



State of  
New Hampshire

# HOUSE RECORD

## Second Year of the 165<sup>th</sup> General Court Calendar and Journal of the 2018 Session

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)

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Vol. 40

Concord, N.H.

Thursday, May 3, 2018

No. 16

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## HOUSE JOURNAL NO. 15 (Cont'd)

Wednesday, May 2, 2018

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

## HOUSE JOURNAL NO. 16

Thursday, May 3, 2018

The House assembled at 9:30 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Patricia Marsden of Newmarket Community Church. Please join me in a Spirit of Prayer: Gracious God, we thank You for the opportunity to serve Your people and ask that You guide us to do so with grace, humility, and compassion. Help us to remember that we stand on the shoulders of those who came to serve NH people before us as we set out today and pave the way for those who will come after us. Yes, our time here is temporary, and we ask that in all things You help us to seek Your will and act justly, love kindness, and walk humbly. With You, all things are possible, dear God; if only we remember to seek to understand one another more than to be understood. Help us to humbly follow Your lead in all things, particularly when solutions seem to allude us and we become impatient with ourselves and each other. Strengthen us and help us to cross the lines that divide us and offer our best in all things for the people of NH, so that we truly can be Your hands and feet in this hurting world. When we are challenged and it seems like solutions are beyond our reach, may we keep sight of Your gift of hope in all things. For we know, every man and woman here has their own personal worries, concerns and the challenges of everyday life; and ask that You please grant them peace to settle their hearts and do the work You have called them to do with ease, reminding each person here that they are Your beloved and that they are never alone. Amen.

Representative Dennis Fields, member from Sanbornton, led the Pledge of Allegiance.

The National Anthem was sung by the member from Keene, Representative Gladys Johnsen.

### LEAVES OF ABSENCE

Reps. Alicea, Barry, Cleaver, Cote, Henle, Howard, Krans, Stephen Schmidt, Silber, Robert Walsh and Wells, the day, illness.

Reps. Chase, Cornell, Friel, Halstead, Leishman, Phinney, Gregory Smith, Stone, Testerman, Woitkun and Woolpert, the day, important business.

Rep. Murotake, the day, illness in the family.

### INTRODUCTION OF GUESTS

Jill Kimball and Ed Shanshala, guests of Rep. Hennessey. Carolyn Sooner and Edna Bernier, guests of Rep. Schultz. Jackie Grote and Richard Furber guests of Rep. Murray. Richard Dowd, guest of Rep. O'Brien. The Girls Rock the Capitol Group, Girl Scouts of Green and White mountains, guests of the Women Legislators. Students from Green Valley School, guests of the Merrimack County Delegation. Fourth grade students from Epsom Central School, guests of Reps. McGuire and Klose.

### REGULAR CALENDAR CONT'D

### SPECIAL ORDER

**SB 189-FN**, requiring insurance policies to cover 3-D mammography. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Barbara Biggie for the Majority of Commerce and Consumer Affairs. This bill requires insurance policies to cover 3-D mammography tests. Currently, most mammography facilities are transitioning from 2-D to 3-D machines. The difference in cost is about \$50-100. Patients seeking this procedure are typically informed that their insurance may not cover the cost of the more expensive machine. The majority of the Commerce Committee believes that further review of this bill will allow us to gather more information on the transition to the newer machines. It will allow us to determine if legislation in this area is truly necessary or if time will fix this issue with new studies demonstrating that 3-D is worth the extra expense and the increase in radiation. Vote 11-8.

Rep. Christy Bartlett for the Minority of Commerce and Consumer Affairs. The committee heard hours of testimony on this bill from all stakeholders. Currently, most hospitals and imaging providers are offering 3-D mammography as the standard of care and many insurance carriers are covering the service. We were told by some insurance representatives that some states already require coverage for the cost of this test and administratively it is too difficult to single out NH residents, so they do pay already. Other companies choose not to pay. With a 3-D mammogram it has been proven that there are fewer "call backs," and false positives and that this provides earlier detection of breast cancer, and thus, precludes the need for more invasive treatment, reducing the overall costs. Medicare currently pays for 3-D mammography. The older 2-D mammography is a 25-year-old technology, being quickly replaced by 3-D mammography. Patients may be warned that their insurance company may not pay for the 3-D mammogram and this warning might keep them from moving forward with the technology proven to be more effective in detecting cancer. This is an example of being penny wise, but pound foolish and trivializing good basic health care.

The question being adoption of the majority committee report of Refer for Interim Study.

Rep. Bartlett spoke against.

Rep. Biggie spoke in favor and yielded to questions.

Rep. Hinch requested a roll call; sufficiently seconded.

### YEAS 154 - NAYS 178

#### YEAS - 154

##### BELKNAP

Abear, Marc  
Lang, Timothy

Aldrich, Glen  
Plumer, John

Comtois, Barbara  
Sylvia, Michael

Fields, Dennis  
Vadney, Herbert

##### CARROLL

Avellani, Lino  
McConkey, Mark

Comeau, Ed  
Nelson, Bill

Cordelli, Glenn  
Umberger, Karen

McCarthy, Frank

##### CHESHIRE

Hunt, John

McConnell, James

O'Day, John

Stallcop, Joseph

##### COOS

Fothergill, John

Merner, Troy

Theberge, Robert

##### GRAFTON

Bailey, Brad  
Ham, Bonnie  
Johnson, Tiffany

Binford, David  
Hennessey, Erin

Brown, Duane  
Ladd, Rick

Darrow, Stephen  
Schwaegler, Vicki

##### HILLSBOROUGH

Ammon, Keith  
Burt, John  
Christensen, Chris  
Fedolfi, Jim  
Griffin, Gerald  
Hinch, Richard  
Rice, Kimberly  
Lascelles, Richard  
McLean, Mark  
Ohm, Bill  
Rouillard, Claire  
Souza, Kathleen  
Sullivan, Victoria

Griffin, Barbara  
Byron, Frank  
Christie, Rick  
Ferreira, Elizabeth  
Gagne, Larry  
Belanger, James  
Kurk, Neal  
LeBrun, Donald  
Murphy, Keith  
Prout, Andrew  
Sanborn, Laurie  
Wolf, Terry  
Valera, John

Biggie, Barbara  
Moore, Craig  
Danielson, David  
Freeman, Lisa  
Gould, Linda  
Graham, John  
L'Heureux, Robert  
Lewicke, John  
Negron, Steve  
Ober, Russell  
Scully, Kevin  
Twombly, Timothy  
Zaricki, Nick

Burns, Charlie  
Carr, John  
Dickey, Glen  
Fromuth, Bart  
Hansen, Peter  
Moore, Josh  
Ober, Lynne  
McCarthy, Michael  
Notter, Jeanine  
Renzullo, Andrew  
Somero, Paul  
Ulery, Jordan

