on the activities, expenditures, and outcome measures for the drug offender grant program, and the operation of drug courts or alternative drug offender programs. The report shall include the information provided by each county and shall be presented by state superior court

district and on a statewide basis. The report shall be forwarded to the speaker of the house of representatives, the president of the senate, and the office of the legislative budget assistant to be posted on the website of the office of the legislative budget assistant. If the required report is not provided by January 30 in any year, the drug courts and alternative drug offender grant program shall be suspended until such report is provided.

3 New Section; Criminal Procedure in Superior Court. Amend RSA 592-B by inserting after section 8 the following new section:

592-B:9 Drug Courts or Alternative Drug Offender Programs.

I.(a) In any county that has implemented or which will implement the felonies first project established in this chapter within one year of commencing operation of a drug court or alternative drug offender program, the judicial branch shall fund and operate an approved drug court or alternative drug offender program separate from the statewide drug offender grant program established in RSA 490-G, and at no cost to the county.

(b) Before the judicial branch funds and operates a drug court or alternative drug offender program in any county under subparagraph (a), the county shall have first applied for a federal grant for the purpose of establishing a program. A county shall be required to apply for a federal grant only once. Any county that applied for a federal grant before the effective date of this section shall not be required to apply again. In the event the county is awarded a federal grant, or any other grant from a nonprofit organization, designed to fund a drug court or alternative drug offender program, the judicial branch shall fund and operate a drug court or alternative drug offender program only after the federal or other nonprofit grant has expired. If the county does not receive a federal or other nonprofit grant for which it applied, the drug court or alternative drug offender program shall commence operation.

(c) The cost of the drug court or alternative drug offender program shall not exceed \$490,000 per judicial district in a large county, \$300,000 in a medium county, and \$200,000 in a small county, based on the number of court filings in each judicial district and subject to annual review by the chief justice of the superior court.

II. A county in which the judicial branch is funding and operating an approved drug court or alternative drug offender program separate from the statewide drug offender grant program established in RSA 490-G:4 shall not be eligible to receive funds under the statewide grant offender program.

4 Appropriation; Judicial Branch; Drug Offender Grant Program and Operation of Drug Courts and Alternative Drug Offender Programs.

I. The sum of \$2,070,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the judicial branch, for the purpose of funding the drug offender grant program certified by the office of the drug offender program coordinator under RSA 490-G, and the operation of drug courts and alternative drug offender programs under RSA 592-B:9. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$160,000 for the fiscal year ending June 30, 2017 is hereby appropriated to the judicial branch, for the purpose of hiring a state program coordinator and funding operating expenses under RSA 490-G for the drug offender grant program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Transfer to Revenue Stabilization Reserve Account. Notwithstanding any provision of law to the contrary, to the extent combined unrestricted general and education trust fund revenues for the fiscal year ending June 30, 2016 as determined by the official audit performed pursuant to RSA 21-I:8, II(a) exceed the official estimates, an amount not to exceed \$40,000,000 of said excess shall immediately be transferred by the comptroller to the revenue stabilization fund established in RSA 9:13-e.

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

2016-1853h

AMENDED ANALYSIS

This bill:

I. Establishes the statewide drug offender grant program administered by the office of drug offender program coordinator and makes appropriations therefor. Grants are paid by the administrative office of the superior court to counties meeting the requirements.

II. Appropriates funds to the judicial branch for the purpose of funding the drug offender grant program.

III. In counties which have implemented or will implement the felonies first project, provides funding for the operation of a drug court or alternative drug offender program.

IV. Provides for a transfer of excess revenues to the revenue stabilization reserve account.

Committee amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Dan McGuire offered floor amendment (1906h).

Floor Amendment (1906h)

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

AN ACT establishing a statewide drug offender grant program, establishing drug courts or alternative drug offender programs in certain counties, making appropriations therefor, and transferring certain revenues to the state retirement system to reduce the unfunded accrued liability.

Amend the bill by replacing section 5 with the following:

5 Transfer to Retirement System; Unfunded Liability. Notwithstanding any provision of law to the contrary, to the extent combined unrestricted general and education trust fund revenues for the fiscal year ending June 30, 2016 as determined by the official audit performed pursuant to RSA 21-I:8, II(a) exceed the official estimates, an amount not to exceed \$40,000,000 of said excess shall immediately be paid to the board of trustees of the New Hampshire retirement system and dedicated to reducing the retirement system's unfunded accrued liability, determined under RSA 100-A:16, II, proportionally for each member classification.

2016-1906h
AMENDED ANALYSIS

This bill:

I. Establishes the statewide drug offender grant program administered by the office of drug offender program coordinator and makes appropriations therefor. Grants are paid by the administrative office of the superior court to counties meeting the requirements.

II. Appropriates funds to the judicial branch for the purpose of funding the drug offender grant program.

III. In counties which have implemented or will implement the felonies first project, provides funding for the operation of a drug court or alternative drug offender program.

IV. Provides for a transfer of excess revenues to the state retirement system to reduce the unfunded accrued liability.

Rep. Dan McGuire spoke in favor.

Rep. Lynne Ober spoke against.

The Speaker ruled floor amendment (1906h) non-germane and out of order.

Committee report adopted and ordered to third reading.

SB 466-FN, relative to the detention of youthful offenders at the youth development center. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank Byron for the Majority of Finance. This bill as amended provides, commencing July 1, 2016, for the detention of court adult-certified offenders under the age of 18 at the Sununu Youth Service Center (SYSC) until reaching the age of 18 in response to the Federal Prison Elimination Act when they will be transferred to the adult correctional facility. To deal with the inability of SYSC to meet its budgeted appropriations, the committee amended the bill to eliminate \$1 million of required reductions for FY 2016 but made no change in its required reductions for FY 2017. The amended bill also establishes a working group on juvenile justice services under the DHHS Commissioner composed of various appointed members to study alternative replacement services for children, development of a small, secure facility, a detailed accounting of the SYSC census and the development of a SYSC staffing plan for approximately 30 residents. Further required is the study and development of a plan to address the rise in judicial override orders for juveniles who are evaluated as not posing a risk to the public yet are instead sent to the SYSC for detention. Vote 25-1.

Rep. Katherine Rogers for the Minority of Finance. The minority supports this bill as amended by the committee with an additional amendment. The additional amendment would add language tasking the "working group" with examining impacted workers should either closure of the Sununu Center or substantial staff reduction of the center result from the group's recommendations. Plans impacting workers would ensure state employees are supported in any transition with worker relocation benefits, retraining and job placement support. Our employees are as much a valued resource as the building and should be treated as such.

Majority Amendment (1824h)

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

4 Department of Health and Human Services, Sununu Youth Services Center; Reduction in Appropriation. Amend 2015, 276:205 to read as follows:

276:205 Department of Health and Human Services, Sununu Youth Services Center; Reduction in Appropriation. The department of health and human services is hereby directed to reduce state general fund appropriations to the Sununu Youth Services Center by [~~\$1,721,861~~] **\$700,000** for the fiscal year ending June 30, 2016, and by \$3,496,746 for the fiscal year ending June 30, 2017. The department shall operate the Sununu Youth Services Center within the allotted budget, or may enter into contracts for operation of the Sununu Youth Services Center, including establishing necessary class lines, as long as total operating costs do not exceed \$10,100,000 for the fiscal year ending June 30, 2017. ***The department shall lapse an additional \$1,000,000 in state general fund appropriations for the fiscal year ending June 30, 2016, which shall be in addition to any previously required or estimated lapse for said fiscal year.***

5 New Subdivision; Working Group on Juvenile Justice Services. Amend RSA 621-A by inserting after section 11 the following new subdivision:

Working Group on Juvenile Justice Services

621-A:12 Working Group on Juvenile Justice Services.

I. No later than 30 days after the effective date of this section, the commissioner of the department of health and human services shall convene a working group on juvenile justice services consisting, at a minimum, of the following members:

- (a) A representative of New Hampshire Kids Count, appointed by that organization.
- (b) A representative of the Disability Rights Center, appointed by the center.
- (c) A justice of the circuit court, appointed by the chief administrative judge of the circuit court.
- (d) A juvenile probation and parole officer, appointed by the commissioner.
- (e) The chief of police of the city of Manchester, or designee.
- (f) The attorney general, or designee.
- (g) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (h) Two members of the senate, appointed by the senate president.
- (i) A representative of community youth services providers, appointed by the commissioner.
- (j) The chair of the juvenile parole board, or designee.
- (k) The commissioner of corrections, or designee.

(l) An attorney with substantial experience representing children in juvenile delinquency proceedings, appointed by the executive director of the New Hampshire Public Defender.

(m) A representative of the New Hampshire State Employees Association, appointed by that organization.

II. The working group shall be subject to RSA 91-A. The department, in consultation with the working group, shall, no later than October 1, 2016, submit to the governor, the speaker of the house of representatives, and the president of the senate, a plan that identifies in detail, the following:

(a) An inventory of all the existing community based care for the rehabilitation of youth located in New Hampshire and the capacity for day and residential services of each facility for all levels of offenders.

(b) A proposed configuration of alternative placements and services for children based upon the inventory of existing available community based care.

(c) A timeline for implementation of alternative placements and services, as well as anticipated obstacles to implementation and recommendations for overcoming those obstacles, including increasing reimbursement rates for community based services.

(d) A process and timeline for the development of a small secure facility for children who are violent and/or high risk and for children who are adjudicated as adults in the correctional system but should not be placed in the state prison system until they become 18 years of age.

(e) An analysis of the costs involved in delivering community based care for detained and adjudicated youth in New Hampshire, and of those costs compared to the costs of operating the Sununu youth services center.

(f) A detailed accounting of the census of the Sununu youth services center for the past 10 years, including the age of offenders at the time of admission and the offense resulting in placement there.

(g) A staffing plan for the Sununu youth services center that provides for 30 detained and adjudicated youth, with flexibility through contract services and the addition of temporary or part-time employees to address population surges if and when they occur. Any additional staffing plans may address staffing levels for a population of less than 30 or more than 30 juveniles.

III. The department, in consultation with the working group, shall also evaluate and make recommendations to the governor, attorney general, speaker of the house of representatives, and president of the senate no later than November 1, 2016, for specific changes to existing state juvenile detention laws that would facilitate the community based treatment of detained and adjudicated youth offenders.

IV. The department, in consultation with the working group and outside consultants, shall examine and make recommendations to the governor, speaker of the house of representatives, and president of the senate no later than December 1, 2016, for alternative uses of the Sununu youth services center. Such analysis shall include the potential for repayment of funds provided by the federal government in establishing the Sununu youth services center. The commissioner may expend up to \$100,000 from funds appropriated to the department for the biennium ending June 30, 2017, for the purpose of hiring consultants.

6 Youth Development Services; Admission; Discharge from Youth Services Center Detention Risk Assessment Instrument. Amend RSA 621-A:6 to read as follows:

621-A:6 Admission.

I. Children, subject to proceedings in juvenile court, may be admitted to the youth services center for temporary detention while awaiting disposition of the court pursuant to RSA 169-B:14, for educational services pursuant to RSA 186-C, RSA 169-B, RSA 169-C, or RSA 169-D, only upon prior approval of the commissioner.

II. Prior to a child's detention at the youth services center, the department shall complete a detention risk assessment instrument to determine whether there is:

(a) Probable cause to believe that the child will pose a risk to public safety if released to the community prior to the court hearing or disposition; or

(b) A need to hold the child in order to assure the child's appearance before the court, as demonstrated by the child's previous failure to respond to the court.

III. The department shall review and submit a monthly report to the general court on those cases, also known as "overrides", in which children are confined at the Sununu youth services center contrary to the results of the detention risk assessment instrument. Beginning with the fourth such report, the department shall include recommendations for reducing the rate of overrides to 20 percent or less through executive and/or legislative action.

7 New Paragraph; Youth Development Center; Release and Discharge; Quarterly Review. Amend RSA 621:19 by inserting after paragraph III the following new paragraph:

IV. The department shall review, on a quarterly basis, the case of every child committed to the Sununu youth services center who is not a serious violent offender to determine if the child can safely be placed outside the Sununu youth services center. The department shall petition the court to modify the disposition of those cases in which a safe placement outside of the Sununu youth services center is possible. In this paragraph, "serious violent offender" means an offender adjudicated for a violent crime as defined in RSA 169-B:35-a, I(c) or any other felony that has as an element the actual or attempted infliction of injury upon another person within the last 2 years or adjudicated for an offense within the last year that created a substantial risk of serious bodily injury to another.

8 Repeal. RSA 621-A:12, relative to the working group on juvenile justice services, is repealed.

9 Effective Date.

I. Sections 1-3 of this act shall take effect July 1, 2016.

II. Section 4 of this act shall take effect June 30, 2016.

III. Section 5 of this act shall take effect upon its passage.

IV. Section 8 of this act shall take effect January 1, 2017.

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

2016-1824h AMENDED ANALYSIS

This bill

I. Provides that a minor whose case is to be transferred to the superior court may be detained at a county correctional facility or the youth development center.

II. Permits a youthful offender who has been sentenced as an adult to serve his or her sentence at the youth development center until the offender reaches the age of 18, at which time he or she shall be transferred to the state prison or county correctional facility.

III. Revises the reduction in appropriation required for the Sununu youth services center and the department of health and human services as a whole.

IV. Establishes a working group within the department of health and human services to address juvenile justice service and treatment options.

V. Requires the department of health and human services to use a detention risk assessment instrument to determine whether a child should be held at the youth services center pending adjudication.

VI. Requires the department of health and human services to conduct a quarterly review of children placed at the Sununu youth services center to determine whether a less restrictive placement is possible.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment. Rep. Rogers offered minority committee amendment (1845h).

Minority Amendment (1845h)

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

4 Department of Health and Human Services, Sununu Youth Services Center; Reduction in Appropriation. Amend 2015, 276:205 to read as follows:

276:205 Department of Health and Human Services, Sununu Youth Services Center; Reduction in Appropriation. The department of health and human services is hereby directed to reduce state general fund appropriations to the Sununu Youth Services Center by [~~\$1,721,861~~] **\$700,000** for the fiscal year ending June 30, 2016, and by \$3,496,746 for the fiscal year ending June 30, 2017. The department shall operate the Sununu Youth Services Center within the allotted budget, or may enter into contracts for operation of the Sununu Youth Services Center, including establishing necessary class lines, as long as total operating costs do not exceed \$10,100,000 for the fiscal year ending June 30, 2017. ***The department shall lapse an additional \$1,000,000 in state general fund appropriations for the fiscal year ending June 30, 2016, which shall be in addition to any previously required or estimated lapse for said fiscal year.***

5 New Subdivision; Working Group on Juvenile Justice Services. Amend RSA 621-A by inserting after section 11 the following new subdivision:

Working Group on Juvenile Justice Services

621-A:12 Working Group on Juvenile Justice Services.

I. No later than 30 days after the effective date of this section, the commissioner of the department of health and human services shall convene a working group on juvenile justice services consisting, at a minimum, of the following members:

- (a) A representative of New Hampshire Kids Count, appointed by that organization.
- (b) A representative of the Disability Rights Center, appointed by the center.
- (c) A justice of the circuit court, appointed by the chief administrative judge of the circuit court.
- (d) A juvenile probation and parole officer, appointed by the commissioner.
- (e) The chief of police of the city of Manchester, or designee.
- (f) The attorney general, or designee.
- (g) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (h) Two members of the senate, appointed by the senate president.
- (i) A representative of community youth services providers, appointed by the commissioner.
- (j) The chair of the juvenile parole board, or designee.
- (k) The commissioner of corrections, or designee.

(l) An attorney with substantial experience representing children in juvenile delinquency proceedings, appointed by the executive director of the New Hampshire Public Defender.

(m) A representative of the New Hampshire State Employees Association, appointed by that organization.

II. The working group shall be subject to RSA 91-A. The department, in consultation with the working group, shall, no later than October 1, 2016, submit to the governor, the speaker of the house of representatives, and the president of the senate, a plan that identifies in detail, the following:

(a) An inventory of all the existing community based care for the rehabilitation of youth located in New Hampshire and the capacity for day and residential services of each facility for all levels of offenders.

(b) A proposed configuration of alternative placements and services for children based upon the inventory of existing available community based care.

(c) A timeline for implementation of alternative placements and services, as well as anticipated obstacles to implementation and recommendations for overcoming those obstacles, including increasing reimbursement rates for community based services.

(d) A process and timeline for the development of a small secure facility for children who are violent and/or high risk and for children who are adjudicated as adults in the correctional system but should not be placed in the state prison system until they become 18 years of age.

(e) An analysis of the costs involved in delivering community based care for detained and adjudicated youth in New Hampshire, and of those costs compared to the costs of operating the Sununu youth services center.

(f) A detailed accounting of the census of the Sununu youth services center for the past 10 years, including the age of offenders at the time of admission and the offense resulting in placement there.

(g) A staffing plan for the Sununu youth services center that provides for 30 detained and adjudicated youth, with flexibility through contract services and the addition of temporary or part-time employees to address population surges if and when they occur. Any additional staffing plans may address staffing levels for a population of less than 30 or more than 30 juveniles.

III. The department, in consultation with the working group, shall also evaluate and make recommendations to the governor, attorney general, speaker of the house of representatives, and president of the senate no later than November 1, 2016, for specific changes to existing state juvenile detention laws that would facilitate the community based treatment of detained and adjudicated youth offenders.

IV. The department, in consultation with the working group and outside consultants, shall examine and make recommendations to the governor, speaker of the house of representatives, and president of the senate no later than December 1, 2016, for alternative uses of the Sununu youth services center. Such analysis shall include the potential for repayment of funds provided by the federal government in establishing the Sununu youth services center and plans to ensure workers from the Sununu Center are supported as part of the transition by providing worker dislocation support to the impacted workers, including worker relocation benefits, retraining, and job placement support. The commissioner may expend up to \$100,000 from funds appropriated to the department for the biennium ending June 30, 2017, for the purpose of hiring consultants.

6 Youth Development Services; Admission; Discharge from Youth Services Center Detention Risk Assessment Instrument. Amend RSA 621-A:6 to read as follows:

621-A:6 Admission.

I. Children, subject to proceedings in juvenile court, may be admitted to the youth services center for temporary detention while awaiting disposition of the court pursuant to RSA 169-B:14, for educational services pursuant to RSA 186-C, RSA 169-B, RSA 169-C, or RSA 169-D, only upon prior approval of the commissioner.

II. Prior to a child's detention at the youth services center, the department shall complete a detention risk assessment instrument to determine whether there is:

(a) Probable cause to believe that the child will pose a risk to public safety if released to the community prior to the court hearing or disposition; or

(b) A need to hold the child in order to assure the child's appearance before the court, as demonstrated by the child's previous failure to respond to the court.

III. The department shall review and submit a monthly report to the general court on those cases, also known as "overrides", in which children are confined at the Sununu youth services center contrary to the results of the detention risk assessment instrument. Beginning with the fourth such report, the department shall include recommendations for reducing the rate of overrides to 20 percent or less through executive and/or legislative action.

7 New Paragraph; Youth Development Center; Release and Discharge; Quarterly Review. Amend RSA 621:19 by inserting after paragraph III the following new paragraph:

IV. The department shall review, on a quarterly basis, the case of every child committed to the Sununu youth services center who is not a serious violent offender to determine if the child can safely be placed outside the Sununu youth services center. The department shall petition the court to modify the disposition of those cases in which a safe placement outside of the Sununu youth services center is possible. In this paragraph, "serious violent offender" means an offender adjudicated for a violent crime as defined in RSA 169-B:35-a, I(c) or any other felony that has as an element the actual or attempted infliction of injury upon another person within the last 2 years or adjudicated for an offense within the last year that created a substantial risk of serious bodily injury to another.

8 Repeal. RSA 621-A:12, relative to the working group on juvenile justice services, is repealed.

9 Effective Date.

I. Sections 1-3 of this act shall take effect July 1, 2016.

II. Section 4 of this act shall take effect June 30, 2016.

III. Section 5 of this act shall take effect upon its passage.

IV. Section 8 of this act shall take effect January 1, 2017.

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

2016-1845h AMENDED ANALYSIS

This bill

I. Provides that a minor whose case is to be transferred to the superior court may be detained at a county correctional facility or the youth development center.

II. Permits a youthful offender who has been sentenced as an adult to serve his or her sentence at the youth development center until the offender reaches the age of 18, at which time he or she shall be transferred to the state prison or county correctional facility.

III. Revises the reduction in appropriation required for the Sununu youth services center and the department of health and human services as a whole.

IV. Establishes a working group within the department of health and human services to address juvenile justice service and treatment options.

V. Requires the department of health and human services to use a detention risk assessment instrument to determine whether a child should be held at the youth services center pending adjudication.

VI. Requires the department of health and human services to conduct a quarterly review of children placed at the Sununu youth services center to determine whether a less restrictive placement is possible.

Rep. Rogers spoke in favor.

Rep. Byron spoke against.

Rep. Kurk requested a roll call; sufficiently seconded.

YEAS 141 - NAYS 200

**YEAS - 141
BELKNAP**

Flanders, Donald

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

CHESHIRE

Abbott, Michael

Bordenet, John

Mann, John

Shepardson, Marjorie

Ames, Richard

Chase, Cynthia

Parkhurst, Henry

Tatro, Bruce

Tilton, Benjamin

Eaton, Daniel

Pearson, William

Weber, Lucy

Berch, Paul

Ley, Douglas

Robertson, Timothy

COOS

Froburg, Alethea

Hatch, William

Moynihan, Wayne

Theberge, Robert

GRAFTON

Abel, Richard
 Ford, Susan
 Massimilla, Linda
 Townsend, Charles

Almy, Susan
 Higgins, Patricia
 Nordgren, Sharon
 White, Andrew

Bennett, Travis
 Hennessey, Martha
 Smith, Suzanne

Cooney, Mary
 Maes, Kevin
 Sykes, George

HILLSBOROUGH

Baroody, Benjamin
 Cornell, Patricia
 Freitas, Mary
 Guerette, C. Lee
 Herbert, Christopher
 Mangipudi, Latha
 Long, Patrick
 Shattuck, Gilman
 Smith, Timothy

Booras, Efstathia
 Cote, David
 Gidge, Kenneth
 Hansberry, Daniel
 Jack, Martin
 Manley, Jonathan
 Porter, Marjorie
 Shaw, Barbara
 Vann, Ivy

Roberts, Carol
 DiSilvestro, Linda
 Goley, Jeffrey
 Harvey, Suzanne
 Leishman, Peter
 McNamara, Richard
 Walsh, Robert
 Snow, Kendall
 Williams, Kermit

Cohen, Alan
 Edwards, Elizabeth
 Gorman, Mary
 Heath, Mary
 O'Brien, Michael
 Brown, Pamela
 Rosenwald, Cindy
 Soucy, Timothy
 Woodbury, David

MERRIMACK

Turcotte, Alan
 Carson, Clyde
 Gile, Mary
 Karrick, David
 Moffett, Howard
 Rogers, Katherine
 Wallner, Mary Jane

French, Barbara
 Deloge, Helen
 Henle, Paul
 Kenison, Linda
 Myler, Mel
 Saunderson, George
 Wheeler, Deborah

Bartlett, Christy
 Doherty, David
 Hill, Gregory
 Luneau, David
 Patten, Dick
 Schuett, Dianne

Bradley, Paula
 Ebel, Karen
 Frazer, June
 MacKay, James
 Ratzki, Mario
 Shurtleff, Stephen

ROCKINGHAM

Berrien, Skip
 Cushing, Robert
 Rice, Frederick
 Major, Norman
 Sherman, Thomas

Borden, David
 DiFranco, Debbie
 Francese, Paula
 McBeath, Rebecca
 Simpson, Alexis

Cahill, Michael
 Duarte, Joe
 Ward, Gerald
 Gordon, Pamela

Cali-Pitts, Jacqueline
 Edgar, Michael
 Heffron, Frank
 Pantelakos, Laura

STRAFFORD

Baber, William
 Cilley, Jacalyn
 Kaen, Naida
 Spang, Judith

Berube, Roger
 DiSesa, Len
 Smith, Marjorie
 Sprague, Dale

Bixby, Peter
 Horrigan, Timothy
 Schmidt, Peter
 Treleaven, Susan

Burton, Wayne
 Ward, Kenneth
 Rollo, Deanna
 Wall, Janet

SULLIVAN

Schmidt, Andrew
 Gottling, Suzanne

Cloutier, John
 Irwin, Virginia

Converse, Larry
 O'Hearne, Andrew

Gagnon, Raymond
 Oxenham, Lee

NAYS - 200**BELKNAP**

Aldrich, Glen
 Fisher, Robert
 LeBreche, Shari
 Varney, Peter

Dumais, Russell
 Gallagher, Brian
 Spanos, Peter

Tilton, Franklin
 Howard, Raymond
 Sylvia, Michael

Fields, Dennis
 Hurt, George
 Fraser, Valerie

CARROLL

Avellani, Lino
 Crawford, Karel
 Schmidt, Stephen

Chandler, Gene
 McConkey, Mark
 Umberger, Karen

Comeau, Ed
 Nelson, Bill

Cordelli, Glenn
 Parker, Harold

CHESHIRE

Emerson, Susan
 Phillips, Larry

Hunt, John
 Sterling, Franklin

Roberts, Kris

McConnell, James

COOS

Fothergill, John
 Thomas, Yvonne

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
 Johnson, Eric
 Ladd, Rick

Brown, Duane
 Gionet, Edmond
 Piper, Wendy

Darrow, Stephen
 Hull, Robert

Hennessey, Erin
 Ingbretson, Paul

HILLSBOROUGH

Adams, Christopher
 Barry, Richard
 Byron, Frank
 Donovan, Daniel
 Ferreira, Elizabeth
 Gagne, Larry
 Goulette, William
 Hogan, Edith
 Rice, Kimberly
 Lachance, Joseph
 Murphy, Keith
 Pellegrino, Anthony
 Christie, Rick
 Sanborn, Laurie
 Simmons, Tammy
 Takesian, Charlene
 O'Brien, William

Ammon, Keith
 Biggie, Barbara
 Christensen, Chris
 Eastman, Eric
 Flanagan, Jack
 Gargas, Carolyn
 Haefner, Robert
 Hopper, Gary
 Kurk, Neal
 LeBrun, Donald
 Notter, Jeanine
 Peterson, Ken
 Ober, Russell
 Schleien, Eric
 Souza, Kathleen
 Twombly, Timothy
 Wolf, Terry

Griffin, Barbara
 Boehm, Ralph
 Coffey, James
 Edelblut, Frank
 Fromuth, Bart
 Gonzalez, Carlos
 Hansen, Peter
 Infantine, William
 Christiansen, Lars
 McLean, Mark
 Ohm, Bill
 Pierce, David
 Rouillard, Claire
 Scotsas, Lisa
 Stepanek, Stephen
 Ulery, Jordan
 Zaricki, Nick

Balcom, John
 Burt, John
 Danielson, David
 Estevez, Eric
 Smith, Gregory
 Gould, Linda
 Hinch, Richard
 Belanger, James
 Ober, Lynne
 Murotake, David
 Parison, James
 Proulx, Mark
 Rowe, Robert
 Seidel, Carl
 Straight, Phillip
 Sullivan, Victoria

MERRIMACK

Brewster, Michael
 French, Harold
 Kidder, David
 Martin, John

McGuire, Carol
 Hess, David
 Kotowski, Frank
 Seaworth, Brian

Long, Douglas
 Hoell, J.R.
 Kuch, Bill
 Walsh, Thomas

McGuire, Dan
 Horn, Werner
 Marple, Richard

ROCKINGHAM

Christie, Andrew
 Baldasaro, Alfred
 Chirichiello, Brian
 Devine, James
 Chase, Francis
 Green, Dennis
 Hodgdon, Bruce
 Sweeney, Joe
 Kolodziej, Walter
 Matthews, Carolyn
 O'Connor, John
 Potucek, John
 Spillane, James
 Webb, James

Abrami, Patrick
 Barnes, Arthur
 Cook, Allen
 Doucette, Fred
 Ferrante, Beverly
 Guthrie, Joseph
 Hoelzel, Kathleen
 Ward, Joanne
 Lovejoy, Patricia
 McMahon, Charles
 Osborne, Jason
 Gordon, Richard
 Sytek, John
 Welch, David

Abramson, Max
 Bates, David
 Thomas, Douglas
 Elliott, Robert
 Fesh, Robert
 Hagan, Joseph
 Introne, Robert
 Kappler, Lawrence
 Griffin, Mary
 Milz, David
 Packard, Sherman
 Tilton, Rio
 True, Chris
 Weyler, Kenneth

Azarian, Gary
 Cardon, G. Thomas
 Dean-Bailey, Yvonne
 Emerick, J. Tracy
 Gannon, William
 Harris, Jeffrey
 Itse, Daniel
 Katsakiores, Phyllis
 Manning, John
 Nigrello, Robert
 Peckham, Michele
 Schroadter, Adam
 Vose, Michael

STRAFFORD

Beaudoin, Steven
 Gray, James
 Kaczynski, Thomas
 Pitre, Joseph

Cheney, Catherine
 Groen, Warren
 Knowles, Robert
 Whitehouse, Joshua

DeLemus, Susan
 Hannon, Joseph
 Turcotte, Leonard
 Wuelper, Kurt

Graham, Robert
 Jones, Laura
 Leeman, Don

SULLIVAN

Grenier, James

Laware, Thomas

Rollins, Skip

Smith, Steven

and the minority committee amendment failed.

Majority committee report adopted and ordered to third reading.

SB 481-FN, relative to a special health care service license and establishing a fund. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Cindy Rosenwald for the Majority of Finance. This bill addresses three areas important to the quality and accessibility of our health care system. First, it requires licensing for new programs of three high risk medical services (open heart surgery, cardiac catheterization, and megavoltage radiation) for which there are recognized clinical standards. Secondly, it requires new hospitals to compete on a level playing field by including emergency departments and accepting all sources of payment. Finally, if an organization wants to locate a new licensed health care entity within 15 miles of any of the state's 13 critical access hospitals, the Commissioner of Health and Human Services would have to certify that it would not materially adversely impact that critical access hospital. These hospitals, located in the North Country and western part of the state, operate with the federal designation of critical access because they are in geographically isolated and/or medically underserved areas and provide necessary inpatient and emergency care. The Finance Committee amendment eliminates the dedicated fund in favor of a small appropriation to staff the licensing operation. Vote 23-2.

Rep. Dan McGuire for the Minority of Finance. This bill severely restricts medical competition in multiple ways. It identifies three services provided by existing large hospitals and subjects any new entrants to special licensing, regulation and open-ended fees. It requires that any new hospital operate a 24/7 emergency room

and accept all patients regardless of ability to pay. Finally, it draws a 15-mile circle around the thirteen “critical access” (smaller) hospitals and prevents any new hospitals or many other medical business to form in those areas if they would have a “material adverse impact” on services provided by those small hospitals. Note that critical access hospital Alice Peck Day has managed to thrive in the shadow of Dartmouth Hitchcock since it was founded in 1932 and today has 500 employees and revenues over \$50 million a year. This is not a time to be restricting new medical facilities. There has not been a new hospital built in this state in over 30 years, during which our population has increased by almost 50%. The hospitals in New Hampshire are not financially shaky. Four of the ten largest employers in the state are hospitals. The largest has \$400 million in annual revenues, an \$800 thousand CEO and some doctors with salaries in excess of \$1 million. Even the smallest 16-bed hospital in the state has annual revenues of \$16 million a year, pays its CEO \$170 thousand, has doctors over \$350 thousand and provides less than 3% charity care. Our state government spends \$1 billion a year of our own money on HHS, and another \$1 billion in federal money. Competition is needed for consumers, including the state, to get the best prices and quality for our medical dollars. Our constitution wisely tells us in part 2 article 83 that free and fair competition is an essential right of the people and we should protect it from those who endeavor to raise prices by destroying it. We should heed that advice and find SB 481 Inexpedient to Legislate.

Majority Amendment (1860h)

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

AN ACT relative to a special health care service license and making an appropriation therefor.

Amend RSA 151:18 as inserted by section 4 of the bill by replacing it with the following:

4 Health Facility Licensure; Disposition of Fees. Amend RSA 151:18 to read as follows:

151:18 Disposition of Fees.

I. All fees received from licenses under the provisions of this chapter shall be kept by the state treasurer in a separate fund to be paid out to the department of health and human services for purposes of this chapter only.

II. Notwithstanding paragraph I, fees and any other funds collected for special health care service licenses pursuant to RSA 151:2-e shall be deposited in the general fund.

Amend the bill by replacing section 5 with the following:

5 Appropriation; Department of Health and Human Services. The sum of \$50,000 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2017, for purposes of paying the costs of special health care service licenses. The governor is authorized to draw a warrant for said sum out of any moneys in the treasury not otherwise appropriated.

2016-1860h

AMENDED ANALYSIS

This bill establishes procedures to acquire a special health care service license under the law governing health facility licensure. This bill also establishes certain requirements regarding accessibility to health care services. The bill makes an appropriation for purposes of paying the costs of special health care service licenses.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Dan McGuire spoke against and yielded to questions.

Reps. Sanborn and Edelblut spoke against.

Reps. Stephen Schmidt and Rosenwald spoke in favor.

Rep. Edelblut requested a roll call; sufficiently seconded.

YEAS 195 - NAYS 134

YEAS - 195

BELKNAP

Tilton, Franklin
Varney, Peter

Fields, Dennis

Flanders, Donald

Gallagher, Brian

CARROLL

Buco, Thomas
Nelson, Bill
Umberger, Karen

Butler, Edward
Parker, Harold

Crawford, Karel
Schmidt, Stephen

McConkey, Mark
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Bordenet, John

Ames, Richard
Eaton, Daniel

Tilton, Benjamin
Emerson, Susan

Berch, Paul
Roberts, Kris

Ley, Douglas
Phillips, Larry
Tatro, Bruce

Mann, John
Robertson, Timothy
Weber, Lucy

Parkhurst, Henry
Shepardson, Marjorie

Pearson, William
Sterling, Franklin

COOS

Fothergill, John
Richardson, Herbert

Froburg, Alethea
Tholl, John

Hatch, William
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Hennessey, Erin
Hennessey, Martha
Piper, Wendy
White, Andrew

Almy, Susan
Ford, Susan
Maes, Kevin
Smith, Suzanne

Bailey, Brad
Gionet, Edmond
Massimilla, Linda
Sykes, George

Cooney, Mary
Higgins, Patricia
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Balcom, John
Coffey, James
Danielson, David
Gargas, Carolyn
Guerette, C. Lee
Heath, Mary
Christiansen, Lars
Mangipudi, Latha
Long, Patrick
Rosenwald, Cindy
Snow, Kendall
Vann, Ivy

Baroody, Benjamin
Cohen, Alan
DiSilvestro, Linda
Gidge, Kenneth
Haefner, Robert
Hinch, Richard
Lachance, Joseph
Manley, Jonathan
Pierce, David
Rowe, Robert
Soucy, Timothy
Williams, Kermit

Booras, Efstathia
Cornell, Patricia
Flanagan, Jack
Goley, Jeffrey
Hansberry, Daniel
Infantine, William
Leishman, Peter
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Smith, Timothy
Wolf, Terry

Roberts, Carol
Cote, David
Freitas, Mary
Gonzalez, Carlos
Harvey, Suzanne
Jack, Martin
O'Brien, Michael
Brown, Pamela
Walsh, Robert
Shaw, Barbara
Takesian, Charlene
Woodbury, David

MERRIMACK

Turcotte, Alan
Carson, Clyde
Gile, Mary
Kenison, Linda
MacKay, James
Ratzki, Mario
Shurtleff, Stephen

French, Barbara
Deloge, Helen
Henle, Paul
Kidder, David
Moffett, Howard
Rogers, Katherine
Walsh, Thomas

Bartlett, Christy
Doherty, David
Frazer, June
Kotowski, Frank
Myler, Mel
Saunderson, George
Wallner, Mary Jane

Bradley, Paula
Ebel, Karen
Karrick, David
Luneau, David
Patten, Dick
Schuett, Dianne
Wheeler, Deborah

ROCKINGHAM

Christie, Andrew
Cahill, Michael
Devine, James
Fesh, Robert
Heffron, Frank
Griffin, Mary
Milz, David
Tilton, Rio
Welch, David

Abrami, Patrick
Cali-Pitts, Jacqueline
DiFranco, Debbie
Francese, Paula
Hoelzel, Kathleen
Major, Norman
Nigrello, Robert
Sherman, Thomas

Berrien, Skip
Cardon, G. Thomas
Edgar, Michael
Ward, Gerald
Sweeney, Joe
McBeath, Rebecca
Gordon, Pamela
Simpson, Alexis

Borden, David
Cushing, Robert
Elliott, Robert
Guthrie, Joseph
Lovejoy, Patricia
McMahon, Charles
Pantelakos, Laura
Webb, James

STRAFFORD

Baber, William
Burton, Wayne
Horrigan, Timothy
Schmidt, Peter
Treleaven, Susan

Berube, Roger
Cilley, Jacalyn
Ward, Kenneth
Rollo, Deanna
Verschueren, James

Bickford, David
DiSesa, Len
Kaen, Naida
Spang, Judith
Wall, Janet

Bixby, Peter
Gray, James
Smith, Marjorie
Sprague, Dale

SULLIVAN

Schmidt, Andrew
Gottling, Suzanne
O'Hearne, Andrew

Cloutier, John
Grenier, James
Rollins, Skip

Converse, Larry
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
Laware, Thomas

NAYS - 134

BELKNAP

Aldrich, Glen
Hurt, George

Dumais, Russell
Spanos, Peter

Fisher, Robert
Fraser, Valerie

Howard, Raymond

CARROLL

Avellani, Lino

Chandler, Gene

Comeau, Ed

Cordelli, Glenn

CHESHIRE

Hunt, John

McConnell, James

COOS

Rideout, Leon

Theberge, Robert

GRAFTONBrown, Duane
Ingbertson, PaulDarrow, Stephen
Ladd, Rick

Johnson, Eric

Hull, Robert

HILLSBOROUGHAdams, Christopher
Boehm, Ralph
Donovan, Daniel
Ferreira, Elizabeth
Gould, Linda
Hogan, Edith
LeBrun, Donald
Notter, Jeanine
Peterson, Ken
Rouillard, Claire
Seidel, Carl
Straight, Phillip
O'Brien, WilliamAmmon, Keith
Bouldin, Amanda
Edelblut, Frank
Fromuth, Bart
Goulette, William
Hopper, Gary
McLean, Mark
Ohm, Bill
Proulx, Mark
Sanborn, Laurie
Simmons, Tammy
Twombly, Timothy
Zaricki, NickGriffin, Barbara
Burt, John
Edwards, Elizabeth
Gagne, Larry
Hansen, Peter
Belanger, James
Murotake, David
Parison, James
Christie, Rick
Schleien, Eric
Souza, Kathleen
Ulery, JordanBiggie, Barbara
Byron, Frank
Estevez, Eric
Gorman, Mary
Herbert, Christopher
Rice, Kimberly
Murphy, Keith
Pellegrino, Anthony
Ober, Russell
Scotsas, Lisa
Stepanek, Stephen
Sullivan, Victoria**MERRIMACK**Brewster, Michael
Hill, Gregory
Marple, RichardMcGuire, Carol
Hoell, J.R.
Martin, JohnLong, Douglas
Horn, Werner
Seaworth, BrianMcGuire, Dan
Kuch, Bill**ROCKINGHAM**Abramson, Max
Bates, David
Dean-Bailey, Yvonne
Chase, Francis
Green, Dennis
Introne, Robert
Katsakiores, Phyllis
O'Connor, John
Potucek, John
True, ChrisAzarian, Gary
Chirichiello, Brian
Doucette, Fred
Rice, Frederick
Hagan, Joseph
Itse, Daniel
Kolodziej, Walter
Osborne, Jason
Gordon, Richard
Vose, MichaelBaldasaro, Alfred
Cook, Allen
Duarte, Joe
Ferrante, Beverly
Harris, Jeffrey
Ward, Joanne
Manning, John
Packard, Sherman
Spillane, JamesBarnes, Arthur
Thomas, Douglas
Emerick, J. Tracy
Gannon, William
Hodgdon, Bruce
Kappler, Lawrence
Matthews, Carolyn
Peckham, Michele
Sytek, John**STRAFFORD**Beaudoin, Steven
Groen, Warren
Knowles, Robert
Whitehouse, JoshuaCheney, Catherine
Hannon, Joseph
Turcotte, Leonard
Wuelper, KurtDeLemus, Susan
Jones, Laura
Leeman, DonGraham, Robert
Kaczynski, Thomas
Pitre, Joseph

and the majority committee report was adopted and ordered to third reading.

SB 485-FN-A, establishing a state grant program to assist state and local law enforcement agencies in addressing the opioid crisis and making an appropriation therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Karen Umberger for the Majority of Finance. Drug overdoses in New Hampshire have skyrocketed, and heroin-related hospital emergency department visits increased in the first nine months of 2015 by 70%. To help deal with this, the bill establishes a substance abuse enforcement program within the Department of Safety (DOS). The program will provide overtime for state, county and local police officers as well as overtime and supplies for the state forensic science laboratory to place additional police patrol and investigative presence in areas known to be used by drug dealers for shipments of illegal drugs into the state. The program will insure the drug enforcement efforts in the state are coordinated. The DOS and state police have developed an outline for the grant applications which will eventually be developed into rules. The initial appropriation is for \$1,500,000 dollars for FY 17. It is projected that these dollars will add 8 additional officers each day who are focused on trying to stem the tide of drugs flowing into the state. A semi-annual reporting requirement will provide measurable results and a detailed accounting of program funding and use. The non-germane amendment, added after a public hearing provides additional needed tools for the administration of the retiree health care program as well as providing \$300,000 for a consultant to help create better financial forecasts, review the plan, and provide training to retirees on their health care plan. The retiree health care line was underfunded in the budget, and despite plan changes, there is need for Department of Administration staff to have additional tools in order to ensure that adequate projections, training and funding estimates can be developed for future bienniums. The amendment also establishes a procedure for the Fiscal Committee to gather public input via public hearings in case changes are needed to be made by this committee in the future. Finally, the amendment provides \$20,000 for overtime for the Department of Administration Risk Management staff in order to adequately service needs of retirees and answer questions about retiree health. Vote 25-1.

Rep. Dan McGuire for the Minority of Finance. This bill creates a new substance abuse law enforcement program and funds it with \$1.5 million in FY 2017. This is the same approach to drugs which has been tried for over 40 years and failed. The \$1.5 million is only the tip of the iceberg. More law enforcement will mean more costs for courts, prosecutors, defense and corrections. More money spent in this way will not solve the problem. The minority doesn't object to the non-germane second half of the amended bill.

Majority Amendment (1857h)

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

AN ACT establishing a state grant program to assist state and local law enforcement agencies in addressing the opioid crisis and making an appropriation therefor, relative to the health care premium contribution for retired state employees who are eligible for Medicare Parts A and B due to age or disability, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services.

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

1 Legislative Findings. The legislature finds:

I. From 2010 through October 21, 2015 drug overdoses in New Hampshire have claimed 1,322 lives, of which 315 were related to heroin and 377 to fentanyl. Heroin-related hospital emergency department visits in New Hampshire during the first 9 months of 2015 increased by 70.4 percent over the same period the previous year; and between July and September 2015, the anti-opioid drug Naloxone was administered by emergency responders to prevent an opioid death 866 times.

II. Drug-related deaths currently are eclipsing by far the number of deaths in highway fatalities. At the same time, however, there was a 21.43 percent increase in persons killed in highway crashes as of mid-October 2015 compared with the same period in 2014 and nearly 500 additional serious but not fatal injury crashes, with significant numbers involving drugged driving. Armed robberies and burglaries and other street crimes involving drugs have become a weekly occurrence and every county in the state has been affected.

III. Increased information sharing and more visible police presence on the streets and highways along with intensive enforcement of the traffic laws is strongly correlated to the deterrence of crime, cutting off the supply of drugs, apprehension of criminals, and a reduction in highway deaths.

IV. Sections 1-6 of this act are intended to make additional resources available to provide for more, better, and smarter law enforcement approaches to the current crisis.

2 New Subdivision; Substance Abuse Enforcement Program. Amend RSA 21-P by inserting after section 65 the following new subdivision:

Substance Abuse Enforcement Program

21-P:66 Substance Abuse Enforcement Program.

I. The commissioner of safety shall establish a substance abuse enforcement program which shall make grants available to county and local law enforcement agencies, and also provide funding for the division of state police for the following purposes:

- (a) Overtime costs for officers performing law enforcement activities under this program.
- (b) Overtime, supplies, and other costs of the state forensic science laboratory.

II. The commissioner shall establish protocols and conditions for increased state police patrols and conditions for eligibility for grants to local and county law enforcement agencies. The protocols and conditions shall be based on the principles of intelligence-driven, problem-oriented policing, using statistics and information to place additional police patrol and investigative presence at the locations, times, and places where there have been a significant convergence of motor vehicle crashes, crimes, and drug use, or in corridors known to be used by drug dealers for shipments of illegal drugs into the state. The protocols and conditions shall:

- (a) Require dedicated patrol units relieved of taking calls for service absent an emergency.
- (b) Insure that the officers assigned to such patrol units have been trained in the concept of data-driven policing and have an appropriate knowledge of the requirements of the state and federal constitutions.

III. The commissioner shall give equal consideration to all local and county law enforcement agencies and the division of state police when allocating available program funding.

IV. The program shall include the following prohibitions on allowable uses of funds:

- (a) No funds shall be granted for "purchase of evidence" or for "confidential funds."
- (b) No funds shall be used for the purchase of operational equipment, except for direct supply costs for state forensic science laboratory testing.
- (c) No funds shall be used for supplanting locally budgeted and approved funds for routine law enforcement.

V. The program shall include semi-annual reporting, to the governor, senate president, and speaker of the house of representatives, which includes measurable program results and a detailed accounting of program funding and uses. The first report shall be submitted on or before December 15, 2016.

21-P:67 Rulemaking. The commissioner of safety shall adopt rules to implement this subdivision. Notwithstanding any other provisions of law, such rules shall be exempt from the provisions of RSA 541-A.

3 Substance Abuse Enforcement Program; Rulemaking; July 1, 2017. RSA 21-P:67 is repealed and reenacted to read as follows:

21-P:67 Rulemaking. The commissioner of safety shall adopt rules, pursuant to RSA 541-A, to implement this subdivision.

4 New Subparagraph; Administrative Procedures Act; Exceptions. Amend RSA 541-A:21, I by inserting after subparagraph (hh) the following new subparagraph:

(ii) RSA 21-P:68, relative to the substance abuse enforcement program.

5 Repeal. RSA 541-A:21, I(ii), relative to a rulemaking exception for the substance abuse enforcement program, is repealed.

6 Appropriation; Department of Safety; Substance Abuse Enforcement Program.

I. The sum of \$1,500,000 for the biennium ending June 30, 2017 is hereby appropriated to the department of safety, for the purpose of funding the substance abuse enforcement program under RSA 21-P:66.

II.(a) For the purposes of funding the appropriation made in paragraph I, the governor shall identify excess appropriations from sums appropriated pursuant to 2015, 275 and 276, and shall transfer said sums to 2 separate accounting units as follows:

(1) An accounting unit for enforcement activities, including grants to local and county agencies.

(2) An accounting unit for division of forensic science laboratory activities.

(b) Prior to making such transfers, the governor shall certify to the fiscal committee of the general court that any excess appropriations identified pursuant to this section are in addition to the projected lapses assumed during the adoption of the state operating budget for the biennium ending June 30, 2017. Any transfers made pursuant to this section shall not require the prior approval of the fiscal committee of the general court and the governor and council and shall not be subject to the provisions of RSA 9:16-a, 9:17-a, and RSA 9:17-c.

7 Department of Administrative Services; State Employees Group Insurance; Retiree Medical Benefits. Amend RSA 21-I:30, II to read as follows:

II.(a) The state shall pay a *partial* premium for each Medicare-eligible retired employee, as defined in paragraphs VI and VII of this section, and his or her spouse for their lifetimes, toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan is approved by the fiscal committee of the general court prior to its adoption.

(b) Retired employees who are eligible for Medicare may voluntarily cease participation in plan benefits at any time and may reenroll without restriction.

8 Department of Administrative Services; State Employees Group Insurance; Retiree Medical Benefits; Premium Contribution. Amend RSA 21-I:30, XIII to read as follows:

XIII.(a) The commissioner of administrative services shall invoice and collect from retired state employees and/or each applicable spouse ~~[who are not Medicare eligible and]~~ receiving medical and surgical benefits provided under this section, who do not receive a retirement allowance as defined in RSA 100-A:1, XXII, [a] *the premium contribution amount for either Medicare-eligible or non-Medicare-eligible retiree health benefit plans* based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse, as determined by the commissioner of administrative services, with prior approval by the fiscal committee of the general court~~], provided the percentage is not lower than 12.5 percent~~. *Beginning January 1 2017, the commissioner of administrative services shall determine, with prior approval by the fiscal committee of the general court, a premium contribution amount for Medicare-eligible retiree health benefit plans and a premium contribution amount for non-Medicare-eligible retiree health benefit plans.*

(b) The commissioner of administrative services is also authorized to invoice and collect from such other participants contribution amounts as specified by law.