##### MERRIMACK

Kuch, Bill  
Hoell, J.R.  
Moffett, Michael  
Walsh, Thomas

Copp, Anne  
Horn, Werner  
McGuire, Carol  
Wells, Natalie

Long, Douglas  
Klose, John  
Pearl, Howard

Hill, Gregory  
Kotowski, Frank  
Seaworth, Brian

**ROCKINGHAM**

Abrami, Patrick  
 Bates, David  
 DeSimone, Debra  
 Green, Dennis  
 Itse, Daniel  
 O'Connor, John  
 Griffin, Mary  
 Milz, David  
 Packard, Sherman  
 Sytek, John  
 Verville, Kevin  
 Weyler, Kenneth

Allen, Mary  
 Chirichiello, Brian  
 Elliott, Robert  
 Marsh, Henry  
 Edwards, Jess  
 Khan, Aboul  
 Major, Norman  
 Morrison, Sean  
 Gordon, Richard  
 Torosian, Peter  
 Vose, Michael

Baldasaro, Alfred  
 Costable, Michael  
 Emerick, J. Tracy  
 Hagan, Joseph  
 Janigian, John  
 Kolodziej, Walter  
 Matthews, Carolyn  
 Nigrello, Robert  
 Sapareto, Frank  
 Tripp, Richard  
 Webb, James

Barnes, Arthur  
 Thomas, Douglas  
 Fesh, Robert  
 Hoelzel, Kathleen  
 Janvrin, Jason  
 Lundgren, David  
 McKinney, Betsy  
 Osborne, Jason  
 Spillane, James  
 True, Chris  
 Welch, David

**STRAFFORD**

Beaudoin, Steven  
 Turcotte, Leonard  
 Graham, Robert

Harrington, Michael  
 McNally, Jody  
 Spencer, Matthew

Horgan, James  
 Mullen, John  
 Wuelper, Kurt

Kaczynski, Thomas  
 Pitre, Joseph

**SULLIVAN**

Laware, Thomas

Smith, Steven

**NAYS - 178****BELKNAP**

Tilton, Franklin  
 St. Clair, Charlie

Huot, David

Spagnuolo, Philip

Spanos, Peter

**CARROLL**

Buco, Thomas  
 Knirk, Jerry

Butler, Edward  
 Marsh, William

Crawford, Karel

DesMarais, Edith

**CHESHIRE**

Abbott, Michael  
 Burridge, Delmar  
 Faulkner, Barry  
 Meader, David  
 Tatro, Bruce

Ames, Richard  
 Harvey, Cathryn  
 Fenton, Donovan  
 Parkhurst, Henry  
 Pearson, William

Berch, Paul  
 Ley, Douglas  
 Johnsen, Gladys  
 Shepardson, Marjorie  
 Weber, Lucy

Bordenet, John  
 Eaton, Daniel  
 Mann, John  
 Sterling, Franklin

**COOS**

Hatch, William  
 Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

Richardson, Herbert

**GRAFTON**

Abel, Richard  
 Dontonville, Roger  
 Massimilla, Linda  
 Rand, Steven

Almy, Susan  
 Higgins, Patricia  
 Migliore, Vincent Paul  
 Smith, Suzanne

Bennett, Travis  
 Josephson, Timothy  
 Mulligan, Mary Jane  
 Sykes, George

Campion, Polly  
 Maes, Kevin  
 Nordgren, Sharon  
 White, Andrew

**HILLSBOROUGH**

Ayala, Jessica  
 Bouldin, Amanda  
 DiSilvestro, Linda  
 Freitas, Mary  
 Jack, Martin  
 Lisle, David  
 Manley, Jonathan  
 O'Brien, Michael  
 Pierce, David  
 Harvey, Suzanne  
 Smith, Timothy

Backus, Robert  
 Chandley, Shannon  
 Donovan, Daniel  
 Goley, Jeffrey  
 Keane, Amelia  
 MacKay, Mariellen  
 Martin, Joelle  
 O'Leary, Richard  
 Proulx, Mark  
 Seidel, Carl  
 Van Houten, Connie

Baroody, Benjamin  
 Connors, Erika  
 Edwards, Elizabeth  
 Heath, Mary  
 King, Mark  
 MacKenzie, Mark  
 Martineau, Jesse  
 Long, Patrick  
 Roberts, Carol  
 Shaw, Barbara  
 Vann, Ivy

Beaulieu, Jane  
 Sullivan, Daniel  
 Elber, Joel  
 Schmidt, Janice  
 Klee, Patricia  
 Mangipudi, Latha  
 Newman, Sue  
 Panasiti, Reed  
 Rosenwald, Cindy  
 Sofikitis, Catherine  
 Williams, Kermit

**MERRIMACK**

Turcotte, Alan  
 Doherty, David  
 MacKay, James  
 Patten, Dick  
 Schuett, Dianne  
 Wallner, Mary Jane

Bartlett, Christy  
 Ebel, Karen  
 Kenison, Linda  
 Richards, Beth  
 Schultz, Kristina  
 Walz, Mary Beth

Carson, Clyde  
 Gile, Mary  
 Luneau, David  
 Rodd, Beth  
 Shurtleff, Stephen

Wolf, Dan  
 Moffett, Howard  
 Myler, Mel  
 Rogers, Katherine  
 Soucy, Timothy

**ROCKINGHAM**

Altschiller, Debra  
 Cali-Pitts, Jacqueline

Berrien, Skip  
 Cushing, Robert Renny

Bove, Martin  
 DiLorenzo, Charlotte

Cahill, Michael  
 Dowling, Patricia

Edgar, Michael  
 Gilman, Julie  
 Lovejoy, Patricia  
 McMahon, Charles  
 Pantelakos, Laura  
 Ward, Gerald

Farnham, Betsey  
 Guthrie, Joseph  
 Pearson, Mark  
 Messmer, Mindi  
 Read, Ellen  
 Willis, Brenda

Francese, Paula  
 Katsakiores, Phyllis  
 Malloy, Dennis  
 Murray, Kate  
 Somssich, Peter

Gay, Betty  
 Lerner, Kari  
 McBeath, Rebecca  
 Gordon, Pamela  
 Le, Tamara

### STRAFFORD

Berube, Roger  
 Conley, Casey  
 Gourgue, Amanda  
 Smith, Marjorie  
 Sandler, Catt  
 Vincent, Kenneth

Bixby, Peter  
 Ellis, Donna  
 Grassie, Chuck  
 Opderbecke, Linn  
 Scruton, Matthew  
 Wall, Janet

Burton, Wayne  
 Fontneau, Timothy  
 Horrigan, Timothy  
 Schmidt, Peter  
 Southworth, Thomas

Cilley, Jacalyn  
 Frost, Sherry  
 Keans, Sandra  
 Salloway, Jeffrey  
 Spang, Judith

### SULLIVAN

Cloutier, John  
 Irwin, Virginia  
 Tanner, Linda

Gagnon, Raymond  
 Oxenham, Lee

Gottling, Suzanne  
 Rollins, Skip

Grenier, James  
 Sullivan, Brian

and the majority committee report failed.