(c) Collected amounts shall be deposited in the employee and retiree benefit risk management fund. Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective from the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. If a participant fails to remit payment in full for participation within 30 days of billing, on the 30th day the participant shall be notified by certified mail, return receipt requested, that he or she shall remit payment to the department within 10 business days of receiving the letter or his or her benefits shall be terminated effective upon the 10th business day after receipt of the letter and that reenrollment shall be dependent upon payment of any outstanding contribution or other amount within 6 months of the termination date.

9 New Hampshire Retirement System; Deductions; Retiree Medical Benefits. Amend RSA 100-A:54, III to read as follows:

III.(a) The retirement system shall deduct from the monthly retirement allowance of retired state employees and/or each applicable spouse ~~[who are not Medicare eligible and]~~ receiving medical and surgical benefits provided pursuant to RSA 21-I:30, [a] *the premium contribution amount for either Medicare-eligible or non-Medicare-eligible retiree health benefit plans* based on a percentage of the total monthly premium

attributable to the applicable retiree and/or spouse, as determined by the commissioner of administrative services with prior approval by the fiscal committee of the general court [~~provided the percentage is not lower than 12.5 percent~~] **under RSA 21-I:30, XIII.**

(b) The department of administrative services shall provide information as to the total monthly premium cost for each participant to the retirement system for purposes of calculating this deduction. Deducted amounts, which shall be in addition to and notwithstanding any amounts payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b, shall be deposited in the employee and retiree benefit risk management fund. In the event the retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree and/or each applicable spouse the remaining contribution amount. Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective from the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. The department of administrative services shall provide notice of the termination of benefits as provided in RSA 21-I:30, XIII.

10 Judicial Retirement Plan; Deductions; Retiree Health Insurance. Amend RSA 100-C:11-a to read as follows: 100-C:11-a Retiree and Spouse Health Insurance Premium Contribution.

I. Retired judges and their applicable spouses [~~who are not Medicare eligible and~~] receiving medical and surgical benefits shall be responsible for payment of [a] **the** premium contribution amount **for either Medicare-eligible or non-Medicare-eligible retiree health benefit plans** based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse, as determined by the commissioner of administrative services, with prior approval by the fiscal committee of the general court [~~provided the percentage is not lower than 12.5 percent~~] **under RSA 21-I:30, XIII.**

II. The department of administrative services shall provide information as to the total monthly premium cost for each participant to the judicial retirement plan for purposes of calculating this deduction. The judicial retirement plan shall deduct the payment required under this section from the retiree's monthly retirement allowance. Deducted amounts shall be remitted to the administrative office of the courts within 14 days along with a statement identifying from whom the deduction was made, and shall be used to pay for plan retiree and spouse health care expenses and any administrative costs related thereto.

11 Appropriation; Department of Administrative Services; Risk Management; Overtime. In addition to any other sums appropriated, the sum of \$20,000 for the biennium ending June 30, 2017 is hereby appropriated to the department of administrative service for the purpose of overtime charged to the risk management accounting unit, class 18. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

12 Health Care Consultant Contract; Benefit Plan; Appropriation.

I. The commissioner of administrative services is hereby authorized to contract with a health care consultant for the purpose of a long-term design for funding state retiree health benefits and to provide training for state retirees on the benefit plan and its funding. The total amount expended by the department of administrative services for the health care consultant contract, benefit plan design, and training shall not exceed \$300,000.

II. The sum of up to \$300,000 for the biennium ending June 30, 2017 is hereby appropriated to the commissioner of the department of administrative services for the purpose of payment for the cost of the contract with the health care consultant under paragraph I. The source of funds for the appropriation shall be the employee and retiree benefit risk management fund under RSA 21-I:30-e.

13 New Paragraph; Legislative Budget Assistant; Fiscal Committee; Retiree Health Advisory Council. Amend RSA 14:30-a by inserting after paragraph VI the following new paragraph:

VII. The committee shall establish a retiree health advisory council as a subcommittee to the committee. The advisory council shall convene public meetings as needed to review options under consideration for changes to the retiree health plan if additional changes are needed after the new retiree health benefits plan is established. The advisory council shall also receive testimony from retirees and other interested members of the public.

14 Contingent Nullification. If SB 388 of the 2016 regular legislative session becomes law, the amendment to RSA 21-I:30, II, as inserted by section 1 of SB 388, shall not take effect.

15 Effective Date.

I. Sections 3 and 5 of this act shall take effect July 1, 2017.

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

2016-1857h
AMENDED ANALYSIS

This bill:

I. Requires the commissioner of safety to establish a substance abuse enforcement program within the department of safety, division of state police, to assist state, county, and local law enforcement agencies in addressing the opioid crisis. The bill makes an appropriation for the program.

II. Requires premium contribution amounts for retiree health benefits for retired state employees who are Medicare eligible, and provides for separate premium contribution rates for Medicare-eligible and non-Medicare eligible retirees to be determined beginning January 1, 2017.

III. Makes an appropriation to the department of administrative services for a health care consultant to design a long-term retiree health care funding plan, and transfers certain judicial branch funds for health plan costs.

IV. Nullifies an amendment made by SB 388, relative to public hearings on retiree health plan changes, if it becomes law.

Majority committee amendment adopted.

MOTION TO DIVIDE

Rep. Dan McGuire moved that sections 1 through 6 and sections 7 through 13 be divided on **SB 485-FN-A**, establishing a state grant program to assist state and local law enforcement agencies in addressing the opioid crisis and making an appropriation therefor, relative to the health care premium contribution for retired state employees who are eligible for Medicare Parts A and B due to age or disability, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services.

Rep. Dan McGuire spoke in favor.

Rep. Eaton spoke against.

On a division vote, with 89 members having voted in the affirmative, and 235 in the negative, the motion to divide failed.

MOTION TO DIVIDE

Rep. Goley moved that section 14 be divided on **SB 485-FN-A**, establishing a state grant program to assist state and local law enforcement agencies in addressing the opioid crisis and making an appropriation therefor, relative to the health care premium contribution for retired state employees who are eligible for Medicare Parts A and B due to age or disability, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services.

Rep. Goley spoke in favor.

Rep. Lynne Ober spoke against.

On a division vote, with 131 members having voted in the affirmative, and 187 in the negative, the motion to divide failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Reps. Dan McGuire and Abramson spoke against.

Rep. Umberger spoke in favor.

On a division vote, with 213 members having voted in the affirmative, and 95 in the negative, the majority committee report was adopted and ordered to third reading.

SB 495-FN-A, relative to state retiree health plan costs and funding. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Tracy Emerick for Finance. This bill as amended provides additional funding that is needed to fully fund retiree health for the current biennium. When the budget was presented by the Governor, the retiree health line was underfunded by \$5.5 million. Then the federal government cut the stipend sent to us for payment of prescription drug coverage for those on Medicare by \$1 million. This stipend comes to the state because state employees do not use a Medicare Part D Plan for prescriptions. Between the time the budget was developed and the fall, prescription usage by retirees had grown so much that an additional \$4 million had been used. This left a \$10.6 million budget hole that the Department of Administrative Services (DAS) and the Fiscal Committee worked to close by amending the plan, changing co-pays and using surplus funds in the account. It also makes an appropriation to DAS for a health care consultant for the purpose of a long-term design for funding state retiree health benefits and to provide training for state retirees on the benefit plan and its funding. Finally, it establishes a retiree health advisory council as a subcommittee of the Fiscal Committee, which shall convene public hearings as needed for the purpose of receiving testimony from retirees and other interested members of the public on any proposed retiree health benefits plan. Vote 26-0.

Amendment (1805h)

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

AN ACT relative to the health care premium contribution for retired state employees who are eligible for Medicare Parts A and B due to age or disability, relative to funding of retiree health benefits, making appropriations to the department of administrative services, and relative to the definition of a cigar bar.

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

1 Department of Administrative Services; State Employees Group Insurance; Retiree Medical Benefits.
Amend RSA 21-I:30, II to read as follows:

II.(a) The state shall pay a *partial* premium for each Medicare-eligible retired employee, as defined in paragraphs VI and VII of this section, and his or her spouse for their lifetimes, toward group hospitalization, hospital medical care, surgical care and other medical benefits plan or a self-funded alternative within the limits of the funds appropriated at each legislative session and providing any change in plan is approved by the fiscal committee of the general court prior to its adoption.

(b) Retired employees who are eligible for Medicare may voluntarily cease participation in plan benefits at any time and may reenroll without restriction.

2 Department of Administrative Services; State Employees Group Insurance; Retiree Medical Benefits; Premium Contribution. Amend RSA 21-I:30, XIII to read as follows:

XIII.(a) The commissioner of administrative services shall invoice and collect from retired state employees and/or each applicable spouse ~~[who are not Medicare-eligible and]~~ receiving medical and surgical benefits provided under this section, who do not receive a retirement allowance as defined in RSA 100-A:1, XXII, [a] *the premium contribution amount for either Medicare-eligible or non-Medicare-eligible retiree health benefit plans* based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse, as determined by the commissioner of administrative services, with prior approval by the fiscal committee of the general court~~[-, provided the percentage is not lower than 12.5 percent]~~. ***Beginning January 1, 2017, the commissioner of administrative services shall determine, with prior approval by the fiscal committee of the general court, a premium contribution amount for Medicare-eligible retiree health benefit plans and a premium contribution amount for non-Medicare-eligible retiree health benefit plans.***

(b) The commissioner of administrative services is also authorized to invoice and collect from such other participants contribution amounts as specified by law.

(c) Collected amounts shall be deposited in the employee and retiree benefit risk management fund. Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective from the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. If a participant fails to remit payment in full for participation within 30 days of billing, on the 30th day the participant shall be notified by certified mail, return receipt requested, that he or she shall remit payment to the department within 10 business days of receiving the letter or his or her benefits shall be terminated effective upon the 10th business day after receipt of the letter and that reenrollment shall be dependent upon payment of any outstanding contribution or other amount within 6 months of the termination date.

3 New Hampshire Retirement System; Deductions; Retiree Medical Benefits. Amend RSA 100-A:54, III to read as follows:

III.(a) The retirement system shall deduct from the monthly retirement allowance of retired state employees and/or each applicable spouse ~~[who are not Medicare-eligible and]~~ receiving medical and surgical benefits provided pursuant to RSA 21-I:30, [a] *the premium contribution amount for either Medicare-eligible or non-Medicare-eligible retiree health benefit plans* based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse, as determined by the commissioner of administrative services with prior approval by the fiscal committee of the general court ~~[provided the percentage is not lower than 12.5 percent]~~ ***under RSA 21-I:30, XIII.***

(b) The department of administrative services shall provide information as to the total monthly premium cost for each participant to the retirement system for purposes of calculating this deduction. Deducted amounts, which shall be in addition to and notwithstanding any amounts payable by the retirement system pursuant to RSA 100-A:52, RSA 100-A:52-a, and RSA 100-A:52-b, shall be deposited in the employee and retiree benefit risk management fund. In the event the retiree's monthly allowance is insufficient to cover the certified contribution amount, the retirement system shall so notify the department of administrative services, which shall invoice and collect from the retiree and/or each applicable spouse the remaining contribution amount. Failure to remit payment of the contribution amount in full within 30 days of billing shall be grounds for terminating benefits, effective from the beginning of the billing period. Reenrollment shall be dependent upon payment of any outstanding contribution or other amounts within 6 months of the termination date. The department of administrative services shall provide notice of the termination of benefits as provided in RSA 21-I:30, XIII.

4 Judicial Retirement Plan; Deductions; Retiree Health Insurance. Amend RSA 100-C:11-a to read as follows: 100-C:11-a Retiree and Spouse Health Insurance Premium Contribution.

I. Retired judges and their applicable spouses ~~[who are not Medicare-eligible and]~~ receiving medical and surgical benefits shall be responsible for payment of [a] *the premium contribution amount for either Medicare-eligible or non-Medicare-eligible retiree health benefit plans* based on a percentage of the total monthly premium attributable to the applicable retiree and/or spouse, as determined by the commissioner of administrative services, with prior approval by the fiscal committee of the general court~~[-, provided the percentage is not lower than 12.5 percent]~~ ***under RSA 21-I:30, XIII.***

II. The department of administrative services shall provide information as to the total monthly premium cost for each participant to the judicial retirement plan for purposes of calculating this deduction. The judicial

retirement plan shall deduct the payment required under this section from the retiree's monthly retirement allowance. Deducted amounts shall be remitted to the administrative office of the courts within 14 days along with a statement identifying from whom the deduction was made, and shall be used to pay for plan retiree and spouse health care expenses and any administrative costs related thereto.

5 Appropriation; Department of Administrative Services; Risk Management; Overtime. In addition to any other sums appropriated, the sum of \$20,000 for the biennium ending June 30, 2017 is hereby appropriated to the department of administrative service for the purpose of overtime charged to the risk management accounting unit, class 18. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Health Care Consultant Contract; Benefit Plan; Appropriation.

I. The commissioner of administrative services is hereby authorized to contract with a health care consultant for the purpose of a long-term design for funding state retiree health benefits and to provide training for state retirees on the benefit plan and its funding. The total amount expended by the department of administrative services for the health care consultant contract, benefit plan design, and training shall not exceed \$300,000.

II. The sum of up to \$300,000 for the biennium ending June 30, 2017 is hereby appropriated to the commissioner of the department of administrative services for the purpose of payment for the cost of the contract with the health care consultant under paragraph I. The source of funds for the appropriation shall be the employee and retiree benefit risk management fund under RSA 21-I:30-e.

7 New Paragraph; Legislative Budget Assistant; Fiscal Committee; Retiree Health Advisory Council. Amend RSA 14:30-a by inserting after paragraph VI the following new paragraph:

VII. The committee shall establish a retiree health advisory council as a subcommittee to the committee. The advisory council shall convene public meetings as needed to review options under consideration for changes to the retiree health plan if additional changes are needed after the new retiree health benefits plan is established. The advisory council shall also receive testimony from retirees and other interested members of the public.

8 Appropriation and Charge; Department of Administrative Services; Risk Management; Health Plan Costs. In addition to any other sums appropriated, the sum of \$360,000 is appropriated to the department of administrative services, risk management unit, for the biennium ending June 30, 2017 for state retiree health plan costs under RSA 21-I:30. Said appropriations shall be a charge against the following account:

<u>Accounting Unit</u>	<u>Class</u>	<u>Class Name</u>	<u>FY 2016</u>	<u>FY 2017</u>
02-10-10-1000-1880	049	Transfer to Other State Agencies	(\$180,000)	(\$180,000)

9 Contingent Nullification. If SB 388 of the regular 2016 legislative session becomes law, then the amendment to RSA 21-I:30, II as inserted by SB 388, shall not take effect.

10 Liquor Licenses and Fees; Definition of Cigar Bar. Amend RSA 178:20-a, II(d) to read as follows:

(d) Does not allow cigarette smoking or ~~[service of]~~ food **to be sold** on the premises.

11 Effective Date.

I. Section 10 of this act shall take effect 60 days after its passage.

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

2016-1805h

AMENDED ANALYSIS

This bill:

I. Requires premium contribution amounts for retiree health benefits for retired state employees who are Medicare eligible, and provides for separate premium contribution rates for Medicare-eligible and non-Medicare eligible retirees to be determined beginning January 1, 2017.

II. Makes an appropriation to the department of administrative services for a health care consultant to design a long-term retiree health care funding plan, and transfers certain judicial branch funds for health plan costs.

III. Nullifies an amendment made by SB 388, relative to public hearings on retiree health plan changes, if it becomes law.

IV. Prohibits the sale of food in a cigar bar licensed by the liquor commission.

Rep. Spillane spoke against and yielded to questions.

Reps. Hunt and Danielson spoke in favor.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

SB 515-FN, relative to child neglect and other changes to the child protection act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Betsy McKinney for the Majority of Finance. As previously passed by the House this bill restores drug testing that was eliminated in 2011 in cases of child neglect. The cost of \$90,000 will be funded out of the Department's current budget and require no additional appropriation. The committee amended Sections 3 and 4 of the bill to be effective July 1, 2016. Vote 24-2.

Rep. Dan McGuire for the Minority of Finance. This bill states that evidence of drug abuse by a parent is enough to presume that a child's health is very likely to suffer. This is a key part of showing neglect, which can lead a court to remove children from their home. This will lead to more expenses for courts, attorneys and foster care than existing law, which more properly requires evidence of actual neglect or abuse.

Majority Amendment (1631h)

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Sections 3 and 4 of this act shall take effect July 1, 2016.

II. Section 5 of this act shall take effect July 1, 2020.

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

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Dan McGuire spoke against.

Rep. Wallner spoke in favor.

Majority committee report adopted and ordered to third reading.

SB 522-FN-A, making an appropriation to the office of professional licensure and certification for technology upgrades for the controlled drug prescription health and safety program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dan McGuire for Finance. This bill appropriates the sum of \$130,000 for technology upgrades to the Controlled Drug Prescription Health and Safety system (AKA the Drug Prescription Monitoring Program [PDMP]), which tracks prescriptions for controlled substances. Currently this system is updated weekly for controlled substances and physicians requested a daily update. After the upgrade it will be updated daily, which will assist prescribing physicians. Also included in the upgrades are additional reporting functionality, a stress test to ensure all users of the PDMP have adequate response time, the ability to batch queries from a list of stored patients. This bill was strongly supported by the Drug Task Force during its deliberations. The committee's amendment also includes the House-passed version of HB 636 dealing with asset forfeiture. Vote 25-1.

Amendment (1856h)

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

AN ACT making an appropriation to the office of professional licensure and certification for technology upgrades for the controlled drug prescription health and safety program, and relative to forfeiture of property.

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

2 New Section; Property Subject to Forfeiture. Amend RSA 617 by inserting after section 1 the following new section:

617:1-a Criminal Forfeiture; Property Subject to Forfeiture.

I. Subsequent to a criminal conviction pursuant to a statute that authorizes forfeiture, including but not limited to RSA 318-B:17-b, the court may order the person convicted to forfeit:

(a) Property the person derived from the commission of the crime;

(b) Property directly traceable to property derived from the commission of the crime; and

(c) Instrumentalities the person used in the commission of the crime.

II. When a conviction or agreement of the parties is not possible due to the person's death, incompetence, unavailability, or not being within the jurisdiction of the court, or the person to be charged cannot be identified, forfeiture proceedings may be commenced.

III. Property may be forfeited if the state establishes that the property is forfeitable by clear and convincing evidence.

IV. Nothing in this section shall prevent property from being forfeited by plea agreement approved by the presiding criminal court or other agreement of the parties.

V. At the request of any party, the civil portion of the forfeiture proceeding may be stayed by the court.

3 New Section; Forfeiture; Innocent Owner. Amend RSA 617 by inserting after section 4 the following new section:

617:4-a Innocent Owner. In addition to any other remedy provided by law, any person claiming to be an innocent owner of property seized for purposes of forfeiture may petition the court, after 10 days from the date of seizure, for return of the property. No item or property interest shall be subject to forfeiture unless the alleged innocent owner thereof was a consenting party to the crime. This provision shall not apply to property seized as evidence in a pending criminal investigation or prosecution.

4 New Section; Disposition of Unclaimed Property and Proceeds. Amend RSA 617 by inserting after section 10 the following new section:

617:11 Disposition of Property and Proceeds.

I. Notwithstanding any other provision of law, at any time when unclaimed property or contraband held for evidentiary purposes is no longer needed for that purpose, the court may order the state to deliver any unclaimed property, other than currency, to the commissioner of the department of administrative services, to deliver any currency to the state treasurer, and to destroy any contraband within 30 days.

II. If the forfeiture is granted, the court may order the state to deliver any currency to the state treasurer and any other property to the commissioner of the department of administrative services within 30 days. The commissioner of the department of administrative services shall dispose of the forfeited property at public auction.

III. Upon motion, the court may order that a portion of the currency seized or proceeds from public auction be used to pay reasonable non-personnel expenses of the seizure, storage, and maintenance of custody of any forfeited items.

IV. The auction proceeds and forfeited currency shall be forwarded to the state treasurer and shall be used first to pay all outstanding recorded liens on the forfeited property, then to comply with an order of the court to pay reasonable non-personnel expenses, with all remaining funds to be deposited into the state's general fund.

5 Forfeiture of Items Used in Connection with Drug Offense. Amend RSA 318-B:17-b, II(e) to read as follows:

(e) The department of justice shall, within 60 days of the seizure, ~~either~~ file a petition in the superior court having jurisdiction under this section ~~[or seek administrative forfeiture pursuant to RSA 318-B:17-d]~~. If no such petition is filed ~~[or administrative procedure initiated]~~ within 60 days, the items or property interest seized shall be released or returned to the owners.

6 Forfeiture of Items Used in Connection with Drug Offense; Reference to Drug Forfeiture Fund Removed. Amend RSA 318-B:17-b, II-a(e) to read as follows:

(e) In the case of moneys, file a motion for transfer of evidence under RSA 595-A:6. Upon the court's granting of the motion the moneys shall be immediately forwarded to an interest-bearing seized asset escrow account to be administered by the attorney general. Upon resolution of the forfeiture proceeding the moneys deposited shall be transferred to the ~~[drug forfeiture]~~ **general** fund or returned to the owners thereof as directed by the court. Unless otherwise ordered by a court in a specific case, interest on all moneys deposited in the seized asset escrow account shall be deposited annually into the ~~[drug forfeiture fund established under RSA 318-B:17-c]~~ **general fund**.

7 Disposition of Funds Obtained by the Attorney General. Amend RSA 7:6-e, III to read as follows:

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

8 New Section; Budget and Appropriations; Department of Justice; Request for Appropriation for Drug Related Law Enforcement and Drug Treatment Programs. Amend RSA 9 by inserting after section 4-e the following new section:

9:4-f Department of Justice; Request for Appropriation for Drug Related Law Enforcement and Drug Treatment Programs. The department of justice shall include in its biennial operating budget request made pursuant to RSA 9:4, an appropriation to pay a portion of the costs of local, county, and state drug related investigations, as well as drug control law enforcement programs within New Hampshire. Such appropriation also may be used to pay extraordinary costs of local, county, and state drug prosecutions and trial expenses. Law enforcement agencies may apply to the department of justice for grants from the amount appropriated. Of the annual appropriation, \$5,000 shall be deposited into a special non-lapsing account established within the office of the state treasurer for the department of health and human services to fund drug education, prevention, and treatment services. The attorney general shall report 60 days after the close of each fiscal year to the governor and council and to the fiscal committee of the general court a summary of the grants provided to law enforcement agencies under this section for the preceding fiscal year.

9 Repeal. The following are repealed:

I. RSA 318-B:17-b, V, relative to the distribution of proceeds from items forfeited from drug offenses.

II. RSA 318-B:17-c, establishing the drug forfeiture fund.

III. RSA 318-B:17-d, relative to administrative forfeiture of items used in connection with drug offenses.

IV. RSA 6:12, I(b)(19), relative to the drug forfeiture fund.

10 Effective Date.

I. Section 8 of this act shall take effect July 1, 2016.

II. Sections 2 and 3 of this act shall take effect January 1, 2017.

III. Section 4-7 and 9 of this act shall take effect July 1, 2017.

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

2016-1856h

AMENDED ANALYSIS

This bill:

I. Makes an appropriation to the office of professional licensure and certification for technology upgrades for the controlled drug prescription health and safety program.

II. Limits forfeiture to cases in which the state has found by clear and convincing evidence that the property was derived from, or used in, the commission of a crime.

III. Requires the state to deposit proceeds from forfeited property in the general fund and repeals the drug forfeiture fund.

IV. Directs the attorney general to include in the department of justice's budget request an appropriation for the cost of local, county, and state drug related enforcement actions.

V. Establishes a special non-lapsing account for the department of health and human services to fund drug education, prevention, and treatment programs.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

SB 527-FN-A, making an appropriation to the police standards and training council, repealing the police standards and training council training fund, making an appropriation to the department of safety for the purchase of state police cruisers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen Umberger for Finance. The Police Standards and Training Council is faced with a shortfall in its dedicated fund that allows the council to provide training for state and local police, both full-time and part-time officers, and for state corrections officers. Police Standards and Training is funded through penalty assessment fees paid to the courts and through plea by mail. The penalty assessment fees for FY 17 are not projected to provide sufficient revenue to cover the budgeted training requirements. This would result in new police and corrections officers not receiving required training. In order to provide the training dollars necessary for this vital service, the amendment, which replaces the bill, transfers \$500,000 to the Police Standards and Training dedicated fund. Additionally \$900,000 will be transferred for the purpose of replacing the leaking tactical center roof and repairing the disintegrated driving and parking area. The dedicated fund does not have sufficient income to support these emergency repairs. The dollars to support this appropriation will come from projected lapses that are above and beyond budgeted lapses. The second part of the bill funds cruisers for the state police which were inadvertently omitted from the budget. The \$700,000 to support this appropriation will come from the highway fund and turnpike fund. Vote 26-0.

Amendment (1804h)

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

AN ACT transferring funds from the general fund to the police standards and training council training fund, making an appropriation to the police standards and training council, and making an appropriation to the department of safety for the purchase of state police cruisers.

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

1 Transfers; Police Standards and Training Council Training Fund; Appropriation; Police Standards and Training Council.

I. The sum of \$500,000 is hereby transferred from the general fund to the police standards and training council training fund in the fiscal year ending June 30, 2016.

II. For the biennium ending June 30, 2017, the sum of \$900,000 is hereby appropriated to the police standards and training council for the purpose of replacing the tactical center roof and repairing the driving and parking areas.

III. For the purposes of funding the transfer made in paragraph I and the appropriation made in paragraph II, the governor shall identify excess appropriations from sums appropriated pursuant to 2015, 275 and 2015, 276, and shall transfer said sums to appropriate police standards and training council accounting units. Prior to making said transfers, the governor shall certify to the fiscal committee of the general court that any excess appropriations identified pursuant to this section are in addition to the projected lapses assumed during the adoption of the state operating budget for the biennium ending June 30, 2017. Any transfers made pursuant to this section shall not require the prior approval of the fiscal committee of the general court and the governor and council and shall not be subject to the provisions of RSA 9:16-a, 9:17-a, and RSA 9:17-c.

2 Police Standards and Training Council. For the biennium ending June 30, 2017, police standards and training council accounting units 06-87-87-870510-8980, 06-87-87-871010-8999, 06-87-87-871510-8310, and 06-87-87-872010-8139 shall be exempt from budget footnote I contained in 2015, 275:1.08.

3 Department of Safety, Division of State Police; Appropriation.

I. There is hereby appropriated to the department of safety, division of state police, the sum of \$700,000 for the biennium ending June 30, 2017 for the purpose of the acquisition and equipping of new state police cruisers to replace those that have repairs exceeding the value of the vehicle.

II. The source of funds for the appropriation made in paragraph I shall be \$540,050 as a charge against the highway fund and \$159,950 as a charge against the turnpike fund.

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

2016-1804h
AMENDED ANALYSIS

This bill:

I. Transfers funds from the general fund to the police standards and training council training fund.

II. Appropriates funds from the general fund to the police standards and training council to repair the tactical center roof.

III. Appropriates funds from the highway fund and the turnpike fund to the department of safety for the purchase of police cruisers.

Committee amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Len Turcotte offered floor amendment (1936h).

Floor Amendment (1936h)

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

AN ACT transferring funds from the general fund to the police standards and training council training fund, making an appropriation to the police standards and training council, making an appropriation to the department of safety for the purchase of state police cruisers, and permitting employers to pay wages to employees weekly or biweekly.

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

4 Payment of Wages; Weekly or Biweekly. Amend the section heading of RSA 275:43 to read as follows: 275:43 Weekly or Biweekly.

5 Payment of Wages; Weekly or Biweekly. Amend the introductory paragraph of RSA 275:43, I to read as follows:

I. Every employer shall pay all wages due to employees [within 8 days including Sunday after expiration of the week in which the work is performed] at regular intervals not to exceed 14 days, except when permitted to pay wages less frequently as authorized by the commissioner pursuant to paragraph [II] IV or IV-a(a), on regular paydays designated in advance by the employer and at no cost to the employee:

6 Payment of Wages; Weekly or Biweekly. Amend RSA 275:43, IV and RSA 275:43, IV-a(a) to read as follows:

IV. The commissioner may, upon written petition showing good and sufficient reason, permit payment of wages [less frequently] other than weekly or biweekly, except that it shall be at least once each calendar month. In all instances, payment shall be made regularly on a predesignated date. The commissioner may prescribe the terms and conditions of such permission, and limit the duration thereof.

IV-a.(a) The commissioner may permit payment of wages less frequently than [weekly] biweekly where a school district collective bargaining agreement for hourly employees provides an option to be paid in any number of equal installments with one additional installment.

7 New Paragraph; Payment of Wages; Weekly. Amend RSA 275:43 by inserting after paragraph IV-a the following new paragraph:

IV-b. The commissioner may, on a temporary basis and after showing good and sufficient reason, require payment of wages weekly. The commissioner shall prescribe to the employer the terms, conditions, and duration of such temporary payments. Such restrictions shall only be in effect until the employer rectifies any deficiencies prescribed by the commissioner.

8 Effective Date.

I. Sections 4-7 of this act shall take effect 60 days after its passage.

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

2016-1936h
AMENDED ANALYSIS

This bill:

I. Transfers funds from the general fund to the police standards and training council training fund.

II. Appropriates funds from the general fund to the police standards and training council to repair the tactical center roof.

III. Appropriates funds from the highway fund and the turnpike fund to the department of safety for the purchase of police cruisers.

IV. Permits employers to pay wages to employees weekly or biweekly.

Rep. Len Turcotte spoke in favor and yielded to questions.

On a division vote, with 162 members having voted in the affirmative, and 139 in the negative, floor amendment (1936h) was adopted.

Committee report adopted and ordered to third reading.

SB 533-FN-A-L, relative to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery and making supplemental appropriations to the commission, the department of justice, and the New Hampshire housing finance authority. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank Byron for Finance. This bill makes changes to the operating authority of the Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment and Recovery and appropriates \$3 million in additional funds to the Governor's Commission and \$2 million for supportive housing for persons with substance abuse disorders. The amendment requires the \$5 million to come from budgeted but unspent funds (lapses) beyond those already budgeted and appropriated. The amendment also requires the Commission to produce performance reports to National Outcome Measurements Standards. Vote 23-1.

Amendment (1872h)

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

AN ACT relative to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery and making supplemental appropriations to the commission and the New Hampshire housing finance authority.

Amend RSA 12-J:4, III(b)(11) as inserted by section 7 of the bill by replacing it with the following:

(11) Performance outcomes pursuant to National Outcomes Measurement Standards (NOMS) as required with federal funding sources.

(12) Any other information requested by the governor or general court.

Amend section 10 of the bill by inserting after paragraph II the following new paragraph:

III. Prior to making such transfers, the governor shall certify to the fiscal committee of the general court that any excess appropriations identified pursuant to this section are in addition to the projected lapses assumed during the adoption of the state operating budget for the biennium ending June 30, 2017.

Amend the bill by deleting section 11 and renumbering the original sections 12-14 to read as 11-13, respectively.

2016-1872h

AMENDED ANALYSIS

This bill makes changes in the membership, organization, duties, meetings, and reports of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery, and establishes that the commission serves in an advisory capacity to both the governor and the general court.

The bill also makes supplemental appropriations to the commission and the New Hampshire housing finance authority.

Committee amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Hoell offered floor amendment (1922h).

Floor Amendment (1922h)

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

AN ACT relative to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery, making supplemental appropriations to the commission and the New Hampshire housing finance authority, and repealing the license requirement for carrying a concealed pistol or revolver.

Amend the bill by replacing all after section 12 with the following:

13 Pistols and Revolvers; License to Carry. Amend RSA 159:6 to read as follows:

159:6 License to Carry.

I.(a) The selectmen of a town, the mayor or chief of police of a city or a full-time police officer designated by them respectively, the county sheriff for a resident of an unincorporated place, or the county sheriff if designated by the selectmen of a town that has no police chief, upon application of any resident of such town, city, or unincorporated place, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose~~[-and that the applicant is a suitable person to be licensed]~~, **unless the applicant is prohibited by New Hampshire or federal statute from possessing a firearm**. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued.

(b) The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for [4] **5** years. When required, license renewal shall take place within the month of the [fourth] **fifth** anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the town or city granting said licenses; the fee for

licenses granted to out-of-state residents shall be \$100, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. ***The form shall require no more information than was required on the state of New Hampshire application for pistol/revolver license, form DSSP 85, as revised in December 2009.*** No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

II. No photograph or fingerprint shall be required or used as a basis to grant, deny, or renew a license to carry for a resident or nonresident, unless requested by the applicant.

III. The availability of a license to carry a loaded pistol or revolver under this section or under any other provision of law shall not be construed to impose a prohibition on the unlicensed transport or carry of a firearm in a vehicle, or on or about one's person, whether openly or concealed, loaded or unloaded, by a resident, nonresident, or alien if that individual is not otherwise prohibited by statute from possessing a firearm in the state of New Hampshire.

14 Pistols and Revolvers; Reciprocity. RSA 159:6-d is repealed and reenacted to read as follows:

159:6-d Reciprocity. The director of the division of state police shall negotiate and enter into reciprocal agreements with other jurisdictions to recognize in those jurisdictions the validity of the license issued under RSA 159:6. The director shall apply to every jurisdiction with which New Hampshire does not have a reciprocity agreement, at least once every 5 years to obtain recognition in those jurisdictions of the license issued under RSA 159:6. Any such agreement executed shall not expire unless an expiration date is required under the statutes of the reciprocal jurisdiction.

15 Repeal. RSA 159:4, relative to requiring a license to carry a concealed pistol or revolver, is repealed.

16 Effective Date.

I. Sections 13-15 of this act shall take effect 60 days after its passage.

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

2016-1922h

AMENDED ANALYSIS

This bill makes changes in the membership, organization, duties, meetings, and reports of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery, and establishes that the commission serves in an advisory capacity to both the governor and the general court.

The bill makes supplemental appropriations to the commission and the New Hampshire housing finance authority.

The bill also:

I. Increases the length of time for which a license to carry a pistol or revolver is valid.

II. Allows a person to carry a loaded, concealed pistol or revolver without a license provided such person is not otherwise prohibited by law.

III. Repeals the requirement to obtain a license to carry a concealed pistol or revolver.

Reps. Hoell and Hannon spoke in favor and yielded to questions.

Rep. Kurk spoke against.

Rep. McConnell requested a roll call; sufficiently seconded.

YEAS 98 - NAYS 204

YEAS - 98

BELKNAP

Aldrich, Glen
Howard, Raymond

Dumais, Russell
Hurt, George

Tilton, Franklin
Spanos, Peter

Gallagher, Brian
Fraser, Valerie

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

CHESHIRE

Hunt, John

McConnell, James

Sterling, Franklin

COOS

Rideout, Leon

GRAFTON

Brown, Duane

Johnson, Eric

Hull, Robert

HILLSBOROUGH

Adams, Christopher
Bouldin, Amanda

Ammon, Keith
Burt, John

Biggie, Barbara
Byron, Frank

Boehm, Ralph
Coffey, James

Eastman, Eric
Fromuth, Bart
Belanger, James
Murphy, Keith
Pellegrino, Anthony
Shaw, Barbara
Sullivan, Victoria

Edelblut, Frank
Gould, Linda
Lachance, Joseph
Notter, Jeanine
Christie, Rick
Simmons, Tammy

Estevez, Eric
Goulette, William
McLean, Mark
Ohm, Bill
Sanborn, Laurie
Twombly, Timothy

Ferreira, Elizabeth
Hogan, Edith
Murotake, David
Parison, James
Seidel, Carl
Ulery, Jordan

MERRIMACK

Brewster, Michael
Hill, Gregory
Marple, Richard

McGuire, Carol
Hoell, J.R.
Martin, John

Long, Douglas
Horn, Werner
Seaworth, Brian

McGuire, Dan
Kuch, Bill

ROCKINGHAM

Abramson, Max
Dean-Bailey, Yvonne
Gannon, William
Itse, Daniel
Gordon, Richard
Vose, Michael

Baldasaro, Alfred
Doucette, Fred
Green, Dennis
Kappler, Lawrence
Schroadter, Adam
Weyler, Kenneth

Bates, David
Duarte, Joe
Harris, Jeffrey
Kolodziej, Walter
Spillane, James

Cook, Allen
Chase, Francis
Hodgdon, Bruce
Osborne, Jason
True, Chris

STRAFFORD

Beaudoin, Steven
Jones, Laura
Leeman, Don

Graham, Robert
Kaczynski, Thomas
Pitre, Joseph

Groen, Warren
Knowles, Robert
Whitehouse, Joshua

Hannon, Joseph
Turcotte, Leonard
Wuelper, Kurt

SULLIVAN

Converse, Larry

Laware, Thomas

NAYS - 204

BELKNAP

Fields, Dennis

Flanders, Donald

CARROLL

Butler, Edward
Schmidt, Stephen

McConkey, Mark
Ticehurst, Susan

Nelson, Bill
Umberger, Karen

Parker, Harold

CHESHIRE

Abbott, Michael
Bordenet, John
Ley, Douglas
Phillips, Larry
Weber, Lucy

Ames, Richard
Eaton, Daniel
Mann, John
Robertson, Timothy

Tilton, Benjamin
Emerson, Susan
Parkhurst, Henry
Shepardson, Marjorie

Berch, Paul
Roberts, Kris
Pearson, William
Tatro, Bruce

COOS

Froburg, Alethea
Theberge, Robert

Hatch, William
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

Richardson, Herbert

GRAFTON

Abel, Richard
Darrow, Stephen
Higgins, Patricia
Massimilla, Linda
Sykes, George

Almy, Susan
Hennessey, Erin
Ladd, Rick
Nordgren, Sharon
Townsend, Charles

Bailey, Brad
Ford, Susan
Hennessey, Martha
Piper, Wendy

Cooney, Mary
Gionet, Edmond
Maes, Kevin
Smith, Suzanne

HILLSBOROUGH

Griffin, Barbara
Christensen, Chris
Danielson, David
Flanagan, Jack
Gonzalez, Carlos
Harvey, Suzanne
Infantine, William
Christiansen, Lars
Mangipudi, Latha
Long, Patrick
Rouillard, Claire
Snow, Kendall
Smith, Timothy
Woodbury, David

Balcom, John
Roberts, Carol
DiSilvestro, Linda
Freitas, Mary
Gorman, Mary
Heath, Mary
Jack, Martin
LeBrun, Donald
Manley, Jonathan
Pierce, David
Rowe, Robert
Soucy, Timothy
Takesian, Charlene

Baroody, Benjamin
Cohen, Alan
Donovan, Daniel
Gagne, Larry
Hansberry, Daniel
Herbert, Christopher
Rice, Kimberly
Leishman, Peter
McNamara, Richard
Porter, Marjorie
Scontsas, Lisa
Souza, Kathleen
Williams, Kermit

Barry, Richard
Cornell, Patricia
Edwards, Elizabeth
Gidge, Kenneth
Hansen, Peter
Hinch, Richard
Kurk, Neal
O'Brien, Michael
Brown, Pamela
Walsh, Robert
Shattuck, Gilman
Straight, Phillip
Wolf, Terry

MERRIMACK

Turcotte, Alan
 Carson, Clyde
 Gile, Mary
 Kidder, David
 Moffett, Howard
 Rogers, Katherine
 Walsh, Thomas

French, Barbara
 Deloge, Helen
 Frazer, June
 Kotowski, Frank
 Myler, Mel
 Saunderson, George
 Wallner, Mary Jane

Bartlett, Christy
 Doherty, David
 Karrick, David
 Luneau, David
 Patten, Dick
 Schuett, Dianne
 Wheeler, Deborah

Bradley, Paula
 Ebel, Karen
 Kenison, Linda
 MacKay, James
 Ratzki, Mario
 Shurtleff, Stephen

ROCKINGHAM

Christie, Andrew
 Borden, David
 Cushing, Robert
 Edgar, Michael
 Fesh, Robert
 Hagan, Joseph
 Ward, Joanne
 Major, Norman
 McMahon, Charles
 Gordon, Pamela
 Sherman, Thomas

Abrami, Patrick
 Cahill, Michael
 Thomas, Douglas
 Elliott, Robert
 Francese, Paula
 Heffron, Frank
 Katsakiores, Phyllis
 Manning, John
 Milz, David
 Packard, Sherman
 Simpson, Alexis

Barnes, Arthur
 Cali-Pitts, Jacqueline
 Devine, James
 Emerick, J. Tracy
 Ward, Gerald
 Hoelzel, Kathleen
 Lovejoy, Patricia
 Matthews, Carolyn
 Nigrello, Robert
 Potucek, John
 Sytek, John

Berrien, Skip
 Cardon, G. Thomas
 DiFranco, Debbie
 Rice, Frederick
 Guthrie, Joseph
 Introne, Robert
 Griffin, Mary
 McBeath, Rebecca
 O'Connor, John
 Tilton, Rio
 Welch, David

STRAFFORD

Baber, William
 Burton, Wayne
 Gray, James
 Schmidt, Peter
 Treleaven, Susan

Berube, Roger
 Cheney, Catherine
 Horgan, Timothy
 Rollo, Deanna
 Verschueren, James

Bickford, David
 Cilley, Jacalyn
 Kaen, Naida
 Spang, Judith
 Wall, Janet

Bixby, Peter
 DiSesa, Len
 Smith, Marjorie
 Sprague, Dale

SULLIVAN

Schmidt, Andrew
 Grenier, James
 Rollins, Skip

Cloutier, John
 Irwin, Virginia
 Smith, Steven

Gagnon, Raymond
 O'Hearne, Andrew

Gottling, Suzanne
 Oxenham, Lee

and floor amendment (1922h) failed.

Committee report adopted and ordered to third reading.

The House recessed at 5:45 p.m.

RECESS

The House reconvened at 6:30 p.m.

(Speaker Jasper in the Chair)

REGULAR CALENDAR CONT'D

SB 376-FN, relative to wildlife corridors. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan Manley for the Majority of Fish and Game and Marine Resources. This bill directs the Department of Fish and Game, in collaboration with the Department of Transportation and Department of Environmental Services, to study, identify, and monitor possible wildlife corridors for the protection and health of animals. It suggests a coalition of agencies to work together when construction and reconstruction can benefit these areas, such as the rebuilding of roads to allow safe passage of animals from one side to the other. Vote 11-5.

Rep. James Spillane for the Minority of Fish and Game and Marine Resources. This bill, although well-intentioned, is not ready for law. The Department of Fish and Game does not have adequate funding or plans on how to proceed with a mandated study at this time. If the department wants to look at possible wildlife corridors, they can do so without this bill mandating it must be done, and they can do so within their budget at their own pace.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Spillane spoke against.

Rep. Manley spoke in favor.

Majority committee report adopted and ordered to third reading.

SB 325, relative to vaccines administered by pharmacists. **REFER FOR INTERIM STUDY.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill added the MMR vaccine to the list of vaccines that may be administered by pharmacists. The committee considered adding more vaccines to the bill. Concerns were expressed that adding more vaccines to the list without an effective registry to

ensure the safe administration of the vaccines. Concern was also expressed about departing further from the medical home model of health care. Because of the lack of consensus on the committee, it was decided to refer for interim study. Vote 13-4.

Committee report adopted.

SB 523-FN, relative to the controlled drug prescription health and safety program and establishing a commission to study requiring controlled drugs and controlled drug analogs to be sold in tamper-proof form. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bill Nelson for Health, Human Services and Elderly Affairs. This bill as amended adds naturopaths to the definition of practitioner for the purposes of the controlled drug prescription health and safety program. It also establishes a commission to study requiring controlled drugs and controlled drug analogs to be provided in abuse-deterrent formulation. The goal is to require controlled drugs (when available) to be rendered useless if tampered with. Vote 18-0.

Amendment (1313h)

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

AN ACT relative to the controlled drug prescription health and safety program and establishing a commission to study requiring controlled drugs and controlled drug analogs to be provided in abuse-deterrent formulation.

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

2 New Section; Commission to Study Requiring Controlled Drugs and Controlled Drug Analogs to be Provided in Abuse-Deterrent Formulation. Amend RSA 318-B by inserting after section 40 the following new section:

318-B:41 Commission Established; Membership; Duties.

I. There is established a commission to study requiring controlled drugs and controlled drug analogs to be provided in abuse-deterrent formulation.

(a) The members of the commission shall be as follows:

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

(2) One member of the house of representatives, appointed by the speaker of the house of representatives.

(3) The commissioner of the department of health and human services, or designee.

(4) A pharmacist, appointed by the board.

(5) Three licensed physicians, one of whom shall specialize in pain medicine, one of whom shall specialize in addiction medicine, and one of whom practices in the field of primary care medicine, appointed by the board of medicine.

(6) An APRN, appointed by the New Hampshire board of nursing.

(7) A representative of an abuse-deterrent drug manufacturer, appointed by the governor.

(8) A representative of an insurance company, appointed by the governor.

(9) The executive director of New Futures, or designee.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

II.(a) The commission shall study requiring controlled drugs and controlled drug analogs to be provided in abuse-deterrent formulation when available. The commission's study shall include, but not be limited to:

(1) The cost effectiveness of requiring such drugs to be provided in abuse-deterrent formulation.

(2) Whether the abuse-deterrent formulation of the drugs work.

(3) Whether the abuse-deterrent formulation of such drugs are readily available.

(4) The effect requiring such drugs to be provided in abuse-deterrent formulation will have on insurance premiums.

(5) A review of current insurance carrier coverage and prior authorization practices.

(b) The commission shall solicit information from any person or entity the commission deems relevant to its study.

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 senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

IV. The commission shall make a report on or before November 1, 2016 indicating 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.

3 Repeal. RSA 318-B:41, relative to a commission to study requiring controlled drugs and controlled drug analogs to be provided in abuse-deterrent formulation, is repealed.

4 Effective Date.

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

II. Section 2 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect January 1, 2017.

2016-1313h

AMENDED ANALYSIS

This bill:

I. Adds naturopaths to the definition of practitioner for the purposes of the controlled drug prescription health and safety program.

II. Establishes a commission to study requiring controlled drugs and controlled drug analogs to be provided in abuse-deterrent formulation.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

SB 534-FN, to implement a system of care for children's behavioral health. **OUGHT TO PASS.**

Rep. James MacKay for Health, Human Services and Elderly Affairs. This legislation is the result of extensive work by the New Hampshire Children's Behavioral Health Collaborative. It supplements the planning of the New Hampshire Mental Health Commission resulting in a comprehensive state behavioral health plan. Over fifty organizations participate in the work of the Children's Collaborative. This plan is based on a "best practice" approach known as a System of Care. The plan is described as "an integrated and comprehensive delivery system that is family-driven, youth-guided, community based and culturally and linguistically competent." Vote 18-0. Rep. Carol McGuire requested a roll call; sufficiently seconded.