Rep. Bartlett moved the minority committee report of Ought to Pass.

Minority committee report adopted and ordered to third reading.

### MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. White moved that the House reconsider its action whereby, on a voice vote, the House adopted the minority committee report of Ought to Pass on **SB 189-FN**, requiring insurance policies to cover 3-D mammography.

Rep. White spoke against.

Motion failed.

### MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Shurtleff moved that the House reconsider its action whereby, on a roll call vote 170-159, the House adopted the majority committee report of Refer for Interim Study on **SB 193-FN**, establishing education freedom savings accounts for students.

Rep. Shurtleff spoke against.

Reps. Freeman and Weyler spoke in favor.

Rep. Hinch requested a roll call; sufficiently seconded.

### YEAS 165 - NAYS 172

#### YEAS - 165

#### BELKNAP

Abear, Marc  
 Fields, Dennis  
 Sylvia, Michael

Aldrich, Glen  
 Lang, Timothy  
 Vadney, Herbert

Comtois, Barbara  
 Plumer, John

Tilton, Franklin  
 Spanos, Peter

#### CARROLL

Avellani, Lino  
 McCarthy, Frank  
 Marsh, William

Comeau, Ed  
 McConkey, Mark

Cordelli, Glenn  
 Nelson, Bill

Crawford, Karel  
 Umberger, Karen

#### CHESHIRE

Hunt, John

McConnell, James

O'Day, John

Stallcop, Joseph

#### COOS

Fothergill, John

Merner, Troy

#### GRAFTON

Bailey, Brad  
 Hennessey, Erin  
 Johnson, Tiffany

Binford, David  
 Ladd, Rick

Brown, Duane  
 Migliore, Vincent Paul

Darrow, Stephen  
 Schwaegler, Vicki

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Ammon, Keith  
 Burt, John  
 Christensen, Chris  
 Donovan, Daniel

Griffin, Barbara  
 Byron, Frank  
 Christie, Rick  
 Fedolfi, Jim

Biggie, Barbara  
 Moore, Craig  
 Danielson, David  
 Ferreira, Elizabeth

Burns, Charlie  
 Carr, John  
 Dickey, Glen  
 Freeman, Lisa

Fromuth, Bart  
Hansen, Peter  
Moore, Josh  
Lascelles, Richard  
Murphy, Keith  
Panasiti, Reed  
Ober, Russell  
Seidel, Carl  
Twombly, Timothy  
Zaricki, Nick

Griffin, Gerald  
Hellwig, Steve  
Rice, Kimberly  
LeBrun, Donald  
Negron, Steve  
Pierce, David  
Renzullo, Andrew  
Somero, Paul  
Ulery, Jordan

Gagne, Larry  
Hinch, Richard  
L'Heureux, Robert  
Lewicke, John  
Notter, Jeanine  
Proulx, Mark  
Sanborn, Laurie  
Souza, Kathleen  
Sullivan, Victoria

Gould, Linda  
Graham, John  
Ober, Lynne  
McLean, Mark  
Ohm, Bill  
Prout, Andrew  
Scully, Kevin  
Wolf, Terry  
Valera, John

### MERRIMACK

Kuch, Bill  
Hoell, J.R.  
Moffett, Michael  
Walsh, Thomas

Copp, Anne  
Horn, Werner  
McGuire, Carol  
Wells, Natalie

Long, Douglas  
Klose, John  
Pearl, Howard

Hill, Gregory  
Kotowski, Frank  
Seaworth, Brian

### ROCKINGHAM

Abrami, Patrick  
Bates, David  
Thomas, Douglas  
Gay, Betty  
Hoelzel, Kathleen  
Janvrin, Jason  
Kolodziej, Walter  
Major, Norman  
Milz, David  
Packard, Sherman  
Sytek, John  
Verville, Kevin  
Welch, David

Allen, Mary  
Bove, Martin  
DeSimone, Debra  
Green, Dennis  
Itse, Daniel  
O'Connor, John  
Lundgren, David  
Matthews, Carolyn  
Morrison, Sean  
Gordon, Richard  
Torosian, Peter  
Vose, Michael  
Weyler, Kenneth

Baldasaro, Alfred  
Chirichiello, Brian  
Emerick, J. Tracy  
Marsh, Henry  
Edwards, Jess  
Katsakiores, Phyllis  
Griffin, Mary  
McKinney, Betsy  
Nigrello, Robert  
Sapareto, Frank  
Tripp, Richard  
Wallace, Scott

Barnes, Arthur  
Costable, Michael  
Fesh, Robert  
Hagan, Joseph  
Janigian, John  
Khan, Aboul  
Pearson, Mark  
McMahon, Charles  
Osborne, Jason  
Spillane, James  
True, Chris  
Webb, James

### STRAFFORD

Beaudoin, Steven  
Kaczynski, Thomas  
Pitre, Joseph  
Wuelper, Kurt

Berube, Roger  
Turcotte, Leonard  
Graham, Robert

Harrington, Michael  
McNally, Jody  
Sandler, Catt

Horgan, James  
Mullen, John  
Spencer, Matthew

### SULLIVAN

Smith, Steven

### NAYS - 172

#### BELKNAP

St. Clair, Charlie

#### CARROLL

DesMarais, Edith

Knirk, Jerry

### CHESHIRE

Abbott, Michael  
Burridge, Delmar  
Faulkner, Barry  
Meador, David  
Tatro, Bruce

Ames, Richard  
Harvey, Cathryn  
Fenton, Donovan  
Parkhurst, Henry  
Pearson, William

Berch, Paul  
Ley, Douglas  
Johnsen, Gladys  
Shepardson, Marjorie  
Weber, Lucy

Bordenet, John  
Eaton, Daniel  
Mann, John  
Sterling, Franklin

### COOS

Hatch, William  
Theberge, Robert

Laflamme, Larry  
Tucker, Edith

Moynihan, Wayne  
Thomas, Yvonne

Richardson, Herbert

### GRAFTON

Abel, Richard  
Dontonville, Roger  
Maes, Kevin  
Rand, Steven

Almy, Susan  
Ham, Bonnie  
Massimilla, Linda  
Smith, Suzanne

Bennett, Travis  
Higgins, Patricia  
Mulligan, Mary Jane  
Sykes, George

Campion, Polly  
Josephson, Timothy  
Nordgren, Sharon  
White, Andrew

### HILLSBOROUGH

Ayala, Jessica  
Bouldin, Amanda  
DiSilvestro, Linda  
Goley, Jeffrey  
Schmidt, Janice

Backus, Robert  
Chandley, Shannon  
Edwards, Elizabeth  
Heath, Mary  
Jack, Martin

Baroody, Benjamin  
Connors, Erika  
Elber, Joel  
Herbert, Christopher  
Keane, Amelia

Beaulieu, Jane  
Sullivan, Daniel  
Freitas, Mary  
Belanger, James  
King, Mark

Klee, Patricia  
 McCarthy, Michael  
 Martin, Joelle  
 O'Leary, Richard  
 Rouillard, Claire  
 Smith, Timothy

Kurk, Neal  
 MacKenzie, Mark  
 Martineau, Jesse  
 Long, Patrick  
 Harvey, Suzanne  
 Van Houten, Connie

Lisle, David  
 Mangipudi, Latha  
 Newman, Sue  
 Roberts, Carol  
 Shaw, Barbara  
 Vann, Ivy

MacKay, Mariellen  
 Manley, Jonathan  
 O'Brien, Michael  
 Rosenwald, Cindy  
 Sofikitis, Catherine  
 Williams, Kermit

### MERRIMACK

Turcotte, Alan  
 Doherty, David  
 MacKay, James  
 Patten, Dick  
 Schuett, Dianne  
 Wallner, Mary Jane

Bartlett, Christy  
 Ebel, Karen  
 Kenison, Linda  
 Richards, Beth  
 Schultz, Kristina  
 Walz, Mary Beth

Carson, Clyde  
 Gile, Mary  
 Luneau, David  
 Rodd, Beth  
 Shurtleff, Stephen

Wolf, Dan  
 Moffett, Howard  
 Myler, Mel  
 Rogers, Katherine  
 Soucy, Timothy

### ROCKINGHAM

Altschiller, Debra  
 Cushing, Robert Renny  
 Elliott, Robert  
 Guthrie, Joseph  
 McBeath, Rebecca  
 Pantelakos, Laura  
 Ward, Gerald

Berrien, Skip  
 DiLorenzo, Charlotte  
 Farnham, Betsey  
 Lerner, Kari  
 Messmer, Mindi  
 Read, Ellen  
 Willis, Brenda

Cahill, Michael  
 Dowling, Patricia  
 Francese, Paula  
 Lovejoy, Patricia  
 Murray, Kate  
 Somssich, Peter

Cali-Pitts, Jacqueline  
 Edgar, Michael  
 Gilman, Julie  
 Malloy, Dennis  
 Gordon, Pamela  
 Le, Tamara

### STRAFFORD

Bixby, Peter  
 Ellis, Donna  
 Grassie, Chuck  
 Opderbecke, Linn  
 Southworth, Thomas  
 Wall, Janet

Burton, Wayne  
 Fontneau, Timothy  
 Horrigan, Timothy  
 Schmidt, Peter  
 Spang, Judith

Cilley, Jacalyn  
 Frost, Sherry  
 Keans, Sandra  
 Salloway, Jeffrey  
 Sprague, Dale

Conley, Casey  
 Gourgue, Amanda  
 Smith, Marjorie  
 Scruton, Matthew  
 Vincent, Kenneth

### SULLIVAN

Cloutier, John  
 Irwin, Virginia  
 Sullivan, Brian

Gagnon, Raymond  
 Laware, Thomas  
 Tanner, Linda

Gottling, Suzanne  
 Oxenham, Lee

Grenier, James  
 Rollins, Skip

and the motion failed.

### REGULAR CALENDAR CONT'D

**SB 313-FN**, reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Danielson for Finance. This bill seeks to continue the state's expanded Medicaid program to be known as the New Hampshire granite advantage health care program. The committee amended the bill to include new language to strengthen several areas of the Senate's bill, such as the work requirement, by removing uncompensated self-employment and the carry-over of significant hours to fulfill the requirement for participation in expanded Medicaid. The committee was also very careful to include suitable exemptions to the work requirements in the case of single parents with children younger than 6 years of age. The committee's amendment includes clarification of the calculations showing the solvency of the health care trust fund that contains the financial resources for the expanded Medicare program by limiting funding sources and expenditures that can be made from this fund. The committee amendment also establishes a medical loss ratio (MLR) which is an actuarially determined value of the minimum spending on patient care by the managed care organizations (MCO). The MLR ensures that the state is protected against overspending on administrative costs by MCOs. The "medically frail" classification was better defined to require the diagnosis of frailty by a medical professional rather than self-certification and to also require annual recertification by a doctor to maintain that classification. The amended bill requires that the commissioner of department of health and human services (DHHS) apply for a state plan amendment that will allow for Medicaid coverage for the treatment of incarcerated individuals on the state and county level. The original bill included the creation of the state's granite workforce program which was not connected to the New Hampshire granite advantage health care program. The amendment links these programs and makes the Granite Workforce Program an integral part of the New Hampshire granite advantage health care program to satisfy the work requirements and to move people out of the poverty level and into paying jobs and self-sufficiency. The Granite Workforce Program utilizes Temporary Aid to Needy Families (TANF) funding obtained from the Federal government as part of a match. A \$40M floor was established below which the TANF funds spending will not occur. This is to ensure a reserve of TANF funds in case of a downturn in the economy. The voting composition of the Commission to Evaluate the Effectiveness and Future of the New Hampshire Granite Advantage Health Care Program is changed to authorize only the legislative members to vote and all other member to be consultative

but fully participative. Lastly, the amendment changes the sunset period of the original bill from 5 years to two automatically renewing 2 ½ year programs. The program continues after the first 2 ½ years unless the commission determines it should end or the federal government block grants Medicaid to the state. Vote 24-2.

#### **Amendment (1769h)**

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

1 New Chapter; New Hampshire Granite Advantage Health Care Program. Amend RSA by inserting after chapter 126-Z the following new chapter:

#### **CHAPTER 126-AA**

#### **NEW HAMPSHIRE GRANITE ADVANTAGE HEALTH CARE PROGRAM**

126-AA:1 Definitions. In this chapter:

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

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

III. "Fund" means the New Hampshire granite advantage health care trust fund.

IV. "Program" means the New Hampshire granite advantage health care program.

V. "Remainder amount" means, for the 6-month period between January 1, 2019 and June 30, 2019 and for each single identified fiscal year thereafter for any authorized period of the granite advantage health care program, the cost of the program, including administrative costs attributable to the program, minus the following:

(a) The amount of revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV;

(b) All federal reimbursement for the program that period or fiscal year, including federal reimbursement for administrative costs related to the program;

(c) Any surplus funds generated as a result of the managed care organizations managing the cost of their services below the minimum medical loss ratio established by the commissioner for the managed care program beginning on July 1, 2019 and thereafter; and

(d) Taxes attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under this chapter, consistent with RSA 400-A:32, III(b).

126-AA:2 New Hampshire Granite Advantage Health Care Program Established.