YEAS 197 - NAYS 99

YEAS - 197 BELKNAP

Tilton, Franklin

Fields, Dennis

Flanders, Donald

Buco, Thomas
McConkey, Mark
Umberger, Karen

Butler, Edward
Nelson, Bill

Chandler, Gene
Schmidt, Stephen

Cordelli, Glenn
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Bordenet, John
Roberts, Kris
Pearson, William
Tatro, Bruce

Ames, Richard
Eaton, Daniel
Ley, Douglas
Phillips, Larry
Weber, Lucy

Tilton, Benjamin
Emerson, Susan
Mann, John
Robertson, Timothy

Berch, Paul
Hunt, John
Parkhurst, Henry
Shepardson, Marjorie

COOS

Froburg, Alethea
Theberge, Robert

Hatch, William
Tholl, John

Moynihan, Wayne
Thomas, Yvonne

Richardson, Herbert

GRAFTON

Abel, Richard
Gionet, Edmond
Maes, Kevin
Smith, Suzanne

Almy, Susan
Higgins, Patricia
Massimilla, Linda
Sykes, George

Cooney, Mary
Ladd, Rick
Nordgren, Sharon
Townsend, Charles

Ford, Susan
Hennessey, Martha
Piper, Wendy

HILLSBOROUGH

Griffin, Barbara
Biggie, Barbara
Danielson, David
Flanagan, Jack
Goley, Jeffrey
Harvey, Suzanne
Jack, Martin
Leishman, Peter
McNamara, Richard
Pierce, David
Rouillard, Claire
Snow, Kendall
Takesian, Charlene

Balcom, John
Roberts, Carol
DiSilvestro, Linda
Freitas, Mary
Gorman, Mary
Heath, Mary
Kurk, Neal
O'Brien, Michael
Brown, Pamela
Porter, Marjorie
Rowe, Robert
Soucy, Timothy
Vann, Ivy

Baroody, Benjamin
Cohen, Alan
Donovan, Daniel
Gagne, Larry
Guerette, C. Lee
Hinch, Richard
Christiansen, Lars
Mangipudi, Latha
Long, Patrick
Proulx, Mark
Shattuck, Gilman
Straight, Phillip
Wolf, Terry

Barry, Richard
Cornell, Patricia
Edwards, Elizabeth
Gargas, Carolyn
Hansberry, Daniel
Infantine, William
LeBrun, Donald
Manley, Jonathan
Pellegrino, Anthony
Walsh, Robert
Shaw, Barbara
Smith, Timothy
Woodbury, David

MERRIMACK

Turcotte, Alan
Doherty, David

Bradley, Paula
Ebel, Karen

Carson, Clyde
Frazer, June

Deloge, Helen
Karrick, David

Kenison, Linda
MacKay, James
Rogers, Katherine
Walsh, Thomas

Kidder, David
Moffett, Howard
Saunderson, George
Wallner, Mary Jane

Kotowski, Frank
Myler, Mel
Schuett, Dianne
Wheeler, Deborah

Luneau, David
Ratzki, Mario
Shurtleff, Stephen

ROCKINGHAM

Christie, Andrew
Cali-Pitts, Jacqueline
DiFranco, Debbie
Chase, Francis
Hagan, Joseph
Sweeney, Joe
Griffin, Mary
McBeath, Rebecca
O'Connor, John
Tilton, Rio
Weyler, Kenneth

Abrami, Patrick
Cardon, G. Thomas
Doucette, Fred
Fesh, Robert
Heffron, Frank
Ward, Joanne
Major, Norman
McMahon, Charles
Gordon, Pamela
Simpson, Alexis

Berrien, Skip
Cushing, Robert
Edgar, Michael
Ward, Gerald
Hoelzel, Kathleen
Kolodziej, Walter
Manning, John
Milz, David
Packard, Sherman
Sytek, John

Cahill, Michael
Devine, James
Elliott, Robert
Guthrie, Joseph
Introne, Robert
Lovejoy, Patricia
Matthews, Carolyn
Nigrello, Robert
Pantelakos, Laura
Welch, David

STRAFFORD

Baber, William
Burton, Wayne
Horrigan, Timothy
Schmidt, Peter
Treleaven, Susan

Berube, Roger
Cilley, Jacalyn
Ward, Kenneth
Rollo, Deanna
Verschueren, James

Bickford, David
DiSesa, Len
Kaen, Naida
Spang, Judith
Wall, Janet

Bixby, Peter
Gray, James
Smith, Marjorie
Sprague, Dale

SULLIVAN

Cloutier, John
Grenier, James
Rollins, Skip

Converse, Larry
Irwin, Virginia
Smith, Steven

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Oxenham, Lee

NAYS - 99

BELKNAP

Aldrich, Glen
Hurt, George

Dumais, Russell
Spanos, Peter

Gallagher, Brian
Fraser, Valerie

Howard, Raymond

CARROLL

Parker, Harold

CHESHIRE

COOS

GRAFTON

Bailey, Brad
Johnson, Eric

Brown, Duane
Hull, Robert

Darrow, Stephen

Hennessey, Erin

HILLSBOROUGH

Adams, Christopher
Byron, Frank
Estevez, Eric
Hogan, Edith
McLean, Mark
Ohm, Bill
Scotsas, Lisa
Twombly, Timothy

Boehm, Ralph
Coffey, James
Ferreira, Elizabeth
Belanger, James
Murotake, David
Parison, James
Seidel, Carl
Ulery, Jordan

Bouldin, Amanda
Eastman, Eric
Gould, Linda
Rice, Kimberly
Murphy, Keith
Christie, Rick
Simmons, Tammy
Sullivan, Victoria

Burt, John
Edelblut, Frank
Hansen, Peter
Lachance, Joseph
Notter, Jeanine
Sanborn, Laurie
Souza, Kathleen

MERRIMACK

Brewster, Michael
Hill, Gregory
Marple, Richard

McGuire, Carol
Hoell, J.R.
Martin, John

Long, Douglas
Horn, Werner
Seaworth, Brian

McGuire, Dan
Kuch, Bill

ROCKINGHAM

Abramson, Max
Cook, Allen
Emerick, J. Tracy
Harris, Jeffrey
Katsakiores, Phyllis
Schroadter, Adam

Baldasaro, Alfred
Thomas, Douglas
Rice, Frederick
Hodgdon, Bruce
Osborne, Jason
Spillane, James

Barnes, Arthur
Dean-Bailey, Yvonne
Gannon, William
Itse, Daniel
Potucek, John
True, Chris

Bates, David
Duarte, Joe
Green, Dennis
Kappler, Lawrence
Gordon, Richard
Vose, Michael

STRAFFORD

Beaudoin, Steven
Hannon, Joseph
Turcotte, Leonard
Wuelper, Kurt

Cheney, Catherine
Jones, Laura
Leeman, Don

Graham, Robert
Kaczynski, Thomas
Pitre, Joseph

Groen, Warren
Knowles, Robert
Whitehouse, Joshua

SULLIVAN

Laware, Thomas

and the committee report was adopted and ordered to third reading.

SB 331, relative to fulfilling the requirement for a notarized signature electronically. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael Sylvia for the Majority of Judiciary. This bill would add to the chapter in our laws under statutory construction a section for "Notarized Signatures." It would allow an electronic signature "under the penalty of perjury" to satisfy the requirement for a notarized signature. This may be convenient in the short term to avoid the need to have a notary public verify that you are in fact the person signing a document and that you are doing so of your own free will, but in the long run documents signed electronically and challenged in court will cause many more problems and any savings will be lost. Documents that do not require the higher standard of notarization, filed with the court electronically, are currently allowed under RSA 21:52 ("Under Oath") which makes an electronic signature "under the penalty of perjury." Electronic signatures and the documents to which they are attached are subject to hacking and are only as good as the security systems in place to protect them. Any document important enough to warrant notarization is not currently protected by a simple electronic signature. Vote 14-6.

Rep. Kurt Wuelper for the Minority of Judiciary. The minority believes that signing electronically filed documents that currently require notarization under penalty of perjury (which mirrors federal law in place since 1976) would improve service to our citizens and facilitate the state's ability to deliver services efficiently. We note that any agency can retain the current notarization requirements by simply requiring the document be filed by hard copy. We believe this improvement can be implemented with no significant loss of surety.

The question being adoption of the majority committee report of Inexpedient to Legislate.

On a division vote, with 240 members having voted in the affirmative, and 56 in the negative, the majority committee report was adopted.

SB 387, relative to the disposition of ward accounts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Claire Rouillard for Judiciary. This bill allows a guardian to file an affidavit in the probate court, 30 days after the ward's death, to dispose of personal property remaining in the possession of the guardian belonging to the deceased, if the account is no more than \$5,000. It also provides that the probate court may order payment of known debts of the deceased, social security representative payee accounts, and any balance paid to the ward's beneficiaries. The probate court may also order the guardian to pay the balance of the estate to the state treasurer to be held as abandoned property pursuant to statute. If there is a will, property will be disbursed pursuant to the will. This bill is similar to current law RSA 151-A:15, which allows a nursing home administrator to file an affidavit in probate court to dispose of the deceased personal property. Passage of this bill would allow the Office of Public Guardian to file for disbursement of funds contained in many small inactive accounts. Vote 16-0.

Amendment (1401h)

Amend RSA 464-A:40, V(a) as inserted by section 1 of the bill by replacing it with the following:

V.(a) If, within 30 days after the date of a testate or intestate ward's death no petition for probate has been filed under any section of RSA 553 and the gross value of the personal property remaining in the possession of the guardian belonging to the deceased, including any amount left in designated accounts for the ward, is no more than \$5,000, the guardian may file in the probate court in the county having jurisdiction over the guardianship an affidavit for the purpose of disposing of such deceased ward's estate. Once approved by the court, the guardian shall be authorized to dispose of the ward's accounts in a manner consistent with the court's order. The form of the affidavit, and the rules governing proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

SB 426, establishing an end-of-life choices study commission. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Larry Phillips for the Majority of Judiciary. A diverse and bipartisan group of sponsors and committee members believe that a broad-ranging commission should investigate end-of-life care and choices aimed at greater quality at the end of life for citizens of the state. The commission membership involves a diverse set of organizations, expertise and perspectives necessary for an effective and thoughtful study. Vote 9-7.

Rep. Joseph Hagan for the Minority of Judiciary. The minority believes that bill would give a forum for the well-funded proponents of physician-assisted suicide to drive discussion of other issues, which were in the committee amendment, out of deliberations. While we strongly believe in improving palliative care for the terminally ill, the minority cannot support any process that violates human dignity by actively terminating human lives.

Majority Amendment (1257h)

Amend RSA 137-J:38, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) The commission's study shall include, but not be limited to, reviewing RSA 137-J, investigating the positive and negative effects of potential legislation relating to end-of-life care and end-of-life choices, innovation practices of other states, how to encourage careful and responsible deliberation about this issue, and any other matter the commission deems relevant to its objective.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Reps. Wuelper and Groen spoke against.

Reps. Hagan and Baldasaro spoke against and yielded to questions.

Rep. Phillips spoke in favor and yielded to questions.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 123 - NAYS 174

YEAS - 123 BELKNAP

Aldrich, Glen

Fields, Dennis

CARROLL

Butler, Edward

Ticehurst, Susan

Umberger, Karen

CHESHIRE

Ames, Richard

Tilton, Benjamin

Berch, Paul

Bordenet, John

Eaton, Daniel

Ley, Douglas

Mann, John

McConnell, James

Parkhurst, Henry

Pearson, William

Phillips, Larry

Robertson, Timothy

Shepardson, Marjorie

Weber, Lucy

COOS

Froburg, Alethea

GRAFTON

Abel, Richard
Higgins, Patricia
Piper, Wendy

Almy, Susan
Hennessey, Martha
Smith, Suzanne

Cooney, Mary
Maes, Kevin
Sykes, George

Ford, Susan
Nordgren, Sharon
Townsend, Charles

HILLSBOROUGH

Ammon, Keith
Roberts, Carol
DiSilvestro, Linda
Gargas, Carolyn
Guerette, C. Lee
Kurk, Neal
Manley, Jonathan
Porter, Marjorie
Snow, Kendall
Wolf, Terry

Griffin, Barbara
Cohen, Alan
Edwards, Elizabeth
Gidge, Kenneth
Harvey, Suzanne
Leishman, Peter
McNamara, Richard
Proulx, Mark
Smith, Timothy
Woodbury, David

Baroody, Benjamin
Cornell, Patricia
Estevez, Eric
Goley, Jeffrey
Heath, Mary
O'Brien, Michael
Brown, Pamela
Scontsas, Lisa
Takesian, Charlene

Bouldin, Amanda
Danielson, David
Freitas, Mary
Goulette, William
Jack, Martin
Mangipudi, Latha
Long, Patrick
Shattuck, Gilman
Vann, Ivy

MERRIMACK

Bradley, Paula
Doherty, David
Kenison, Linda
Moffett, Howard
Schuett, Dianne

Carson, Clyde
Ebel, Karen
Kidder, David
Myler, Mel
Shurtleff, Stephen

Long, Douglas
Frazer, June
Luneau, David
Ratzki, Mario

Deloge, Helen
Karrick, David
MacKay, James
Saunderson, George

ROCKINGHAM

Berrien, Skip
DiFranco, Debbie
Lovejoy, Patricia
Gordon, Pamela

Cahill, Michael
Edgar, Michael
McBeath, Rebecca
Pantelakos, Laura

Cushing, Robert
Ward, Gerald
Milz, David
Simpson, Alexis

Dean-Bailey, Yvonne
Heffron, Frank
Nigrello, Robert

STRAFFORD

Baber, William
Cilley, Jacalyn
Kaen, Naida
Treleven, Susan

Bickford, David
DiSesa, Len
Smith, Marjorie
Verschueren, James

Bixby, Peter
Horrigan, Timothy
Schmidt, Peter

Burton, Wayne
Ward, Kenneth
Spang, Judith

SULLIVAN

Converse, Larry
Oxenham, Lee

Gottling, Suzanne
Rollins, Skip

Irwin, Virginia

O'Hearne, Andrew

NAYS - 174**BELKNAP**

Dumais, Russell
Howard, Raymond

Tilton, Franklin
Hurt, George

Flanders, Donald
Spanos, Peter

Gallagher, Brian
Fraser, Valerie

CARROLL

Avellani, Lino
Cordelli, Glenn
Schmidt, Stephen

Buco, Thomas
McConkey, Mark

Chandler, Gene
Nelson, Bill

Comeau, Ed
Parker, Harold

CHESHIRE

Abbott, Michael
Sterling, Franklin

Emerson, Susan
Tatro, Bruce

Hunt, John

Roberts, Kris

COOS

Hatch, William
Theberge, Robert

Moynihan, Wayne
Tholl, John

Richardson, Herbert
Thomas, Yvonne

Rideout, Leon

GRAFTON

Bailey, Brad
Gionet, Edmond

Darrow, Stephen
Hull, Robert

Hennessey, Erin
Ladd, Rick

Johnson, Eric
Massimilla, Linda

HILLSBOROUGH

Adams, Christopher
Boehm, Ralph
Donovan, Daniel
Flanagan, Jack
Hansberry, Daniel
Infantine, William
Lachance, Joseph
Murphy, Keith
Pellegrino, Anthony
Rouillard, Claire
Shaw, Barbara
Straight, Phillip

Balcom, John
Burt, John
Eastman, Eric
Gagne, Larry
Hansen, Peter
Belanger, James
LeBrun, Donald
Notter, Jeanine
Pierce, David
Rowe, Robert
Simmons, Tammy
Twombly, Timothy

Barry, Richard
Byron, Frank
Edelblut, Frank
Gorman, Mary
Hinch, Richard
Rice, Kimberly
McLean, Mark
Ohm, Bill
Christie, Rick
Sanborn, Laurie
Soucy, Timothy
Ulery, Jordan

Biggie, Barbara
Coffey, James
Ferreira, Elizabeth
Gould, Linda
Hogan, Edith
Christiansen, Lars
Murotake, David
Parison, James
Walsh, Robert
Seidel, Carl
Souza, Kathleen
Sullivan, Victoria

MERRIMACK

Turcotte, Alan
Hill, Gregory
Kuch, Bill
Seaworth, Brian

Brewster, Michael
Hoell, J.R.
Marple, Richard
Walsh, Thomas

McGuire, Carol
Horn, Werner
Martin, John
Wheeler, Deborah

McGuire, Dan
Kotowski, Frank
Rogers, Katherine

ROCKINGHAM

Christie, Andrew
Barnes, Arthur
Cook, Allen
Duarte, Joe
Rice, Frederick
Guthrie, Joseph
Hoelzel, Kathleen
Ward, Joanne
Griffin, Mary
McMahon, Charles
Potucek, John
Spillane, James
Welch, David

Abrami, Patrick
Bates, David
Thomas, Douglas
Elliott, Robert
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kappler, Lawrence
Major, Norman
O'Connor, John
Gordon, Richard
Sytek, John
Weyler, Kenneth

Abramson, Max
Cali-Pitts, Jacqueline
Devine, James
Emerick, J. Tracy
Gannon, William
Harris, Jeffrey
Itse, Daniel
Katsakiores, Phyllis
Manning, John
Osborne, Jason
Tilton, Rio
True, Chris

Baldasaro, Alfred
Cardon, G. Thomas
Doucette, Fred
Chase, Francis
Green, Dennis
Hodgdon, Bruce
Sweeney, Joe
Kolodziej, Walter
Matthews, Carolyn
Packard, Sherman
Schroadter, Adam
Vose, Michael

STRAFFORD

Beaudoin, Steven
Gray, James

Beube, Roger
Groen, Warren

Cheney, Catherine
Hannon, Joseph

Graham, Robert
Jones, Laura

Kaczynski, Thomas
Pitre, Joseph
Whitehouse, Joshua

Knowles, Robert
Rollo, Deanna
Wuelper, Kurt

Turcotte, Leonard
Sprague, Dale

Leeman, Don
Wall, Janet

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Grenier, James

Laware, Thomas

and the majority committee report failed.

Rep. Barbara Griffin voted Yea and intended to vote Nay.

Rep. Wuelper moved the minority committee report of Inexpedient to Legislate.

Minority committee report adopted.

SB 416, relative to flexible working arrangements in employment. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Dianne Schuett for the Majority of Labor, Industrial and Rehabilitative Services. The bill prohibits an employer from retaliating against an employee who requests a flexible work schedule. The committee heard no testimony in opposition at the hearing and nearly unanimous support subsequent to the hearing. As amended by the Senate, the bill states it does not require the employer to accommodate the request and that non-accommodation shall not create a cause of action. The committee heard from a Department of Labor attorney that it has a straightforward anti-retaliation provision that the department has defined and can be easily administered. The vote reflects the bipartisan support of the committee. Vote 13-5.

Rep. Tammy Simmons for the Minority of Labor, Industrial and Rehabilitative Services. This is vaguely worded legislation that has the potential for several unintended consequences. The intent of this bill is to prohibit an employer from “retaliating” against an employee for requesting a flexible work schedule, yet the bill contains no definitive meaning or examples of retaliation and attempts to define “retaliate” only produced subjective definitions. It is of value to remember that NH is an “at will” state, meaning any employer can dismiss any employee without cause at any time. The bill’s language also states that it is not construed to require an employer to accommodate a flex work schedule nor does it construe a cause of action, yet both of these points suggest the potential for lawsuits at worse or unnecessary administrative actions by the Dept. of Labor in the least. The language further creates the possibility that potential employers might be discouraged from hiring certain employees to avoid potential actions against them down the road. It was noted during testimony that half of businesses currently offer such flex work schedules, indicating that many employers see value in such an arrangement already. What works for some employers does not or cannot work for others. Each employer and employee currently mutually agree to pay, benefits, and other employment requirements when the employee is hired. The need for further regulations which would cause interference with this employer-employee relationship is not business-friendly. While the minority of the committee finds the intent of this bill to be laudable, the bill, as amended by the Senate, should be voted Inexpedient to Legislate.

The question being adoption of the majority committee report of Ought to Pass.

On a division vote, with 153 members having voted in the affirmative, and 140 in the negative, the majority committee report was adopted and ordered to third reading.

SB 429, changing statutory references from the “Workforce Investment Act” to the “Workforce Innovation and Opportunity Act.” WITHOUT RECOMMENDATION.

Statement in support of Ought to Pass with Amendment: This bill was proposed to update the references in state law to the federal “Workforce Innovation and Opportunity Act of 2014” from the 1998 version. It also updates references to several federal databases. These databases are used by the state to track the success of workforce training programs when graduates of such programs are employed in a different state than where the training took place. The committee recognizes that this bill is needed so that we may continue to evaluate federally funded training programs in our Career and Technical Education (CTE) schools, community college system, etc. using aggregate data on earnings by program. This information helps determine which programs are producing improved wages for participants working in New Hampshire or elsewhere. The United States Department of Labor anticipates a change in the program name and the Department of Employment Security (DES) has requested that we continue participation in the program as long as certain conditions are met. Limitations on the use of data are contained in the federal law, but this was unclear when we held the hearing on this bill. The committee amended the bill but split in the final vote tally. All personal identifying information is removed from the data, which consists of median aggregated wages in specific job fields, and all standard educational privacy requirements are also honored and upheld, thereby protecting our constituents while furthering their pursuit of new job training and job skills. The committee split centers on the automatic conformance to changes to the federal program, which the adopted amendment deleted. One floor amendment incorporates this change and will ensure that the data is used only for the purposes intended, even if federal law or interpretation changes. This reflects the philosophy that government program changes should be examined by the legislature and not delegated away by automatic adoption by reference. Although some members of the committee felt that more restrictive language was needed so that DES must

return to the legislature for consent, others felt that sufficient oversight is provided by the Advisory Council on Unemployment Compensation and that there is no motivation for future heads of DES to act in other than the best interests of our state. This position is reflected in another floor amendment.

Rep. William Infantine

Rep. Infantine moved Ought to Pass with Amendment and offered floor amendment (1894h).

Floor Amendment (1894h)

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

AN ACT changing statutory references from the “Workforce Investment Act” to the “Workforce Innovation and Opportunity Act” and relative to the provision of aggregate statistical reports to certain workforce training programs.

Amend RSA 282-A:118, V as inserted by section 2 of the bill by replacing it with the following:

V. That for the purpose of assessing governmental performance and accountability, the commissioner of the department of employment security may provide information to the Wage Record Interchange System, ***the Wage Record Interchange System 2, and the Federal Employment Data Exchange System***, developed by the U.S. Department of Labor as administered by the U.S. Department of Labor, or its designee, and utilized by each state’s Performance Accountability and Customer Information Agency (PACIA). The use of the information shall be limited to the purposes contained in the federal [~~Workforce Investment Act~~] ***Workforce Innovation and Opportunity Act of 2014*** or the Wagner-Peyser Act. ***The department may only provide aggregate statistical reports to entities participating in federal or state supported workforce training programs and only for purposes of assessment and evaluation of those programs. The department shall require any such qualifying entity to enter into an agreement with the department which sets forth terms and conditions that are consistent with federal and state law prior to being provided any aggregate statistical reports.*** Information under this paragraph shall only be provided upon a finding by the commissioner that sufficient guarantees of continued confidentiality are in place;

2016-1894h

AMENDED ANALYSIS

This bill changes statutory references from the “Workforce Investment Act” to the “Workforce Innovation and Opportunity Act.” This bill also restricts the provision of certain aggregate statistical reports to entities participating in federal or state supported workforce training programs.

Rep. Infantine withdrew his motion of offering floor amendment (1894h).

MOTION TO LAY ON THE TABLE

Rep. Len Turcotte moved that **SB 429**, changing statutory references from the “Workforce Investment Act” to the “Workforce Innovation and Opportunity Act” and relative to the provision of aggregate statistical reports to certain workforce training programs, be laid on the table.

On a division vote, with 139 members having voted in the affirmative, and 145 in the negative, the motion failed.

The question now being adoption of the motion of Ought to Pass.

Rep. Infantine offered floor amendment (1897h).

Floor Amendment (1897h)

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

AN ACT changing statutory references from the “Workforce Investment Act” to the “Workforce Innovation and Opportunity Act” and relative to the provision of aggregate statistical reports to certain workforce training programs.

Amend RSA 282-A:118, V as inserted by section 2 of the bill by replacing it with the following:

V. That for the purpose of assessing governmental performance and accountability, the commissioner of the department of employment security may provide information to the Wage Record Interchange System, ***the Wage Record Interchange System 2, the Federal Employment Data Exchange System, or any other similar system or combination thereof in effect on or before July 1, 2018*** developed by the U.S. Department of Labor as administered by the U.S. Department of Labor, or its designee, and utilized by each state’s Performance Accountability and Customer Information Agency (PACIA). The use of the information shall be limited to the purposes contained in the federal [~~Workforce Investment Act~~] ***Workforce Innovation and Opportunity Act of 2014*** or the Wagner-Peyser Act. ***The department may only provide aggregate statistical reports to entities participating in federal or state supported workforce training programs and only for purposes of assessment and evaluation of those programs. The department shall require any such qualifying entity to enter into an agreement with the department which sets forth terms and conditions that are consistent with federal and state law prior to being provided any aggregate statistical reports.*** Information under this paragraph shall only be provided upon a finding by the commissioner that sufficient guarantees of continued confidentiality are in place;

2016-1897h
AMENDED ANALYSIS

This bill changes statutory references from the “Workforce Investment Act” to the “Workforce Innovation and Opportunity Act.” This bill also restricts the provision of certain aggregate statistical reports to entities participating in federal or state supported workforce training programs.

Rep. Infantine spoke in favor and yielded to questions.

Rep. Len Turcotte spoke against.

Rep. Ley spoke in favor.

Floor amendment (1897h) was adopted.

Motion of Ought to Pass with Amendment adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Infantine moved that the House reconsider its action whereby, on a voice vote, the House adopted the motion of Ought to Pass with Amendment on **SB 429**, changing statutory references from the “Workforce Investment Act” to the “Workforce Innovation and Opportunity Act” and relative to the provision of aggregate statistical reports to certain workforce training programs.

On a division vote, with 112 members having voted in the affirmative, and 173 in the negative, the motion failed.