I.(a) The commissioner shall apply for any necessary waivers and state plan amendments to implement a 5-year demonstration program beginning on January 1, 2019 to create the New Hampshire granite advantage health care program which shall be funded exclusively from non-general fund sources, including federal funds. The commissioner shall include in an application for the necessary waivers submitted to the Centers for Medicare and Medicaid Services (CMS) a waiver of the requirement to provide 90-day retroactive coverage and a state plan amendment allowing state and county correctional facilities to conduct presumptive eligibility determinations for incarcerated inmates to the extent provided under federal law. To receive coverage under the program, those individuals in the new adult group who are eligible for benefits shall choose coverage offered by one of the managed care organizations (MCOs) awarded contracts as vendors under Medicaid managed care, pursuant to RSA 126-A:5, XIX(a). The program shall make coverage available in a cost-effective manner and shall provide cost transparency measures, and ensure that patients are utilizing the most appropriate level of care. Cost effectiveness shall be achieved by offering cash incentives and other forms of incentives to be offered to the insured by choosing preferred lower cost medical providers. Loss of incentives shall also be employed. MCOs shall employ reference-based pricing, cost transparency, and the use of incentives and loss of incentives to the Medicaid and newly eligible population. For the purposes of this subparagraph, "reference-based pricing" means setting a maximum amount payable for certain medical procedures.

(b) The department shall ensure through managed care contracts that MCOs incorporate measures to promote continuity of coverage, including, but not limited to, assisting over income participants in applying for coverage on the federal marketplace in New Hampshire and maintaining care and case management during the pendency of such application.

(c) The MCOs shall promote personal responsibility through the use of incentives, loss of incentives, and case management to the greatest extent practicable.

(d) Prior to submitting the waiver or state plan amendment to CMS, the commissioner shall present the waiver or state plan amendment to the governor and the fiscal committee of the general court for approval. The program shall not commence operation until such waivers or state plan amendments have been approved by CMS. All necessary waivers and state plan amendments shall be submitted by June 30, 2018. If all waivers necessary for the program are not approved by December 1, 2018, the commissioner shall immediately notify all program participants that the program will be terminated in accordance with the federally required Special Terms and Conditions No. 11-W-003298/1.

(e) In order to combat the opioid and heroin crisis facing New Hampshire, the department shall establish behavioral health rates sufficient to ensure access to, and provider capacity for all behavioral health services including, as appropriate, establishing specific substance use disorder services rate cells for inclusion into capitated rates for managed care.

(f) Any person transitioning from the premium assistance program to the program shall not lose coverage due solely to the transition, which shall be for a period of at least 90 days. All MCOs shall honor all preexisting authorizations for care plans and treatments for all program participants for a period of not less than 90 days after enrollment.

(g)(1) The commissioner shall include in MCO contracts with the state clinically and actuarially sound incentives designed to improve care quality and utilization and to lower the total cost of care within the Medicaid managed care program. The commissioner shall also include in the MCO contract provisions an obligation for the MCO to include provider alignment incentives to leverage the combined efforts of the parties to achieve the purposes of the incentives. Preferential auto-assignment of newly eligible members, shared incentive pools, and differential capitation rates are among the options for incentives the commissioner may employ to achieve improved performance. Initial areas to improve care quality and utilization and to lower the total cost of care may include, but are not limited to:

- (A) Appropriate use of emergency departments relative to low acuity non-emergent visits.
- (B) Reduction in preventable admissions and 30-day hospital readmission for all causes.
- (C) Timeliness of prenatal care and reductions in neonatal abstinence births.
- (D) Timeliness of follow-up after a mental illness or substance use disorder admission.
- (E) Reduction of polypharmacy resulting in drug interaction harm.

(2) The commissioner shall include in MCO contracts actuarial appropriate rebate provisions for failure to implement contractually agreed upon incentive measures.

(3) The commissioner shall establish for the managed care program beginning on July 1, 2019 and thereafter a minimum medical loss ratio that is actuarially sound and that encourages cost efficiency in the delivery of care to the entire Medicaid population. Any surplus funds generated from the MCOs managing the cost of their services below the established minimum medical loss ratio for the beneficiaries of the program shall be transferred to the fund and shall be included in the calculation of the remainder amount.

(h) Savings generated as a result of individuals disenrolled from the program for failing to meet the work and community engagement requirement shall not be included in any calculation submitted to CMS to establish federal budget neutrality of any waiver issued for the program.

(i) Consistent with the state plan amendment submitted by the department and approved by CMS, all contracts between a Medicaid managed care organization and a federally qualified health care center, as defined in section 1905(1)(2)(B) of the Social Security Act, 42 U.S.C. section 1396d(1)(2)(B), providing services in geographic areas served by the plan, shall reimburse each such center for such services as provided in 42 U.S.C. section 18022(g).

II.(a) To receive benefits under this section and to the extent allowed by federal law, the individual shall:

(1) Provide all necessary information regarding financial eligibility, assets, residency, citizenship or immigration status, and insurance coverage to the department in accordance with rules, or interim rules, including those adopted under RSA 541-A;

(2) Inform the department of any changes in financial eligibility, residency, citizenship or immigration status, and insurance coverage within 10 days of such change; and

(3) At the time of enrollment acknowledge that the program is subject to cancellation upon notice.

(b) If allowed by federal law, all resources which the individual and his or her family own shall be considered to determine eligibility under this paragraph, including cash, bank accounts, stocks, bonds, permanently unoccupied real estate, and trusts. The home in which the individual resides in, furniture, and one vehicle owned by the individual applying for benefits shall be excluded from the eligibility requirements for benefits under this paragraph. If, after counting or excluding the individual's household's resources, the total countable resources equal or fall below \$25,000, he or she shall be considered asset eligible.

III.(a) Newly eligible adults who are unemployed shall be eligible to receive benefits under this paragraph if the commissioner finds that the individual is engaging in at least 100 hours per month based on an average of 25 hours per week in one or more work or other community engagement activities, as follows:

(1) Unsubsidized employment including by nonprofit organizations.

(2) Subsidized private sector employment.

(3) Subsidized public sector employment.

(4) On-the-job training.

(5) Job skills training related to employment, including credit hours earned from an accredited college or university in New Hampshire. Academic credit hours shall be credited against this requirement on an hourly basis.

(6) Job search and job readiness assistance, including, but not limited to, persons receiving unemployment benefits and other job training related services, such as job training workshops and time spent with employment counselors, offered by the department of employment security. Job search and job readiness assistance under this section shall be credited against this requirement on an hourly basis.

(7) Vocational educational training not to exceed 12 months with respect to any individual.

(8) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency.

(9) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

(10) Community service or public service.

(11) Caregiver services for a nondependent relative or other person with a disabling medical or developmental condition.

(12) Participation in substance use disorder treatment.

(b) If an individual in a family receiving benefits under this paragraph fails to comply with the work or community engagement activities required in accordance with this paragraph, the assistance shall be terminated. The commissioner shall adopt rules under RSA 541-A to determine good cause and other exceptions to termination. Following approval by the joint health care reform oversight committee, pursuant to RSA 161:11, to initiate rulemaking, any rules proposed under this subparagraph shall be submitted to the fiscal committee of the general court, which shall review the rules prior to submission to the joint legislative committee on administrative rules and make recommendations to the commissioner regarding the rules. An individual may apply for good cause exemptions which shall include, at a minimum, the following verified circumstances:

(1) The beneficiary experiences the birth, or death, of a family member living with the beneficiary.

(2) The beneficiary experiences severe inclement weather, including a natural disaster, and therefore was unable to meet the requirement.

(3) The beneficiary has a family emergency or other life-changing event such as divorce.

(4) The beneficiary is a victim of domestic violence, dating violence, sexual assault, or stalking consistent with definitions and documentation required under the Violence Against Women Reauthorization Act of 2013 under 24 C.F.R. section 5.2005 and 24 C.F.R. section 5.2009, as determined by the commissioner pursuant to rulemaking under RSA 541-A.

(5) The beneficiary is a custodial parent or caretaker of a child 6 to 12 years of age who, as determined by the commissioner on a monthly basis, is unable to secure child care in order to participate in qualifying work and other community engagement either due to a lack of child care scholarship or the inability to obtain a child care provider due to capacity, distance, or another related factor.

(c) This paragraph shall only apply to those considered, able-bodied adults as described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42 U.S.C. section 1396a(a)(10)(A)(i).

(d) This paragraph shall not apply to:

(1) A person who is unable to participate in the requirements under subparagraph (a) due to illness, incapacity, or treatment, including inpatient treatment, as certified by a licensed physician, an advanced practice registered nurse (APRN), a licensed behavioral health professional, a licensed physician assistant, a licensed drug and alcohol counselor (LADAC), or a board-certified psychologist. The physician, APRN, licensed behavioral health professional, licensed physician assistant, LADAC, or psychologist shall certify, on a form provided by the department, the duration and limitations of the disability.

(2) A person participating in a state-certified drug court program, as certified by the administrative office of the superior court.

(3) A parent or caretaker as identified in RSA 167:82, II(g) where the required care is considered necessary by a licensed physician, APRN, board-certified psychologist, physician assistant, or licensed behavioral health professional who shall certify the duration that such care is required.

(4) A custodial parent or caretaker of a dependent child under 6 years of age or a child with developmental disabilities who is residing with the parent or caretaker; provided that the exemption shall only apply to one parent or caretaker in the case of a 2-parent household.

(5) Pregnant women.

(6) A beneficiary who has a disability as defined by the Americans with Disabilities Act (ADA), section 504 of the Rehabilitation Act, or section 1557 of the Patient Protection and Affordable Care Act and is unable to meet the requirement for reasons related to that disability; or who has an immediate family member in the home with a disability under federal disability rights laws and who is unable to meet the requirement for reasons related to the disability of that family member, or the beneficiary or an immediate family member who is living in the home or the beneficiary experiences a hospitalization or serious illness.

(7) Beneficiaries who are identified as medically frail, under 42 C.F.R. section 440.315(f), and as defined in the alternative benefit plan and in the state plan and who are certified by a licensed physician or other medical professional to be unable to comply with the work and community engagement requirement as a result of their condition as medically frail. The department shall require proof of such limitation annually, including the duration of such disability, on a form approved by the department.

(8) Any beneficiary who is in compliance with the requirement of the Supplemental Nutritional Assistance Program (SNAP) and/or Temporary Assistance to Needy Families (TANF) employment initiatives.

(e) The commissioner shall adopt rules under RSA 541-A pertaining to the community engagement requirement. Following approval by the joint health care reform oversight committee, pursuant to RSA 161:11 to initiate rulemaking, any rules proposed under this subparagraph shall be submitted to the fiscal committee of the general court, which shall review the rules prior to submission to the joint legislative committee on administrative rules and make recommendations to the commissioner regarding the rules. The rules shall be consistent with the terms and conditions of any waiver issued by the Centers for Medicare and Medicaid Services for the program and shall address, at a minimum, the following:

- (1) Enrollment, suspension, and disenrollment procedures in the program.
- (2) Verification of compliance with community engagement activities.
- (3) Verification of exemptions from participation.

(4) Opportunity to cure and re-activation following noncompliance, including not being barred from re-enrollment.

(5) Good cause exemptions.

(6) Education and training of enrollees.

(7) Annual certification of medical frailty pursuant to 42 C.F.R. section 440.315(f), including proof and duration of such condition on a form supplied by the department.

IV. The commissioner shall implement the work and community engagement requirement under paragraph III beginning January 1, 2019 in accordance with the terms and conditions of any waiver approved by CMS. The waiver request submitted by the commissioner shall be consistent with all the terms of this chapter. In the event that the final approved waiver is inconsistent with any of the terms of this chapter, the commissioner shall provide written notification to the governor, speaker of the house of representatives, and president of the senate, informing them of the differences between the terms of this chapter and the approved waiver. Verification of qualifying activities, exemptions, and enrollee status shall be accomplished in the following manner:

(a) MCOs under contract with the department shall share enrollee reported information regarding the work and community engagement requirement status obtained through standard contract activities including enrollment, outreach activities, and enrollee care management. The MCOs shall work collaboratively with the department and any outside contractor in encouraging and monitoring work and community engagement activities.

(b) For the period of January 1, 2019 through June 30, 2020 only, the department shall verify enrollee status to the greatest extent practicable through the verification of enrollee and MCO reported status and information, including information from the eligibility file. Enrollees shall be required to report information regarding their qualifying activities, exemptions, enrollee status, and changes in their status to the department in accordance with the department's rules.

(c) No later than January 1, 2019, the commissioner shall submit to the governor, president of the senate, and speaker of the house of representatives a plan for the implementation of a fully automated verification system that utilizes state and commercial data sources to assess compliance with all work and community engagement activities beginning on July 1, 2020. The plan shall provide an option to hire a third party vendor to manage the automated verification system.

V. A person shall not be eligible to enroll or participate in the program, unless such person verifies his or her United States citizenship by 2 forms of identification and proof of New Hampshire residency by either a New Hampshire driver's license or a nondriver's picture identification card issued pursuant to RSA 260:21.

VI. No person, organization, department, or agency shall submit the name of any person to the National Instant Criminal Background Check System (NICS) on the basis that the person has been adjudicated a "mental defective" or has been committed to a mental institution, except pursuant to a court order issued following a hearing in which the person participated and was represented by an attorney.

VII. For any person determined to be eligible and who is enrolled in the program, the MCO shall support the individual to arrange a wellness visit with his or her primary care provider, either previously identified or selected by the individual from a list of available primary care providers. The wellness visit shall include appropriate assessments of both physical and mental health, including screening for depression, mood, suicidality, and unhealthy substance use, for the purpose of developing a health wellness and care plan.