REGULAR CALENDAR CONT'D

SB 66, relative to the naming of areas of the state house complex. **OUGHT TO PASS WITH AMENDMENT.** Rep. Sherman Packard for Legislative Administration. Speaker George Roberts served the State of New Hampshire honorably for 7 terms in the House of Representatives. As Speaker of the House, he was instrumental in the acquisition and renovation of ‘The Old Post Office,’ which gave the General Court an office building across from the State House, to better serve the citizens of our state. This bill names the Legislative Office Building lobby the George Roberts Hall in recognition of his achievements and service. The Legislative Administration Committee voted unanimously to recommend adoption of this bill with an amendment. The Senate version of the bill required the naming of areas in the State House complex to be approved by the Joint Legislative Historical Committee and the Joint Committee on Legislative Facilities. The committee amendment returns the bill to its original language. Vote 9-0.

Amendment (1486h)

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

AN ACT naming the lobby of the legislative office building after former speaker of the house George Roberts.

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

1 Legislative Findings. George Roberts served 14 years in the New Hampshire house of representatives including being elected as speaker of the house from 1975 through 1980. He was actively involved in the National Conference of State Legislatures from its creation in 1975 and served as its president in 1979-80. Among his many legislative initiatives include the renovation of the Old Post Office as the Legislative Office Building of today. Therefore in recognition of his many contributions to the citizens of New Hampshire and the New Hampshire legislature, the general court hereby names the lobby of the Legislative Office Building the George Roberts Hall.

2 Legislative Office Building; George Roberts Hall. The lobby of the Legislative Office Building is hereby named George Roberts Hall, for former speaker of the house, the Honorable George Roberts.

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

2016-1486h
AMENDED ANALYSIS

This bill names the lobby of the legislative office building after former speaker of the house George Roberts. On a division vote, with 200 members having voted in the affirmative, and 85 in the negative, the committee amendment was adopted.

Committee report adopted and ordered to third reading.

MOTION TO PRINT DEBATE

Rep. Shurtleff moved that the debate on **SB 66**, naming the lobby of the legislative office building after former speaker of the house George Roberts, be printed in the Permanent Journal.

Motion adopted.

DEBATE ON SB 66

Speaker Jasper: Division has been requested. This will be a division vote. Members will take their seats. The House will come to order. The question is on the committee amendment on SB 66. The Chair recognizes Representative McGuire for a parliamentary inquiry.

Rep. Carol McGuire: Thank you, Mister Speaker. If I know that this amendment names the State, the LOB lobby for former Speaker, George Roberts. And, if I know that the Honorable Mister Roberts is still alive and may he live for many years, but if I know that we have a policy of not naming things for people who are still alive, would I now push the red button and kill this amendment?

Speaker Jasper: The question is on the committee amendment on SB 66. If you are in favor, you will press the green button. If you are opposed, you'll press the red button. The Chair recognizes Representative Packard for a parliamentary inquiry.

Rep. Packard: Thank you, Mister Speaker. If I know that without George Robert's input, we would not have the Legislative Office Building at this point. And, if I know we shouldn't have to wait until somebody dies to recognize them for their accomplishments, would I now press the green button and pass this amendment?

Speaker Jasper: The question is on the committee amendment on SB 66. This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you will press the red button. Voting stations are open for 30 seconds. Have all members voted who were here when the question was put? The House will attend to the state of the vote. There having been 200 votes in the affirmative and 85 in the negative, the committee amendment is adopted. Question is on the adoption of the committee report. Chair recognizes the member from Londonderry to speak in favor of the motion. Representative Packard waives speaking. Are you ready for the question, which is on the adoption of the committee report? All those in favor, signify by saying Aye; those opposed, Nay. The Ayes have it and the committee report is adopted.

On passage of the past bill, I want to take a moment, just a moment to speak since it has passed and I'm not weighing in on the House's recommendation. I think this whole House should know just how much we owe to former Speaker Roberts. When he first was the Majority Leader under Marshall Cobleigh, the Speaker didn't even have a suitable office. Speaker Roberts told me the first week that I became Speaker that was the Attorney General's office. Speaker Cobleigh sent him to the Attorney General and said to him, "Would you like to move before or after Christmas?" The Attorney General said, "Well, you can't do that." Speaker Roberts, Majority Leader at the time, said, "Yes we control this building and yes, we will give you a nice office over in the annex. You can pick any corner office you want and we will buy you all new furniture, whatever you want. Now, would you like to move before or after Christmas?" So, as I was cleaning out the desk, because this is sort of a little funny story. When I got to the Speaker's office, the whole middle drawer was just filled with thousands of paperclips that had been left to the next Speaker by Speaker Norelli and as I finally had time to clean that out, in the bottom it said, "This desk first used by Speaker Roberts 1976-1980. Same desk in there; same couch in there. Speaker Roberts really did so much to get that building because the Governor and Council were ready to sign-off on not being interested in it and he bluffed them and ended up buying that. He also got us the Upham Walker House. He personally went in and bid on behalf of the State for the furniture after consulting with the historical society. For most of us, the most important thing that we need to know is the real reason that we have fair hearings on every bill is because of George Roberts. He was willing to give away the power of the Speaker and of the Chairman to pocket veto every bill, because until that time, any Chairman could simply put a bill in the desk and it would never come out and of course, at the order of the Speaker, that would happen whenever he wanted it to, but he gave away that ability so that every member of this House and every future legislator would have the opportunity to put bills in and have them heard in committee and have them acted on here, as we are today. We owe him so much, so much. Thank you. For what purpose does the member rise?

Rep. Shurtleff: Mister Speaker, I move that your eloquent remarks be placed in the Permanent Journal.

Speaker Jasper: Are you ready for the question? All those in favor of having the remarks of the Speaker placed in the Permanent Journal, say Aye; those opposed, Nay. The Ayes have it and the motion is adopted.

REGULAR CALENDAR CONT'D

SB 59, relative to the removal of county officers and temporary filling of the office. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Catherine Cheney for Municipal and County Government. This bill provides a method for removing a county officer and filling the position by correcting a gap in law where self-governance would be overlooked. This happened in Rockingham County where the county attorney was removed. The county convention did not have appropriate input to the process as representatives of the people. Any possible removal of an elected official should also have full disclosure of what the wrongdoing is if an elected official is removed. Existing statute allows only 5 voters to petition for a removal and this invites frivolous actions requiring a convention meeting. The committee also amended the bill to include HB 192 relative to pole tax abatements, which passed the House last year. Vote 16-0.

Amendment (1597h)

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

AN ACT relative to the removal of county officers and temporary filling of the office, and relative to the valuation of utility property.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4: 3 Utility Property Tax; Determination of Value. Amend RSA 83-F:3 to read as follows:

83-F:3 Determination of Value. On or before December 1 of the tax year, the commissioner shall determine the market value of utility property for the purposes of this chapter by utilizing generally accepted appraisal methods and techniques. Market value means the property's full and true value as defined under RSA 75:1. In the case of regulated public utilities as defined in RSA 362:2, the commissioner shall hold a single public hearing annually prior to performing assessments, in order to receive public input on assessments under this chapter. Notice of such determination shall be given to the taxpayer within 15 days of the commissioner's determination. ***The commissioner's determination under this section shall be used only for the purposes of this chapter and shall not be used by either the local political subdivision or the utility in any application for abatement of tax under RSA 76:16 or any appeal thereof under RSA 76:16-a or RSA 76:17.***

2016-1597h

AMENDED ANALYSIS

This bill allows the county convention, upon a petition initiated by the county commissioner, the county attorney or a superior court judge, to remove a county officer for official misconduct. The bill allows the county convention to temporarily appoint a person for a county office. This bill also provides that the value for utility property determined by the commissioner of revenue administration for the purposes of the utility property tax shall not be used for an abatement under RSA 76.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

MOTION TO RECONSIDER

Speaker Jasper moved that the House reconsider its action whereby, on a voice vote, the House adopted the majority committee report of Ought to Pass with Amendment on **SB 59**, relative to the removal of county officers and temporary filling of the office.

Motion adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Abrami moved that the House reconsider its action whereby, on a voice vote, the House adopted committee amendment (1597h) on **SB 59**, relative to the removal of county officers and temporary filling of the office.

Motion adopted.

The question now being adoption of committee amendment (1597h).

The Speaker ruled committee amendment (1597h) non-germane.

Motion of Ought to Pass adopted and ordered to third reading.

SB 482-FN-L, establishing a committee to study the effect of short-term rentals on municipalities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie Porter for the Majority of Municipal and County Government. This bill establishes a committee to study the effect of short-term rentals on municipalities. The amendment modifies the committee membership providing that representatives be included from the Commerce and Consumer Affairs Committee, the Municipal and County Government Committee and the Ways and Means Committee. The recent expansion of Airbnb and bed and breakfast businesses has raised concerns about zoning restrictions, safety, and taxation, among other issues. The goal is to take an in depth look at this issue and return to the legislature with recommendations by November 2016 for possible legislation to be considered in the 2017 legislative year. Vote 12-4.

Rep. Keith Ammon for the Minority of Municipal and County Government. Although this bill merely creates a study committee, the minority feels this bill is a reaction to the burgeoning "sharing" and "gig" economy facilitated by new technology such as the Airbnb platform. Why burden new sectors of economic activity with taxes and regulations before they have had a chance to mature? This position is anti-jobs and anti-prosperity. The issue of "fairness" came up: "Why should existing and entrenched players, such as hotels, pay Rooms and Meals taxes while the family renting out an extra bedroom for the weekend does not?" The focus should be on reducing taxes and regulation for existing players, not saddling modern entrepreneurship with buggy-whip era regulation. It appears that only regulators, industry insiders, and government interests will be consulted. The authors of the bill give no deference to the consumers or the providers of these services, the people voluntarily trading value for value using their own property. After all, if users of these services thought they were being cheated, word would quickly spread using modern communications platforms, such as the Internet, and very few people would use the service in the first place. People naturally cease economic activity if they consider it unfair or dangerous. Some in the minority thought that even though the amendment makes changes to the makeup of the committee, a quorum will be difficult to achieve; if people show up for the committee but a quorum isn't present then this would waste valuable time.

Majority Amendment (1452h)

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

2 Membership and Compensation.

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

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

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the commerce and consumer affairs committee, one of whom shall be a member of the municipal and county government committee, and one of whom shall be a member of the ways and means committee.

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:

I. Solicit information from appropriate municipal officials regarding the effect of short-term rentals on their communities.

II. Solicit input from real estate professionals with regard to possible regulation and zoning of short-term rentals.

III. Review steps proposed and taken in other states to bring short-term rentals into compliance with state commerce, municipal, and tax laws.

IV. Seek advice and council from other appropriate entities, including but not limited to, the department of revenue administration, the department of resources, and economic development and the New Hampshire Municipal Association.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

SB 364, establishing a committee to study the feasibility of incorporating complete streets into the 10-year transportation improvement plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia Higgins for Public Works and Highways. As introduced, the bill intended to create a study committee on the feasibility of incorporating complete streets into the 10-year transportation improvement plan. The committee amendment removes all reference to the 10-year transportation improvement plan, changes the title of the bill, specifies that the 3 representatives come from the Public Works and Highways Committee, and articulates the duties of the study committee to ensure that the committee shall look at items and ideas that do not impact the state's highway fund. Complete streets is a design approach to implement local transportation planning benefiting all users regardless of their particular means of transportation, age, or mobility challenges. Vote 11-5.

Amendment (1541h)

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

AN ACT establishing a committee to study, in conjunction with municipalities and the department of transportation, the feasibility of a complete streets program.

Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. There is established a committee to study, in conjunction with municipalities and the department of transportation, the feasibility of a complete streets program.

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, all of whom shall be members of the public works and highways committee, appointed by the speaker of the house of representatives.

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

3 Duties. The committee, in conjunction with municipalities and the department of transportation, shall review:

I. Existing department of transportation policies regarding complete streets.

II. Previous department of transportation projects that incorporate complete streets.

III. Examples of complete streets projects.

IV. Implementation of a complete streets program that does not draw on any funds from the New Hampshire highway fund to implement any part of the complete streets program.

V. Whether there are federal highway funds that could be allocated to a complete streets program that would not diminish any funds that could otherwise be utilized for highway projects.

2016-1541h

AMENDED ANALYSIS

This bill establishes a committee to study, in conjunction with municipalities and the department of transportation, the feasibility of a complete streets program.

Committee amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

On a division vote, with 198 members having voted in the affirmative, and 80 in the negative, the committee report was adopted and ordered to third reading.

SB 324, eliminating the land use board and requiring approval of federal land acquisitions by the governor and executive council. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James McConnell for the Majority of Resources, Recreation and Development. This bill, written in cooperation with the Department of Resources and Economic Development (DRED), corrects a number of deficiencies in RSA 121, including incorporating the duties of the former Land Use Board into DRED and establishing a clear, unambiguous and accurate method for tracking the federal ownership of land in New Hampshire. RSA 121, as amended by the bill, will limit federal land ownership in New Hampshire to 2% of the state's land area, excluding the existing White Mountain National Forest within the original 1929 boundary, and further limit the federal ownership of land in any town or municipality to 5% of the total assessed property value. This bill provides a clear, standardized means of ensuring that towns and municipalities can remain in compliance with this requirement and establishes a new procedure for permitting towns and municipalities to exceed that limit when approved by the voters. The amendment, in concert with the bill, provides towns and municipalities in which the White Mountain National Forest proposes to acquire lands with the same rights as are granted to all other towns and municipalities in the state under RSA 121. Involving towns and municipalities in meeting these requirements is important, since remaining property owners are forced to pay higher real estate taxes to cover the federal property removed from the tax rolls. Federal payments in lieu of taxes are currently less than 25% of the amounts promised. Vote 10-7.

Rep. Judith Spang for the Minority of Resources, Recreation and Development. This bill further restricts any property in the state which is sold or donated to the federal government for conservation, forestry or agriculture. RSA 121 already restricts the amount of land that can be owned by the federal government to 2% of the land area of the state and 5% of the assessed value of any individual municipality, excluding lands within the White Mountain National Forest. The amendment expands the scope of the statute by including any expansion of lands in the White Mountain National Forest. The amendment also changes the definition of acquisition to include any easement where the federal government is the primary easement holder. Both the current and a past state Commissioner of Agriculture wrote the committee and expressed their concerns that this legislation, as amended, will severely restrict acceptance of funds from the USDA's Agricultural Conservation Easement Program and easements from the Natural Resource Conservation Service which are instrumental in preserving farmland in the state. By expanding the meaning of acquisition in RSA 121 to include easements and by including land sold or donated to the White Mountain National Forest, federal programs that have benefitted NH and saved the state and municipalities millions of dollars in land conservation will soon come to an abrupt end. Significantly, the Attorney General's office testified that they believe the current statute and this legislation restrict the rights of private landowners to sell their land and could be interpreted as a taking. The minority believes the state does not have the power to interfere with sales of land or easements by private landowners, including to the federal government. The underlying bill is also ill-conceived because it throws major administrative roadblocks into the process of finalizing easements. The Department of Resources and Economic Development said the agency lacks the resources for examining and issuing certificates of compliance before each deed can be recorded. There is no fiscal note to indicate how these costs to the department would be covered. If the issue of federal ownership of interests in NH land is to be addressed, it must be done through a more thorough study of constitutional means of limiting unreasonable impacts to municipalities without so severely affecting the economy and environment of NH.

Majority Amendment (1599h)

Amend the bill by inserting after section 8 the following and renumbering the original sections 9-10 to read as 11-12, respectively:

9 Acquisition Authorized. Amend RSA 121:1 to read as follows:

121:1 Acquisition Authorized. Subject to the provisions of this chapter, consent is given to the acquisition of lands in this state by the United States of America for any public purpose duly authorized by the laws of the United States. ***For purposes of this chapter, acquisition shall be defined as fee ownership and easements where the federal government is the primary holder of the easement.***

10 New Sections; White Mountain National Forest. Amend RSA 121 by inserting after section 6 the following new sections:

121:6-a White Mountain National Forest; Current Holdings Within the Boundaries of the Presidential Proclamation of October 26, 1929. Holdings by the federal government in the White Mountain National Forest within the boundaries established by the proclamation of the President of the United States, dated October 26, 1929, as of the effective date of this section, shall not be counted towards the 2 percent limit of total land area specified in RSA 121:6.

121:6-b White Mountain National Forest; Land Outside the Boundaries of the Presidential Proclamation of October 26, 1929, and Future Acquisitions Within the Boundaries of the Presidential Proclamation of October 26, 1929. Holdings by the federal government in the White Mountain National Forest which are outside the boundaries established by proclamation of the President of the United States, dated October 26, 1929, and all future easements procured and acquisitions made within the boundaries established by the proclamation of the President of the United States, dated October 26, 1929, by the federal government, after the effective date of this section, shall contribute to the 2 percent limit of total land area of the state specified in RSA 121:6.

Rep. Suzanne Smith spoke against and yielded to questions.

Rep. McConnell spoke in favor.

On a division vote, with 170 members having voted in the affirmative, and 112 in the negative, the committee amendment was adopted.

MOTION TO LAY ON THE TABLE

Rep. Suzanne Smith moved that **SB 324**, eliminating the land use board and requiring approval of federal land acquisitions by the governor and executive council, be laid on the table.

Rep. McConnell requested a roll call; sufficiently seconded.

YEAS 115 - NAYS 171

YEAS - 115

CARROLL

Buco, Thomas

Butler, Edward

Cordelli, Glenn

Ticehurst, Susan

CHESHIRE

Abbott, Michael

Bordenet, John

Mann, John

Shepardson, Marjorie

Ames, Richard

Eaton, Daniel

Parkhurst, Henry

Tatro, Bruce

Tilton, Benjamin

Roberts, Kris

Pearson, William

Weber, Lucy

Berch, Paul

Ley, Douglas

Robertson, Timothy

COOS

Froburg, Alethea

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Abel, Richard

Ford, Susan

Massimilla, Linda

Sykes, George

Almy, Susan

Higgins, Patricia

Nordgren, Sharon

Townsend, Charles

Cooney, Mary

Hennessey, Martha

Piper, Wendy

Hennessey, Erin

Maes, Kevin

Smith, Suzanne

HILLSBOROUGH

Baroody, Benjamin

DiSilvestro, Linda

Gorman, Mary

Heath, Mary

O'Brien, Michael

Brown, Pamela

Soucy, Timothy

Roberts, Carol

Donovan, Daniel

Guerette, C. Lee

Jack, Martin

Mangipudi, Latha

Long, Patrick

Smith, Timothy

Cohen, Alan

Freitas, Mary

Hansberry, Daniel

LeBrun, Donald

Manley, Jonathan

Walsh, Robert

Vann, Ivy

Cornell, Patricia

Goley, Jeffrey

Harvey, Suzanne

Leishman, Peter

McNamara, Richard

Snow, Kendall

Woodbury, David

MERRIMACK

Bradley, Paula

Frazer, June

MacKay, James

Rogers, Katherine

Wallner, Mary Jane

Carson, Clyde

Karrick, David

Moffett, Howard

Saunderson, George

Wheeler, Deborah

Doherty, David

Kenison, Linda

Myler, Mel

Schuett, Dianne

Ebel, Karen

Luneau, David

Ratzki, Mario

Shurtleff, Stephen

ROCKINGHAM

Berrien, Skip

DiFranco, Debbie

Lovejoy, Patricia

Simpson, Alexis

Cahill, Michael

Edgar, Michael

McBeath, Rebecca

Cali-Pitts, Jacqueline

Ward, Gerald

Gordon, Pamela

Cushing, Robert

Heffron, Frank

Pantelakos, Laura

STRAFFORD

Baber, William

DiSesa, Len

Rollo, Deanna

Bixby, Peter

Horrigan, Timothy

Spang, Judith

Burton, Wayne

Kaen, Naida

Treleaven, Susan

Cilley, Jacalyn

Schmidt, Peter

Wall, Janet

SULLIVAN

Cloutier, John

Irwin, Virginia

Gagnon, Raymond

O'Hearne, Andrew

Gottling, Suzanne

Oxenham, Lee

Grenier, James

NAYS - 171**BELKNAP**

Aldrich, Glen
Flanders, Donald
Spanos, Peter

Dumais, Russell
Gallagher, Brian
Fraser, Valerie

Tilton, Franklin
Howard, Raymond

Fields, Dennis
Hurt, George

CARROLL

Avellani, Lino
Nelson, Bill

Chandler, Gene
Parker, Harold

Comeau, Ed
Schmidt, Stephen

McConkey, Mark
Umberger, Karen

CHESHIRE

Emerson, Susan
Sterling, Franklin

Hunt, John

McConnell, James

Phillips, Larry

COOS

Richardson, Herbert

Rideout, Leon

Tholl, John

GRAFTON

Bailey, Brad
Hull, Robert

Darrow, Stephen
Ladd, Rick

Johnson, Eric

Gionet, Edmond

HILLSBOROUGH

Adams, Christopher
Barry, Richard
Byron, Frank
Edelblut, Frank
Gagne, Larry
Goulette, William
Infantine, William
Lachance, Joseph
Notter, Jeanine
Pierce, David
Rowe, Robert
Shaw, Barbara
Takesian, Charlene
Wolf, Terry

Ammon, Keith
Biggie, Barbara
Coffey, James
Estevez, Eric
Gargas, Carolyn
Hansen, Peter
Belanger, James
McLean, Mark
Ohm, Bill
Proulx, Mark
Sanborn, Laurie
Simmons, Tammy
Twombly, Timothy

Griffin, Barbara
Boehm, Ralph
Danielson, David
Ferreira, Elizabeth
Gidge, Kenneth
Hinch, Richard
Rice, Kimberly
Murotake, David
Parison, James
Christie, Rick
Scotsas, Lisa
Souza, Kathleen
Ulery, Jordan

Balcom, John
Burt, John
Eastman, Eric
Flanagan, Jack
Gould, Linda
Hogan, Edith
Christiansen, Lars
Murphy, Keith
Pellegrino, Anthony
Rouillard, Claire
Seidel, Carl
Straight, Phillip
Sullivan, Victoria

MERRIMACK

Brewster, Michael
Deloge, Helen
Kotowski, Frank
Seaworth, Brian

McGuire, Carol
Hill, Gregory
Kuch, Bill
Walsh, Thomas

Long, Douglas
Hoell, J.R.
Marple, Richard

McGuire, Dan
Horn, Werner
Martin, John

ROCKINGHAM

Christie, Andrew
Barnes, Arthur
Thomas, Douglas
Duarte, Joe
Rice, Frederick
Guthrie, Joseph
Hoelzel, Kathleen
Ward, Joanne
Major, Norman
Milz, David
Packard, Sherman
Schroadter, Adam
Vose, Michael

Abrami, Patrick
Bates, David
Dean-Bailey, Yvonne
Elliott, Robert
Fesh, Robert
Hagan, Joseph
Introne, Robert
Kappler, Lawrence
Manning, John
Nigrello, Robert
Potucek, John
Spillane, James
Welch, David

Abramson, Max
Cardon, G. Thomas
Devine, James
Emerick, J. Tracy
Gannon, William
Harris, Jeffrey
Itse, Daniel
Kolodziej, Walter
Matthews, Carolyn
O'Connor, John
Gordon, Richard
Sytek, John
Weyler, Kenneth

Baldasaro, Alfred
Cook, Allen
Doucette, Fred
Chase, Francis
Green, Dennis
Hodgdon, Bruce
Sweeney, Joe
Griffin, Mary
McMahon, Charles
Osborne, Jason
Tilton, Rio
True, Chris

STRAFFORD

Beaudoin, Steven
Gray, James
Kaczynski, Thomas
Pitre, Joseph
Wuelper, Kurt

Bickford, David
Groen, Warren
Knowles, Robert
Sprague, Dale

Cheney, Catherine
Hannon, Joseph
Turcotte, Leonard
Verschuere, James

Graham, Robert
Jones, Laura
Leeman, Don
Whitehouse, Joshua

SULLIVAN

Converse, Larry

Laware, Thomas

Rollins, Skip

Smith, Steven

and the motion failed.

The question now being adoption of the committee report of Ought to Pass with Amendment.

On a division vote, with 173 members having voted in the affirmative, and 111 in the negative, the committee report was adopted and ordered to third reading.

SB 381, relative to the combustion of the wood component of construction and demolition debris. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Michael Vose for the Majority of Science, Technology and Energy. This bill enhances renewable energy electricity generation by allowing waste-to-energy plants to operate during the winter. Cold weather reduces the collection of municipal refuse, and snow and ice make such waste fuel supplies wet and harder to burn. The bill allows adding recovered clean wood to the fuel mix to drive off moisture and to create the higher burn temperatures that allow the efficient operation of emissions capture and reduction technologies, leading to greater wintertime electricity production. The bill further permits the recovery of such clean wood from construction and demolition (C&D) debris. The bill sets limits on this fuel additive by allowing its use only between November 15 and April 15 and in quantities of no more than 10,000 tons per year. The bill further requires that such recovered clean wood fuel must meet the standards described in the Environmental Protection Agency's Non-Hazardous Secondary Materials Rule. This bill will: (1) increase the generation of electricity from renewable waste fuels; (2) reduce the burying of waste in landfills; (3) result in an estimated reduction of 850 tons per year of greenhouse gas emissions by avoiding the burning of 75,000 gallons of diesel fuel to transport 430 truckloads of cleaned C&D wood waste to Quebec (340,000 round trip miles); and (4) guarantee good paying jobs in our state. The Department of Environmental Services testified that it saw no significant environmental impacts from this legislation. Vote 11-8.

Rep. Robert Backus for the Minority of Science, Technology and Energy. This bill would open the door for limited combustion at the Wheelabrator waste-to-energy facility in Concord of supposedly clean construction and demolition (C&D) debris. In 2008, the burning of C&D waste was made illegal in NH, a policy that has served the state well for almost a decade. The minority has many concerns with re-opening the door to again allow burning of this material. First, the bill sponsor admitted that although the amounts involved are small, and burning is limited to only certain months of the year, that "we have to start small." This suggests that this limited burn authorization is, as the phrase goes, the nose of the camel getting under the tent. Second, there is no verification that the wood debris is in fact truly clean. The wood contains grit (which renders it unsuitable for burning as pellet fuel) and, unlike virgin wood, may contain residues of toxic chemicals. Burning does not eliminate any hazardous waste, since the potentially harmful material either goes up the stack or ends up in the ash that has to be contained. Third, there was no demonstrated need for this law to permit either the recycler, Re-Energy (a C&D processor), or Wheelabrator to continue doing business. Re-Energy has existing markets for its recycled wood products and Wheelabrator operates by burning municipal waste, occasionally supplemented by natural gas. Finally, although the proponents pointed to a recent Environmental Protection Agency regulation on best practices to handle recycled materials, there is no objective standards or limits on what is acceptable for incineration.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Baber offered floor amendment (1908h).

Floor Amendment (1908h)

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

AN ACT establishing a committee to study the use of certain construction and demolition debris as fuel.

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

1 Committee Established. There is established a committee to study the possibility of using the combustion of the wood component of construction and demolition debris as a fuel in waste-to-energy incinerators in a manner that meets current or proposed nationally recognized environmental standards.

2 Membership and Compensation.

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

(a) Five members of the science, technology and energy committee from the house of representatives, appointed by the speaker of the house of representatives.

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

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

3 Duties. The committee shall:

I. Determine if the combustion of the wood component of construction and demolition debris for use as a fuel in waste-to-energy incinerators can be done in a manner that meets current or proposed nationally recognized environmental standards. Such determination shall include the identification of processes and methods to ensure that the fuel, as delivered to the incineration facility, meets such standards.

II. Review both the direct and indirect effects due to combustion, both positive and negative, which may occur during handling, transportation, and disposal of construction waste.

III. Consider the economic effects the availability of such fuel may have on electric rates and on alternative local biofuel sources.

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 house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2016.

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

2016-1908h

AMENDED ANALYSIS

This bill establishes a committee to study the use of certain construction and demolition debris as fuel.

Rep. Baber spoke in favor.

Rep. Vose spoke against and yielded to questions.

On a division vote, with 115 members having voted in the affirmative, and 169 in the negative, floor amendment (1908h) failed.

MOTION TO LAY ON THE TABLE

Rep. Baber moved that **SB 381**, relative to the combustion of the wood component of construction and demolition debris, be laid on the table.

Motion failed.

The question now being adoption of the majority committee report of Ought to Pass.

Majority committee report adopted and ordered to third reading.

SB 547, establishing a commission to study if current force protection measures provide adequate safeguards for New Hampshire national guard personnel, facilities, and equipment. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert Theberge for the Majority of State-Federal Relations and Veterans Affairs. This bill establishes a commission to study if current force protection measures provide adequate safeguards for New Hampshire National Guard personnel, facilities, and equipment, unlike a previous bill (HB 1288) which focused solely on the National Guard's input to address the force protection policy. This bill includes the Department of Safety, Division of Homeland Security and Emergency Management on assessments and recommendations. The Deputy Adjutant General testified on behalf of the Adjutant General who advocated that this bill is much preferred. This bill goes beyond just personnel issues but looks at equipment and overall facilities. Vote 9-7. Rep. Kris Roberts for the Minority of State-Federal Relations and Veterans Affairs. The minority feels that this bill is unnecessary because the Adjutant General already has an updated force protection plan which is reviewed as necessary. Furthermore much of the information will be classified.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Baldasaro spoke against.

Majority committee report failed.

Rep. Baldasaro moved the minority committee report of Inexpedient to Legislate.

Minority committee report adopted.

SCR 3, applying to the United States Congress to convene a limited convention for the exclusive purpose of proposing amendments to the federal Constitution concerning election reform that do not abrogate or amend the first amendment to the federal Constitution. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kris Roberts for the Majority of State-Federal Relations and Veterans Affairs. This senate concurrent resolution requests that the United States Congress convene a convention to propose amendments to the federal Constitution for the exclusive purpose of election reform that does not abrogate or amend the First Amendment to the federal Constitution. The majority of the committee believes that the people of New Hampshire cherish the First Amendment, the right of free speech. However, they are very concerned about the enormous amount of money in politics. They are very concerned about the impact of the Citizens United decision which will result in about \$80 million being spent on the 2016 New Hampshire Senate race. Most of that money will come from out-of-state political action committees. This resolution calls for an Article V convention, which under the constitution says the states have the right to propose amendments to the constitution. This call for an Article V convention is very limited in scope and addresses the need for election reform without abrogating or amending the First Amendment of the United States Constitution. The people of New Hampshire understand the importance of having fair and open elections. We understand elections should be based on qualifications, not the ability to raise unlimited campaign funds. The goal of this resolu-

tion is to have an Article V convention to agree on election reform amendments. Any amendments must be ratified by the legislatures in at least 38 states in order to restore American's faith in the election process. The majority of the committee believes the chance of a "runaway convention" has far less risk to the people of New Hampshire than the fear of inaction. Vote 10-6.

Rep. Alfred Baldasaro for the Minority of State-Federal Relations and Veterans Affairs. The minority believes this resolution seeks to circumvent or repeal the United States Supreme Court's opinion in *Citizen's United v. Federal Election Commission*. The majority is seeking to permit the federal government to restrict political speech and campaign contributions by corporations. The federal government does not now have the constitutional authority over the country at large to restrict any form of speech, to restrict campaign contributions or tell someone that they can't donate their own money. The majority wants the federal government through a constitutional convention to have the power to limit or restrict certain groups for political speech.

MOTION TO LAY ON THE TABLE

Rep. Ulery moved that **SCR 3**, applying to the United States Congress to convene a limited convention for the exclusive purpose of proposing amendments to the federal Constitution concerning election reform that do not abrogate or amend the first amendment to the federal Constitution, be laid on the table.

On a division vote, with 148 members having voted in the affirmative, and 129 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D

SCR 4, applying for an Article V convention to propose an amendment to the Constitution of the United States that imposes fiscal restraints on the federal government. **MAJORITY: OUGHT TO PASS. MINORITY: IN-EXPEDIENT TO LEGISLATE.**

Rep. Kris Roberts for the Majority of State-Federal Relations and Veterans Affairs. The majority of the committee believes that it is extremely important to tell Congress that the people of New Hampshire are very concerned about the financial future of our country. Despite our concerns Congress has repeatedly failed to listen. Under the United States Constitution, the states have the right to call an Article V convention to propose amendments to the constitution. This resolution is New Hampshire's call for such a convention. There are many people who are afraid that such a convention would become a runaway convention that would strip us of our current rights such as the 1st, 2nd and 5th amendments. Despite that fear, many people fail to realize that any proposed amendment must be approved by at least 38 states. There is no way that the American people would support changing any amendment to the Bill of Rights. There are also other protective rules concerning any Article V convention, to include Article V convention decisions such as *Baker vs Carr* (1964). A comprehensive U.S. Department of Justice report in 1987 stated that an Article V convention option was sound and controllable. U.S. Supreme Court Justice Joseph Story stated, "The great principle to be sought is to make the changes practicable, but not too easy; to secure due deliberation, and caution; and to follow experience, rather than to open a way for experiments, suggested by mere speculation or theory." At its discretion, Congress may provide for consideration of such amendment either by state legislatures or ad hoc state ratification conventions. According to the Congressional Research Service there have been over 1,500 requests for Article V Conventions. The real strength of calls for Article V Conventions is that they force Congress to act. In 1985, the 99th Congress passed the Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act (GRH), claiming that this legislation would serve the same purpose as an Article V convention with less risk. Concerns about a runaway convention and hopes that the 1985 passage of the Gramm-Rudman-Hollings Act would lead to a balanced federal budget have been credited with forestalling additional state applications for a convention. The calls for Article V conventions have resulted in the passage of 17th, 19th and 21st amendments. There are those who feel that the U.S. Constitution is certainly one of the most venerable, elegant and comprehensive framing documents in the history of western civilization, if not human history itself. In fact, many servants of the common good voluntarily take binding oaths to defend, uphold and protect it. This is true of everyone who serves the people of New Hampshire in the General Court. Vote 11-5.

Rep. Alfred Baldasaro for the Minority of State-Federal Relations and Veterans Affairs. The minority believes that this resolution requesting an Article V Constitutional convention for fiscal constraints is a game of words that leaves the door open to many change recommendations to the constitution. New Hampshire is already on record in Washington D.C. in favor of an Article V convention for a balanced budget amendment. This is a duplication of what this legislature already passed in 2011 which has already been filed in Washington D.C.

MOTION TO LAY ON THE TABLE

Rep. Ulery moved that **SCR 4**, applying for an Article V convention to propose an amendment to the Constitution of the United States that imposes fiscal restraints on the federal government, be laid on the table. On a division vote, with 227 members having voted in the affirmative, and 57 in the negative, the motion was adopted.

REGULAR CALENDAR CONT'D**SB 471-FN**, relative to parking for persons with disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven Smith for Transportation. This bill clarifies signage requirements for parking for persons with walking disabilities. It establishes that a portion of state fines be remitted to towns and municipalities. The bill also makes technical changes to New Hampshire statutes to ensure compliance with the ADA. The committee amendment changes the suggestion of one "van only" parking space out of five, to a requirement. Vote 15-0.

Amendment (1562h)

Amend the bill by replacing section 4 with the following:

4 Parking Signs. Amend RSA 265:73-a to read as follows:

265:73-a Parking Signs; Disabled. A parking space on private or public property that is reserved for persons who are disabled shall be marked by a sign affixed to a post or a building. Said sign shall be clearly visible to anyone directly approaching that particular space. ***Van-accessible spaces shall be allocated according to the requirements of the Americans with Disabilities Act of 1990 and regulations and guidelines promulgated pursuant thereto. There shall be one "van only" parking space for every 5 spaces which are reserved for persons who are disabled.*** Failure to comply with the sign placement requirements of this section shall subject the property owner to a \$250 fine, provided that the owner shall not be fined more than once in any 120-day period for the same violation.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

SB 478-FN, permitting the online renewal of a nondriver's picture identification card. **OUGHT TO PASS.**

Rep. Werner Horn for Transportation. This bill allows the online renewal of nondriver picture identification cards, bringing them into line with other state issued IDs. Holders of a nondriver's identification often have transportation issues that would be mitigated by having this option available to them. Vote 15-0.

Committee report adopted and ordered to third reading.

SB 550-FN, relative to the maximum gross weight for dump trailers. **OUGHT TO PASS.**

Rep. Michael Abbott for Transportation. The intent of this legislation is to bring weight and axle configuration into accordance with surrounding states and federal standards. It establishes a maximum weight requirement for a combination of truck-tractor and dump trailer, eliminating restrictions which put trucking concerns at a disadvantage. Vote 15-0.

Committee report adopted and ordered to third reading.

SB 210-FN, relative to regulation of septic system evaluators. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for the Majority of Ways and Means. The full House agreed with the policy committee, Executive Departments and Administration, and voted to establish a statute which calls for the regulation of septic system evaluators. The Ways and Means Committee was asked to review the fees associated with licensing septic system evaluators. These fees would cover the associated board and staff costs using the standard approach which calls for fees being sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board budgeted for the biennium in which they apply. This was acceptable to the committee; however, an amendment was added with four changes. First, until initial expenses become known, the fee for an initial application or a renewal of a license shall not exceed \$150 for a two year license. The second change was designed to keep the fees down by eliminating the provision that members of the board shall receive \$25 for each day actually engaged in the duties of their office. Traditionally these small boards do not have paid board members. The third change clarified the language to ensure that those eligible for licensure under RSA 310-A: 210, II, III, or IV would be able to practice during the transition period. The final change was the elimination of the reference to subparagraph I(d) which the policy committee had eliminated in their amendment, but had neglected to delete the reference to this subparagraph. Vote 16-2.

Rep. Bill Ohm for the Minority of Ways and Means. This bill, while presented as a consumer protection bill, will likely create a new fee for homeowners upon sale of their home. This fee is for septic inspection by members licensed by a new board. Even as amended, there are multiple cost and fee issues present requiring further study.

MAJORITY AMENDMENT (1620H)

Amend RSA 310-A:206, VI as inserted by section 2 of the bill by replacing it with the following:

VI. Members of the board shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this subdivision.

Amend RSA 310-A:208 and 209 as inserted by section 2 of the bill by replacing them with the following:

310-A:208 Fees. The board shall adopt rules, under RSA 541-A, to establish fees required under this subdivision, which shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board budgeted for the biennium in which they will apply, including the following:

I. Application for licensure, the fee for which shall not exceed \$150 for the initial 2-year license.

II. Renewal for license holders, the fee for which shall not exceed \$150 for the 2-year renewal.

III. Late fees for a late renewal of a license.

IV. Replacement of a lost or mutilated license.

V. Transcribing and transferring records and other services.

VI. Reinstatement fees.

VII. Other fees or fines deemed necessary by the board.

310-A:209 License Required.

I. Beginning January 1, 2017, no person shall practice as a septic system evaluator or conduct septic system evaluations in this state without a septic system evaluator's license issued by the board under this subdivision, unless the person is eligible for licensure under RSA 310-A:210, II, III, or IV.

II. Beginning January 1, 2018, a person eligible for licensure under RSA 310-A:210, II, III, or IV may continue to practice as a septic system evaluator or conduct septic system evaluations in this state only if such person holds a septic system evaluator's license issued by the board under this subdivision.

Amend RSA 310-A:210, V as inserted by section 2 of the bill by replacing it with the following:

V. All applicants shall meet the requirement of subparagraph I(c), pay an initial fee, and fulfill all other license application requirements.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Eastman requested a roll call; sufficiently seconded.

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YEAS - 158

BELKNAP

Fields, Dennis

Flanders, Donald

CARROLL

Buco, Thomas
Parker, Harold

Butler, Edward
Schmidt, Stephen

Chandler, Gene
Ticehurst, Susan

McConkey, Mark
Umberger, Karen

CHESHIRE

Abbott, Michael
Bordenet, John
Mann, John
Robertson, Timothy
Weber, Lucy

Ames, Richard
Eaton, Daniel
Parkhurst, Henry
Shepardson, Marjorie

Tilton, Benjamin
Emerson, Susan
Pearson, William
Sterling, Franklin

Berch, Paul
Ley, Douglas
Phillips, Larry
Tatro, Bruce

COOS

Froburg, Alethea
Thomas, Yvonne

Moynihan, Wayne

Richardson, Herbert

Tholl, John

GRAFTON

Abel, Richard
Higgins, Patricia
Massimilla, Linda
Sykes, George

Almy, Susan
Ladd, Rick
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Hennessey, Martha
Piper, Wendy

Ford, Susan
Maes, Kevin
Smith, Suzanne

HILLSBOROUGH

Barry, Richard
Donovan, Daniel
Gidge, Kenneth
Hansberry, Daniel
Infantine, William
Mangipudi, Latha
Long, Patrick
Snow, Kendall
Vann, Ivy

Roberts, Carol
Freitas, Mary
Goley, Jeffrey
Harvey, Suzanne
Jack, Martin
Manley, Jonathan
Pellegrino, Anthony
Soucy, Timothy
Wolf, Terry

Cohen, Alan
Gagne, Larry
Gorman, Mary
Heath, Mary
Leishman, Peter
McNamara, Richard
Proulx, Mark
Straight, Phillip
Woodbury, David

Cornell, Patricia
Gargas, Carolyn
Guerette, C. Lee
Hinch, Richard
O'Brien, Michael
Brown, Pamela
Walsh, Robert
Smith, Timothy

MERRIMACK

Bradley, Paula
Ebel, Karen
Kotowski, Frank
Myler, Mel
Schuett, Dianne
Wheeler, Deborah

Carson, Clyde
Frazer, June
Luneau, David
Ratzki, Mario
Shurtleff, Stephen

Deloge, Helen
Karrick, David
MacKay, James
Rogers, Katherine
Walsh, Thomas

Doherty, David
Kenison, Linda
Moffett, Howard
Saunderson, George
Wallner, Mary Jane

ROCKINGHAM

Christie, Andrew
Cali-Pitts, Jacqueline

Abrami, Patrick
Cardon, G. Thomas

Berrien, Skip
Cushing, Robert

Cahill, Michael
Devine, James

DiFranco, Debbie
Fesh, Robert
Heffron, Frank
Major, Norman
Nigrello, Robert
Tilton, Rio
Weyler, Kenneth

Edgar, Michael
Ward, Gerald
Hoelzel, Kathleen
Manning, John
Gordon, Pamela
Simpson, Alexis

Elliott, Robert
Guthrie, Joseph
Lovejoy, Patricia
McBeath, Rebecca
Packard, Sherman
Sytek, John

Rice, Frederick
Hagan, Joseph
Griffin, Mary
Milz, David
Pantelakos, Laura
Welch, David

STRAFFORD

Baber, William
DiSesa, Len
Smith, Marjorie
Treleaven, Susan

Bixby, Peter
Gray, James
Schmidt, Peter
Verschueren, James

Burton, Wayne
Horrigan, Timothy
Rollo, Deanna
Wall, Janet

Cilley, Jacalyn
Kaen, Naida
Spang, Judith

SULLIVAN

Cloutier, John
Grenier, James

Converse, Larry
Irwin, Virginia

Gagnon, Raymond
O'Hearne, Andrew

Gottling, Suzanne
Oxenham, Lee

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BELKNAP

Aldrich, Glen
Howard, Raymond

Dumais, Russell
Hurt, George

Tilton, Franklin
Spanos, Peter

Gallagher, Brian
Fraser, Valerie

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

Nelson, Bill

CHESHIRE

COOS

Hunt, John

McConnell, James

Rideout, Leon

GRAFTON

Bailey, Brad
Gionet, Edmond

Darrow, Stephen
Hull, Robert

Hennessey, Erin

Johnson, Eric

HILLSBOROUGH

Adams, Christopher
Biggie, Barbara
Byron, Frank
Eastman, Eric
Ferreira, Elizabeth
Hansen, Peter
Christiansen, Lars
Murotake, David
Parison, James
Rowe, Robert
Shaw, Barbara
Twombly, Timothy

Griffin, Barbara
Boehm, Ralph
Coffey, James
Edelblut, Frank
Flanagan, Jack
Hogan, Edith
Lachance, Joseph
Murphy, Keith
Pierce, David
Sanborn, Laurie
Simmons, Tammy
Ulery, Jordan

Balcom, John
Bouldin, Amanda
Danielson, David
Edwards, Elizabeth
Gould, Linda
Belanger, James
LeBrun, Donald
Notter, Jeanine
Christie, Rick
Scotsas, Lisa
Souza, Kathleen
Sullivan, Victoria

Baroody, Benjamin
Burt, John
DiSilvestro, Linda
Estevez, Eric
Goulette, William
Rice, Kimberly
McLean, Mark
Ohm, Bill
Rouillard, Claire
Seidel, Carl
Takesian, Charlene

MERRIMACK

Brewster, Michael
Hill, Gregory
Marple, Richard

McGuire, Carol
Hoell, J.R.
Martin, John

Long, Douglas
Horn, Werner
Seaworth, Brian

McGuire, Dan
Kuch, Bill

ROCKINGHAM

Abramson, Max
Cook, Allen
Duarte, Joe
Green, Dennis
Itse, Daniel
Kolodziej, Walter
Osborne, Jason
Spillane, James

Baldasaro, Alfred
Thomas, Douglas
Emerick, J. Tracy
Harris, Jeffrey
Sweeney, Joe
Matthews, Carolyn
Potucek, John
True, Chris

Barnes, Arthur
Dean-Bailey, Yvonne
Chase, Francis
Hodgdon, Bruce
Ward, Joanne
McMahon, Charles
Gordon, Richard
Vose, Michael

Bates, David
Doucette, Fred
Gannon, William
Introne, Robert
Kappler, Lawrence
O'Connor, John
Schroadter, Adam

STRAFFORD

Beaudoin, Steven
Groen, Warren
Knowles, Robert
Sprague, Dale

Bickford, David
Hannon, Joseph
Turcotte, Leonard
Whitehouse, Joshua

Cheney, Catherine
Jones, Laura
Leeman, Don
Wuelper, Kurt

Graham, Robert
Kaczynski, Thomas
Pitre, Joseph

SULLIVAN

Laware, Thomas

Rollins, Skip

Smith, Steven

and the majority committee report was adopted and ordered to third reading.

SB 441-FN, relative to discounts and admission without charge at state parks. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Mary Cooney for the Majority of Ways and Means. This bill was passed by the House modifying free admission for seniors over the age of 65 for state parks and other areas. The majority of the committee felt that allowing the state to charge seniors over the age of 65 to ski at Cannon Mountain on weekdays was not in keeping with the general policy of giving seniors free access to NH parks. The amendment retains the existing free access on weekdays for seniors, which reduces Cannon's revenue by up to \$81,000 but still grows total revenue for the park system by up to \$84,000. The estimated revenue loss was made on the assumption that all seniors currently using Cannon Mountain summer and winter would continue to do so. It does not account for the fact that some wouldn't come at all. Other reasons to continue free weekday access were that grandparents do bring grandchildren; some only come for a few runs; they also patronize other venues like food service. The argument that NH is aging and therefore will cost the state more revenue in the future is not compelling enough at this point in time to impose this fee. In addition, the bill and amendment stipulate that seniors may be charged up to 2/3 of the usual fee for the use of "uphill devices" on weekends and holidays. Lastly, the bill and amendment eliminate the hard to manage coupon books. Perception is reality and the willingness of the state to provide NH seniors with free weekday skiing is part of the brand of the New Hampshire advantage. Vote 15-3.

Rep. Susan Almy for the Minority of Ways and Means. The policy committee (Resources, Recreation and Development) agreed with the State Park System Advisory Council and the Department of Resources and Economic Development that because the state's population is rapidly aging, the self-funded park system will be forced to raise fees on young families and working age adults if the senior population's park discounts are not adjusted downward. The Ways and Means Committee amendment reverses this policy by further increasing senior discounts. The effect over the next decades will be to further damage our state's ability to attract and retain working-age adults, either because our parks have further deteriorated or because park use is unaffordable to them. Many of our seniors have moved into the state as retirees and more seniors than under 40's can well afford to pay the full rate, much less the discounted bargain of up to 1/3 for weekdays and 2/3 fee for weekends approved by the policy committee.

Majority Amendment (1619h)

Amend RSA 218:5-c as inserted by section 1 of the bill by replacing it with the following:

218:5-c Admission Without Charge; ***Residents 65 Years of Age and Older***. Any person who is a resident of this state and who has attained the age of 65 shall, upon proper identification, be admitted to any state recreation area, including but not limited to parks, historical sites, beaches, and state-operated ski areas, without charge ***except on weekends and holidays***. Persons qualifying under this section shall be allowed to use any state owned facility within the recreation area without charge for the use of the facility, except ***those facilities operated by third parties***. Persons qualifying under this section ~~[shall]~~ ***may*** be charged ***up to 2/3 of*** the usual fee for the use of so-called "uphill devices" on ~~[Saturdays and Sundays]~~ ***weekends and holidays***. Provided further that other special charges at state owned recreation areas, such as fees charged for parking at parking meters, shall be charged persons qualifying under this section at the usual rates. The ***foregoing*** provisions of this section shall not apply to state owned campsites or camping areas or state-owned ski areas operated by a lessee. ***Additional discounts or admission without charge for persons qualifying under this section may be provided in accordance with RSA 216-A:3-g.***

Rep. Frederick Rice spoke against.