VIII. Any person receiving benefits from the program shall be responsible for providing information regarding his or her change in status or eligibility, including current contact information. The commissioner shall adopt rules, under RSA 541-A, pertaining to the opportunity to cure and for re-activation following noncompliance. Following approval by the joint health care reform oversight committee, pursuant to RSA 161:11, to initiate rulemaking, any rules proposed under this subparagraph shall be submitted to the fiscal committee of the general court, which shall review the rules prior to submission to the joint legislative committee on administrative rules and make recommendations to the commissioner regarding the rules.

126-AA:3 The New Hampshire Granite Advantage Health Care Trust Fund.

I. There is hereby established the New Hampshire granite advantage health care trust fund which shall be accounted for distinctly and separately from all other funds and shall be non-interest bearing. The fund

shall be administered by the commissioner and shall be used solely to provide coverage for the newly eligible Medicaid population as provided for under RSA 126-AA:2, to pay for the administrative costs for the program, and reimburse the federal government for any over payments of federal funds. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of the fund. The fund shall be authorized to pay and/or reimburse the cost of medical services and cost-effective related services, including without limitation, capitation payments to MCOs. No state general funds shall be deposited into the fund. Deposits into the fund shall be limited exclusively to the following:

(a) Revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV;

(b) Federal Medicaid reimbursement for program costs and administrative costs attributable to the program;

(c) Surplus funds generated as a result of MCOs managing the cost of their services below the medical loss ratio established by the commissioner for the managed care program beginning on July 1, 2019;

(d) Taxes attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under this chapter, consistent with RSA 400-A:32, III(b);

(e) Funds received from the assessment under RSA 404-G;

(f) Funds recovered or returnable to the fund that were originally spent on the cost of coverage of the granite advantage health care program; and

(g) Gifts, grants, and donations.

II. The commissioner, as the administrator of the fund, shall have the sole authority to:

(a) Apply for federal funds to support the program.

(b) Notwithstanding any provision of law to the contrary, accept and expend federal funds as may be available for the program and the commissioner shall notify the bureau of accounting services, by letter, with a copy to the fiscal committee of the general court and the legislative budget assistant.

(c) Make payments and reimbursements from the fund as outlined in this section.

III. The commissioner shall submit a report to the governor and the fiscal committee of the general court detailing the activities and operation of the trust fund annually within 90 days of the close of each state fiscal year.

IV. On or before August 15, 2018, the commissioner, in consultation with the insurance commissioner, shall estimate the remainder amounts for the period of January 1, 2019 to June 30, 2019 and for state fiscal year 2020. The commissioner shall report the estimated annual remainder amount to the insurance commissioner, the New Hampshire Health Plan, the governor, the speaker of the house of representatives, and the president of the senate. Thereafter, on or before August 15 of each fiscal year, the commissioner, in consultation with the insurance commissioner, shall estimate the remainder amounts for both the current and next fiscal year. The commissioner shall report the estimated remainder amount to the insurance commissioner, the New Hampshire Health Plan, the governor, the speaker of the house of representatives, and the president of the senate.

V. On or before August 15, 2020, the commissioner shall calculate the projected final remainder amount for the 6-month period between January 1, 2019 and June 30, 2019. On or before August 15 of each subsequent year, the commissioner shall calculate the projected final remainder amount for the prior fiscal year. If the amount deposited from the high risk pool exceeds the limit on contributions established by RSA 404-G:5-a, IV(d), then any excess difference shall be retained in the fund and the next estimated remainder amount calculated by the commissioner shall be reduced by the amount of the difference.

VI. The commissioner, in accordance with the most current available information, shall be responsible for determining, quarterly commencing no later than December 31, 2018, whether there is sufficient funding in the fund, to cover projected program costs for the nonfederal share for the next 6-month period. If at any time the commissioner determines that a projected shortfall exists, he or she shall terminate the program in accordance with the federally approved terms and conditions issued by CMS. Upon making a determination that a projected shortfall exists, the commissioner shall:

(a) Within 48 hours of making the determination, notify the governor, the speaker of the house of representatives, the president of the senate, and the chairperson of the fiscal committee of the general court of the program's pending termination; and

(b) Within 10 business days of making the determination, notify program participants of the program's pending termination.

126-AA:4 Commission to Evaluate the Effectiveness and Future of the New Hampshire Granite Advantage Health Care Program.

I. There is hereby established a commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program.

(a) The members of the commission shall be as follows:

(1) Three members of the senate, appointed by the president of the senate, one of whom shall be a member of the minority party.

(2) 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 minority party.

(3) The commissioner of the department of health and human services, or designee.

(4) The commissioner of the department of insurance, or designee.

(5) A representative of each managed care organization awarded contracts as vendors under the Medicaid managed care program, appointed by the governor.

(6) A representative of a hospital that operates in New Hampshire, appointed by the New Hampshire Hospital Association.

(7) A public member, who has health care expertise, appointed by the senate president.

(8) A public member, who currently receives coverage through the program, appointed by the speaker of the house of representatives.

(9) A public member representing the interests of taxpayers in New Hampshire, appointed by the president of the senate.

(10) A representative of the medical care advisory committee, department of health and human services, appointed by the commissioner of the department of health and human services.

(11) A licensed physician, appointed by the New Hampshire Medical Society.

(12) A licensed mental health professional, appointed by the National Alliance on Mental Illness New Hampshire.

(13) A licensed substance use disorder professional, appointed by the New Hampshire Alcohol and Drug Abuse Counselors Association.

(14) An advanced practice registered nurse (APRN), appointed by the New Hampshire Nurse Practitioner Association.

(15) The chairperson of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery, or designee.

(b) Of the commission members listed in this paragraph, only the 6 legislative members shall be voting members. All other members shall serve in an advisory capacity only.

(c) 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 evaluate the effectiveness and future of the program. Specifically the commission shall:

(1) Review the program's financial metrics.

(2) Review the program's product offerings.

(3) Review the program's impact on insurance premiums for individuals and small businesses.

(4) Make recommendations for future program modifications, including, but not limited to whether the program is the most cost-effective model for the long term versus a return to private market managed care.

(5) Evaluate non-general fund funding options for longer term continuation of the program, including options to accept funding from the federal government allowing a self-administered program.

(6) Review up-to-date information regarding changes in the level of uncompensated care through shared information from the department, the department of revenue administration, the insurance department, and provider organizations and the program's impact on insurance premium tax revenues and Medicaid enhancement tax revenue.

(7) Review the granite workforce pilot program.

(8) Evaluate reimbursement rates to determine if they are sufficient to ensure access to and provider capacity for all behavioral health services.

(9) Review the number of people who are found ineligible or who are dropped from the rolls of the program because of the work requirement.