Rep. Cooney spoke in favor.

On a division vote, with 191 members having voted in the affirmative, and 96 in the negative, the majority committee amendment was adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Horrigan spoke against.

Rep. Bailey spoke in favor.

Rep. Proulx requested a roll call; not sufficiently seconded.

Majority committee report adopted and ordered to third reading.

BILLS REMOVED FROM THE CONSENT CALENDAR

SB 536, relative to emergency interim relief under the child protection act. **OUGHT TO PASS.**

Rep. Skip Berrien for Children and Family Law. This bill permits the Division of Children, Youth and Families to remove a child at risk of harm with a telephone request to the court for an ex parte order. This bill requires written affidavits to be submitted to the court on the next business day. Vote 13-0.

Rep. Brewster spoke against.

Committee report adopted and ordered to third reading.

SB 538, relative to children taken into custody under the child protection act and relative to the commission to review child abuse fatalities. **OUGHT TO PASS.**

Rep. Skip Berrien for Children and Family Law. This bill applies to police taking custody of a child in imminent danger and the court ordering continuation of such custody. At present, the police have 24 hours to appear in court following the order. This bill extends the court appearance to within 48 hours which permits police to work with the Division of Children, Youth and Families to present a fuller understanding of the immediate protective needs. This bill also extends the repeal date of the Commission to Review Child Abuse Fatalities to June 30, 2017. Vote 14-0.

Rep. Brewster spoke against.

Committee report adopted and ordered to third reading.

SB 305, including fermented pear juice in the definition of cider. **INEXPEDIENT TO LEGISLATE.**

Rep. Pamela Tucker for Commerce and Consumer Affairs. This bill was designed to include pear juice in the definition of "cider" in RSA 175:1. The definition of "beverage" in the same section of the Liquor Laws includes "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." Since pear juice is a fruit juice, it is already covered and this bill is unnecessary. Vote 20-0.

Rep. Hunt spoke against.

Committee report failed.

Rep. Hunt moved Ought to Pass and offered floor amendment (1916h).

Floor Amendment (1916h\)

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

AN ACT relative to the brew pub license.

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

1 Definitions; Brew Pub. Amend RSA 175:1, XII-a to read as follows:

XII-a. "Brew pub" means a manufacturer of beer, [or] specialty beer, **or cider** not exceeding 2,500 barrels annually, which as a functional part of its business, maintains a full service restaurant serving the beer it manufactures as well as other beverage and liquor as allowed by RSA 178:21, II(a)(1) and RSA 178:22, V(q).

2 Brew Pub License. Amend RSA 178:13, I-II to read as follows:

I. A brew pub license shall authorize the licensee to manufacture beer **or cider** in quantities not to exceed 2,500 barrels annually primarily for consumption on the licensed premises.

II. A brew pub licensee may sell beer **or cider** manufactured on the premises or manufactured by the licensee at a host brewer facility to individuals for on-premises and off-premises consumption and to New Hampshire licensed retailers and wholesalers. A brew pub shall maintain a full service restaurant and may subsequently serve beverage and liquor as permitted by RSA 178:21, II(a)(1), RSA 178:22, V(e)(2), and RSA 178:22, V(q).

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

2016-1916h

AMENDED ANALYSIS

This bill authorizes brew pubs to manufacture alcoholic cider.

Rep. Hunt spoke in favor.

Floor amendment (1916h) adopted.

Motion of Ought to Pass with Amendment adopted and ordered to third reading.

SB 403, relative to the sale of gift certificates with expiration dates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill makes modifications to the Consumer Protection Act, which prohibits issuing gift certificates with expiration dates. The bill raised the amount where a gift certificate must eventually be escheated to the state as abandoned property from \$100 to \$250. Gift certificates under that value never expire. The committee agreed with that change, but also changed the definition of gift certificates from written promises to a broader definition, which includes 21st-century technology like gift cards and e-certificates. We also included store credits for returned merchandise in that definition. The committee rejected language from the original bill that exempted prepaid telephone cards from the definition of gift certificates. The committee believes that prepaid calling cards are the purchase of a product, not a stored value for a future purchase, and therefore are not a gift certificate, so such an exemption was unnecessary. Vote 20-0.

Amendment (1753h)

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

AN ACT relative to the regulation of gift certificates under the consumer protection act.

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

2 Definition of Gift Certificate. RSA 358-A:1, IV-a is repealed and reenacted to read as follows:

IV-a. "Gift certificate" means a record evidencing a promise, made for consideration, by the seller or issuer of the record that goods or services will be provided to the holder of the record at a future date, including promises issued in exchange for returned merchandise.

3 Custody and Escheat of Unclaimed and Abandoned Property; Gift Certificates and Store Credits. Amend RSA 471-C:16 to read as follows:

471-C:16 Gift Certificates and Store Credits. Notwithstanding any law to the contrary, gift certificates **and store credits**, of [\$100] **\$250** or less, [~~and store credits that were issued for store merchandise credit, regardless of when issued,~~] shall not be property presumed abandoned and shall not be subject to RSA 471-C or any other past or present law. All gift certificates and store credits remitted to the state prior to January 1, 1998, and gift certificates and store credits that are properly determined to be reportable in any compliance audits initiated prior to January 1, 1998 and subsequently remitted, shall remain in the custody of the state unless and until returned to the owner. This section shall not apply to season passes or coupons that are nonrefundable and nonredeemable.

4 Effective Date. This act shall take effect January 1, 2017.

2016-1753h

AMENDED ANALYSIS

This bill provides that a gift certificate or store credit with a face value of \$250 or less shall not include an expiration date. The bill also revises the definition of gift certificate to include a credit for exchanged merchandise. Rep. Hunt spoke against.

Committee amendment failed.

Motion of Ought to Pass adopted and ordered to third reading.

SB 458-FN, relative to reporting by political committees. **OUGHT TO PASS.**

Rep. Kathleen Hoelzel for Election Law. Presently there can be an 18 to 20-month gap before a political committee must report receipts and expenditures. This bill adds new reporting dates for political committees in June and December after the state General Election. These reports will be required for all political committees whose receipts and expenditures exceed \$500. Vote 17-0.

Rep. Hoelzel offered floor amendment (1854h).

Floor Amendment (1854h)

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

AN ACT relative to reporting by political committees and relative to reports of death of voters.

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

2 New Paragraphs; Registrar of Vital Records; Duties. Amend RSA 5-C:4 by inserting after paragraph III the following new paragraphs:

IV. The secretary of state shall compare information contained on each death record received by the division of vital records with information contained in the statewide centralized voter registration database and submit to the state registrar a list of every city or town that has a registered voter matching the decedent's information.

V. Upon receipt of a death record, the state registrar shall transmit notice of the death to the clerk of the city or town of residence of the decedent and to each city or town listed by the secretary of state for the decedent pursuant to paragraph IV.

3 Checklists; Reports of Death. Amend RSA 654:37 to read as follows:

654:37 Reports of Death. Whenever there is filed in the office of the clerk an official notice of the death of any person or persons of the age of 18 years or over **or the clerk receives notice of a death record of such person or persons under RSA 5-C:4, V**, the town or city clerk shall notify the supervisors of the checklist of said deaths by submitting a notice of same to the supervisors at their next regular meeting. Upon receipt of such notice, the supervisors shall examine the checklist; and, if the name of said deceased person appears thereon, it shall be removed. The notice shall be retained in accordance with RSA 33-A:3-a. Any supervisor who shall neglect or refuse to erase the name of such deceased voter from the checklist after receiving such notice from the town or city clerk shall be guilty of a violation.

4 Effective Date.

I. Sections 2-3 of this act shall take effect July 1, 2017.

II. The remainder of this act shall take effect January 1, 2017.

2016-1854h

AMENDED ANALYSIS

This bill requires political committees to file itemized statements earlier than is required under current law. This bill also requires the state registrar to notify the city or town clerk upon receipt of a death record and requires the supervisors of the checklist to remove the name from the checklist.

Rep. Hoelzel spoke in favor.
 Floor amendment (1854h) adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
 Rep. Schroadter offered floor amendment (1858h).

Floor Amendment (1858h)

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

AN ACT relative to reporting by political committees and relative to agreements to share voter information with other states.

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

2 New Paragraph; Centralized Voter Registration Database; Agreements to Share Voter Information or Data with Other States. Amend RSA 654:45 by inserting after paragraph VII the following new paragraph:

VIII. The secretary of state may enter into an agreement to share voter information or data from the statewide centralized voter registration database for the purpose of comparing duplicate voter information with other states or groups of states. The secretary of state shall only provide information that is necessary for matching duplicate voter information with other states and shall take precautions to make sure that information in the database is secure in a manner consistent with RSA 654:45, VI. The secretary of state may solicit input from the department of safety and the department of information technology and shall ensure that any information or data shared between the agencies that is of a confidential nature remains confidential.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 2017.

II. The remainder of this act shall take effect 10 days after its passage.

2016-1858h

AMENDED ANALYSIS

This bill requires political committees to file itemized statements earlier than is required under current law. This bill also authorizes the secretary of state to enter into an agreement to share voter information and data with other states or groups of states.

Reps. Schroadter and Hoelzel spoke in favor.

Rep. Pearson spoke against.

Floor amendment (1858h) adopted.

Committee report adopted and ordered to third reading.

SB 319-FN, relative to survivor benefits for families of police officers and firefighters killed in the line of duty. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel Eaton for Finance. Due to some inheritance problems seen by the Senate, this bill adds further definitions to the language on the survivors' benefit of \$100,000 that the state pays on death in the line of duty for police and fire personnel. It recognizes that there are circumstances where a dependent may be older than 18 or 25 and still be dependent. There are also complications from families with adopted children, and spouses who predecease the fire fighter or police officer. A previous House amendment added "stepchild" to the bill. But the committee learned that the impetus for that change came from one individual. The committee felt that "stepchild" status would be subject to court interpretation, and that including "stepchild" in this bill would lead to undue complications. Thus the amendment removes the "stepchild" language. Vote 26-0.

Amendment (1812h)

Amend the introductory paragraph of RSA 21-I:29-a, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) "Dependent child" means a child, whether by blood or adoption, of the police officer or firefighter who:

Amend RSA 21-I:29-a, I as inserted by section 1 of the bill by deleting subparagraph (g).

Rep. Proulx spoke against and yielded to questions.

Rep. Eaton spoke in favor.

Rep. Horrigan requested a roll call; not sufficiently seconded.

On a division vote, with 167 members having voted in the affirmative, and 113 in the negative, the committee amendment was adopted.

RESOLUTION

Rep. Hinch offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet, Thursday, May 19, 2016 at 10:00 a.m.

LATE SESSION**Third Reading and Final Passage**

- SB 480-FN-A**, relative to the historical fund.
- SB 437**, establishing a commission to address child hunger in New Hampshire.
- SB 539**, relative to access to records under the child protection act.
- SB 300**, revising banking, credit union, and trust laws.
- SB 301**, relative to the consumption of liquor at sports complexes and relative to sales and samples provided by wine manufacturers.
- SB 306**, enabling the sampling of beer or wine at farmers' markets.
- SB 308**, relative to the definition of small loans and relative to certain fees on small loans.
- SB 401-FN**, relative to insurance coverage for prescription eye drops.
- SB 405**, making changes to the limited liability companies statutes.
- SB 417**, relative to employment contract restrictions upon physicians.
- SB 431**, relative to data submission by insurers.
- SB 379**, relative to additional tests to determine alcohol concentration.
- SB 391**, relative to annulment of certain misdemeanor offenses and relative to the annulment of offenses occurring between May 14, 2014 and July 1, 2015.
- SB 394**, relative to criminal history record checks of nursing home administrators.
- SB 544**, establishing a committee to study funding options for the Internet crimes against children task force.
- SB 310**, expanding the defense and indemnification provided under RSA 99-D to certain claims filed with and investigations by professional licensing boards, committees, and regulatory agencies, and repealing the commission to study expansion of defense and indemnification rights to certain state employees.
- SB 329**, revising the nurse licensure compact.
- SB 424-FN**, relative to applicants for licensure as alcohol and drug use counselors from other states, and relative to the fee for licensure as a master licensed alcohol and drug counselor.
- SB 489**, authorizing a demonstration project using a Stirling engine system.
- SB 409-FN**, relative to the first responder's critical injury benefit and establishing a committee to study soft tissue injuries under workers' compensation.
- SB 420-FN**, relative to aid to the permanently and totally disabled.
- SB 444-FN**, relative to lottery retailer incentive awards.
- SB 491-FN**, relative to Medicaid home health care services and relative to the scope of practice of licensed nursing assistants.
- SB 496-FN**, relative to personal care attendant services.
- SB 500-FN**, relative to student health insurance plans.
- SB 384**, relative to the feeding of wild deer.
- SB 127-FN**, relative to the appointment of special Medicaid representatives.
- SB 361**, banning the sale and possession of synthetic urine and urine additives.
- SB 419-FN**, relative to certain changes in the law governing the therapeutic use of cannabis.
- SB 439**, establishing a commission to study the shortage of nurses and other skilled health care workers for home health care services and post-acute care services.
- SB 477-FN**, relative to nonemergency involuntary admissions.
- SB 487**, relative to missing vulnerable adults.
- SB 512**, relative to health care associated infections.
- SB 530-FN**, establishing a commission to study volunteer health care services.
- SB 553**, relative to implementation of the Medicaid managed care program.
- SB 402**, relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file.
- SB 449**, relative to weekly payment of workers' compensation benefits.
- SB 418**, adding National Guard members to the absentee voting laws and relative to enrollment of laws.
- SB 438**, relative to the aesthetic maintenance of highways.
- SB 549-FN**, relative to public-private partnerships for transportation infrastructure projects and establishing the public-private infrastructure oversight commission.
- SB 363**, relative to OHRVs and snowmobiles held by a trust.
- SB 383**, establishing a commission to study and recommend improvements to the New Hampshire hiking trails network.
- SB 436**, relative to after market automobile parts.
- SB 239-FN**, relative to application of the Internal Revenue Code to provisions of the business profits tax.
- SB 342-FN**, relative to the sale or exchange of an interest in a business organization under the business profits tax.
- SB 440-FN**, extending the date of the repeal of certain fees in the shoreland protection act.

SB 494-FN-A, limiting an exemption from the road toll.

SB 510-FN, relative to parking at state park parking meters.

SB 521-FN, relative to an OHRV registration fee for persons who are members of an OHRV club, and requiring a report on registration alternatives for OHRV users who do not use organized trail systems.

SB 411, relative to the merger of lots.

SB 532-FN, relative to prior authorization for substance use treatment.

SB 336, relative to the qualifications for obtaining a license to carry a concealed pistol or revolver.

SB 339-FN, relative to required DNA analysis for certain offenses.

SB 498-FN, relative to penalties for possession of certain controlled drugs.

SB 483-FN, establishing the position of chartered public school program officer in the department of education.

SB 4, relative to eligibility to vote and relative to availability of voter information.

SB 423, relating to the right of 17-year olds to register to vote.

SB 315, relative to the regulation of barbers, cosmetologists, estheticians, and manicurists.

SB 452-FN, requiring certain state agencies to conduct an audit of laws governing coastal regions to enable authorities to take appropriate actions.

SB 368-FN-A, making a capital appropriation for department of environmental services monitoring equipment.

SB 406-FN, relative to classification of certain state employee positions and relative to the liquor commission.

SB 464-FN-A, establishing a statewide drug offender grant program, establishing drug courts or alternative drug offender programs in certain counties, making appropriations therefor, and transferring certain revenues to the revenue stabilization reserve account.

SB 466-FN, relative to the detention of youthful offenders at the youth development center.

SB 481-FN, relative to a special health care service license and making an appropriation therefor.

SB 485-FN-A, establishing a state grant program to assist state and local law enforcement agencies in addressing the opioid crisis and making an appropriation therefor, relative to the health care premium contribution for retired state employees who are eligible for Medicare Parts A and B due to age or disability, relative to funding of retiree health benefits, and making an appropriation to the department of administrative services.

SB 495-FN-A, relative to the health care premium contribution for retired state employees who are eligible for Medicare Parts A and B due to age or disability, relative to funding of retiree health benefits, making appropriations to the department of administrative services, and relative to the definition of a cigar bar.

SB 515-FN, relative to the child protection act.

SB 522-FN-A, making an appropriation to the office of professional licensure and certification for technology upgrades for the controlled drug prescription health and safety program, and relative to forfeiture of property.

SB 527-FN-A, transferring funds from the general fund to the police standards and training council training fund, making an appropriation to the police standards and training council, making an appropriation to the department of safety for the purchase of state police cruisers, and permitting employers to pay wages to employees weekly or biweekly.

SB 533-FN-A-L, relative to the governor's commission on alcohol and drug abuse prevention, treatment, and recovery and making supplemental appropriations to the commission and the New Hampshire housing finance authority.

SB 376-FN, relative to wildlife corridors.

SB 523-FN, relative to the controlled drug prescription health and safety program and establishing a commission to study requiring controlled drugs and controlled drug analogs to be provided in abuse-deterrent formulation.

SB 534-FN, to implement a system of care for children's behavioral health.

SB 387, relative to the disposition of ward accounts.

SB 416, relative to flexible working arrangements in employment.

SB 429, changing statutory references from the "Workforce Investment Act" to the "Workforce Innovation and Opportunity Act" and relative to the provision of aggregate statistical reports to certain workforce training programs.

SB 66, naming the lobby of the legislative office building after former speaker of the house George Roberts.

SB 59, relative to the removal of county officers and temporary filling of the office.

SB 482-FN-L, establishing a committee to study the effect of short-term rentals on municipalities.

SB 364, establishing a committee to study, in conjunction with municipalities and the department of transportation, the feasibility of a complete streets program.

SB 324, eliminating the land use board and requiring approval of federal land acquisitions by the governor and executive council.

SB 381, relative to the combustion of the wood component of construction and demolition debris.

SB 471-FN, relative to parking for persons with disabilities.

SB 478-FN, permitting the online renewal of a nondriver's picture identification card.

SB 550-FN, relative to the maximum gross weight for dump trailers.

SB 210-FN, relative to regulation of septic system evaluators.

SB 441-FN, relative to discounts and admission without charge at state parks.

SB 536, relative to emergency interim relief under the child protection act.

SB 538, relative to children taken into custody under the child protection act and relative to the commission to review child abuse fatalities.

SB 305, relative to the brew pub license.

SB 403, relative to the sale of gift certificates with expiration dates.

SB 458-FN, relative to reporting by political committees and relative to agreements to share voter information with other states.

SB 319-FN, relative to survivor benefits for families of police officers and firefighters killed in the line of duty.

UNANIMOUS CONSENT

Rep. Abramson requested Unanimous Consent of the House regarding an apology and addressed the House.

RECESS MOTION

Rep. Hinch moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.

Motion adopted.

The House recessed at 9:50 p.m.

RECESS

(Speaker Jasper in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1170, 1266, 1280, 1286, 1287, 1294, 1302, 1316, 1331, 1349, 1394, 1403, 1452, 1553, 1594, 1601 and 1618 and Senate Bills numbered 343, 358, 442, 453 and 543.

Rep. Hinch, Sen. Prescott for the Committee

RECESS

(Speaker Jasper in the Chair)

ENROLLED BILL AMENDMENTS

HB 659-FN-L, relative to eligibility for an absentee ballot.

Amendment 2016-1914EBA

Amend RSA 657:1 as inserted by section 1 of the bill by replacing line 10 with the following:
children and infirm adults, with or without compensation.

Amend RSA 657:4, I as inserted by section 2 of the bill by replacing line 26 with the following:

application, the term "employment" shall include the care of children and infirm

Amend RSA 657:7, II(a) as inserted by section 3 of the bill by replacing lines 11-12 with the following:

am blind). ***For the purposes of this certification, the term "working" shall include the care of children and infirm adults, with or without compensation.***

Amend RSA 669:26 as inserted by section 4 of the bill by replacing lines 10-11 with the following:

RSA 669:27-669:29. ***For the purposes of this section, the term "employment" shall include the care of children and infirm adults, with or without compensation.***

Motion adopted.

HB 1264, relative to carnival or amusement ride inspections.

Amendment 2016-1915EBA

Amend section 9 of the bill by replacing line 1 with the following:

9 Temporary Suspension; Required Insurance. Amend RSA 321-A:7 to read as follows:

Amend RSA 321-A:8 as inserted by section 10 of the bill by replacing line 4 with the following:
petition. Thereafter, any person aggrieved by a decision of the commissioner or his ***or her*** designee may

Motion adopted.

HB 1357, relative to the duties of the department of cultural resources.

Amendment 2016-1976EBA

Amend section 1 of the bill by replacing line 2 with the following:

RSA 21-K:2, II by inserting after subparagraph (d) the following new subparagraph:

Motion adopted.

HB 1391, relative to the price of bingo cards at senior bingo and bingo at private campgrounds and hotels.

Amendment 2016-1903EBA

Amend RSA 287-E:11, III as inserted by section 1 of the bill by replacing line 3 with the following:
~~shall not exceed the total value of \$500]~~ ***this section, in any one game on any calendar day, shall***
 Motion adopted.

HB 1588, repealing certain prohibitions on employment of state employees.

Amendment 2016-1907EBA

Amend section 1 of the bill by replacing line 4 with the following:

II. RSA 21-I:14-b, relative to the prohibition on future employment for employees of the
 Motion adopted.

HB 1664-FN, relative to contracts between carriers or pharmacy benefit managers and certain pharmacies.

Amendment 2016-1971EBA

Amend section 3 of the bill by replacing line 1 with the following:

3 New Paragraph; Managed Care; Provider Contract Standards. Amend RSA 420-J:8 by inserting after
 Amend RSA 420-J:8, XV(a)(2)(B) as inserted by section 3 of the bill by replacing line 2 with the following:
 investigate and resolve the appeal within 30 business days;

Amend RSA 420-J:8, XV(a)(2)(C)(ii) as inserted by section 3 of the bill by replacing line 2 with the following:
 by contracted pharmacies at a price at or below the maximum allowable cost; and
 Motion adopted.

HCR 12, urging support of the 65/25 initiative in New Hampshire.

Amendment 2016-1968EBA

Amend the third paragraph after the title of the resolution by replacing line 1 with the following:

Whereas, the 65/25 goal is designed as an effort to improve the quality of, access to, and relevance of
 Motion adopted.

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 285, relative to discussion with legal counsel under the right-to-know law.

The President appointed Senators Carson, Cataldo and Pierce.

HB 353-FN, relative to the governance of condominium unit owners' associations.

The President appointed Senators Stiles, Prescott and Pierce.

HB 458, revising the legislative ethics laws and the guidelines of the legislative ethics committee.

The President appointed Senators Prescott, Avard and Fuller Clark.

HB 606-FN-L, relative to costs for public records filed electronically.

The President appointed Senators Carson, Cataldo and Soucy.

CONCURRENCE

HB 1212, naming welcome center at exit 44 on Interstate 93 in honor of Raymond S. Burton.

HB 1293, relative to the procedure for charter amendments.

HB 1305, relative to the use of an ignition interlock device.

HB 1354, establishing a committee to study livestock and meat inspection.

HB 1453, relative to qualifying medical conditions for purposes of therapeutic cannabis.

HB 1468, relative to sessions for correction of the checklist.

HB 1482, relative to the Interstate Voter Registration Crosscheck Program.

LAI ON THE TABLE

HB 1356, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."

REFERRED FOR INTERIM STUDY

HB 1477, relative to the grace period for motor vehicle inspections.

HB 1508, allowing public libraries to run certain privacy software.

NONCONCURRENCE

HB 504, relative to online driver education.

HB 1132, relative to carrying a loaded rifle or loaded shotgun in certain vehicles.

HB 1203, relative to voting on variances.

HB 1322, relative to reports to the public employee labor relations board.

HB 1382, relative to the referendum procedure for public water systems.

HB 1455, relative to the application of the municipal budget law to village districts wholly within a town.
HB 1605-FN, prohibiting the use of latex gloves and utensils in the food service industry.

CONCURRENCE WITH AMENDMENTS

SB 341, establishing a committee to study guardianship in New Hampshire.

SB 345, relative to the definition of agritourism.

SB 467-FN, relative to private investigators, security guards, and bail enforcement agents, and relative to unsworn falsification on agency forms.

SB 468-FN, relative to changes to the sex offender registry.

SB 481-FN, relative to a special health care service license and making an appropriation therefor.

SB 488-FN-L, establishing an advisory council on lactation.

SB 509-FN, relative to voter registration forms and relative to voter identity verification.

RECESS