(10) Review the program's provider reimbursement rates and overall financing structure to ensure it is able to provide a stable provider network and sustainable funding mechanism that serves patients, communities, and the state of New Hampshire.

(b) Any funding solutions recommended by the commission shall not include the use of new general funds.

(c) The commission shall solicit information from any person or entity the commission deems relevant to its study.

(d) The commission shall make a recommendation on or by February 1, 2019 to the commissioner concerning recommended monitoring and evaluation requirements for work and community engagement requirements, including a draft of proposed metrics for quarterly and annual reporting, including suggested costs and benefits evaluations.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four of the 6 voting members of the commission shall constitute a quorum.

IV. The commission shall make an interim report on or before December 1, 2020 and a final report, together with 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 December 1, 2022. Both reports shall contain the commission's recommendation regarding whether the program should continue.

126-AA:5 Evaluation Report Required.

I. The program shall employ an outcome-based evaluation of its Medicaid program annually to:

- (a) Provide accountability to patients and the overall program.
- (b) Ensure that patients are making informed decisions in carrying out health care choices and utilizing the most appropriate level of care.
- (c) Ensure that the use of incentives, the loss of incentives, cost transparency, and reference based pricing have been effective in lowering costs, while maintaining both quality and access and considering changes in health parameters.

II. The results of the evaluation conducted under this section shall be in the form of a report to be provided to CMS, the president of the senate, the speaker of the house of representatives, the governor, and the fiscal committee of the general court by December 31 of each year beginning in 2019.

2 Purpose Statement. The purpose of sections 3-9 of this act is to establish a pilot program by using allowable federal funds available from the Temporary Assistance to Needy Families (TANF) program to end the dependence of needy parents ages 18 through 64 and low income childless adults ages 18 through 24 on governmental programs by promoting job and work preparation and placing them into high labor need jobs based on the goals set forth in 45 C.F.R. section 260.20. The long-term goal of this program is to place low-income individuals into unsubsidized jobs in high labor need areas, transition them to self-sufficiency through providing career pathways with specific skills, and assist in eliminating barriers to work such as transportation and childcare. Taken together, these measures are designed to help low-income participants break the cycle of poverty and move them from living on the margin to the middle class and beyond.

3 Granite Workforce; Pilot Program Established.

I. The commissioner of the department of health and human services shall use allowable funds from the Temporary Assistance to Needy Families (TANF) program to provide subsidies to employers in high need areas, as determined by the department of employment security based upon workforce shortages, and to create a network of assistance to remove barriers to work for low-income families. The funds shall be used to establish a pilot program, referred to as Granite Workforce, a TANF nonassistance program, which shall accept enrollments by applicants for an initial period of 6 months. The program shall be jointly administered by the department of health and human services and the department of employment security. No cash assistance shall be provided to eligible participants through Granite Workforce. The total cost of the pilot program shall not exceed \$3,000,000 in federal TANF funds for the biennium ending June 30, 2019.

II. To be eligible for Granite Workforce, applicants shall be:

- (a) In a household with an income up to 138 percent of the federal poverty level; and
- (b) Parents aged 18 through 64 with a child under age 18 in the household; or
- (c) Noncustodial parents aged 18 through 64 with a child under the age of 18; or
- (d) Childless adults between 18 and less than 25 years of age.

III. An eligible recipient, whose wages subsequently cause the household to exceed 138 percent of the federal poverty level shall continue to receive Granite Workforce program services as needed, including the subsidy for employers under section 4 of this act, provided the recipients wages do not cause the household to exceed 250 percent of the federal poverty level. After the second employer subsidy is paid on behalf of a Granite Workforce recipient, the recipient shall no longer be eligible for Granite Workforce services as long as household income exceeds 138 percent or the federal poverty level.

IV. The department of employment security shall determine eligibility and entry into the program, using nationally recognized assessment tools for vocational and job readiness assessments. Vocational assessments shall include educational needs, vocational interest, personal values, and aptitude. The department shall use the assessment results to work with the participant to produce a long-term career plan for moving into the middle class and beyond.

V. No person shall participate in the Granite Workforce program unless he or she is also enrolled in the New Hampshire Granite Advantage Health Care Program, as established in RSA 126-AA.

VI. Except as otherwise provided in paragraph II regarding program eligibility, administrative rules governing the New Hampshire employment program, adopted under RSA 541-A, shall apply to the Granite Workforce pilot program.

4 Granite Workforce; Subsidies for Employers.

I. After 3 months of the employment of the participant in a paying job and receiving verification of the continued employment and wages from the employer, the department of employment security shall pay the employer a subsidy equal to 50 percent of the employee's wages for the prior month, not to exceed \$2,000.

II. After 9 months of the continued employment of the participant in a paying job and receiving verification of the continued employment and wages from the employer, the department of employment security shall pay the employer a subsidy equal to 50 percent of the employee's wages for the prior month, not to exceed \$2,000.

III. If an overpayment is made, the employer shall reimburse the department that amount upon being notified by the department.

5 Referral for Barriers to Employment. The department of health and human services, in consultation with the department of employment security, shall issue a request for applications (RFAs) for community providers interested in offering case management services to participants with barriers to employment. Participants shall be identified by the department of employment security using an assessment process that screens for barriers to employment including, but not limited to, transportation, child care, substance use, mental health, and domestic violence. Thereafter, the department of employment security shall refer to community providers those individuals deemed needing assistance with removing barriers to employment. When child care is identified as a barrier to employment, the department of employment security or the community provider shall refer the individual to available child care service programs, including, specifically the child care scholarship program administered by the department of health and human services. In addition to employer subsidies authorized under this section, TANF funds allocated to the Granite Workforce program shall be used to pay for other services that eliminate barriers to work in accordance with all TANF guidelines.

#### 6 Network of Education and Training.

I. If after the assessment conducted by the department of employment security additional job training, education, or skills development is necessary prior to job placement, the department of employment security shall address those needs by:

(a) Referring individuals to training and apprenticeship opportunities offered by the community college system of New Hampshire;

(b) Referring individuals to the department of business and economic affairs to utilize available training funds and support services;

(c) Referring individuals to education and employment programs for youth available through the department of education; or

(d) Referring individuals to training available through other colleges and training programs.

II. All industry specific skills and training will be provided for jobs in high need areas, as determined by the department of employment security based upon workforce shortages.

7 Job Placement. Upon determining the participant is job ready, the department of employment security shall place individuals into jobs with employers in high need areas, as determined by the department of employment security based upon workforce shortages. This includes, but is not limited to, high labor need jobs in the fields of healthcare, advanced manufacturing, construction/building trades, information technology, and hospitality. Training and job placement shall focus on:

I. Supporting health care/safety issues: training/jobs to combat the opioid crisis, including nurses, nursing assistants, clinicians, social workers, and treatment providers at the licensed alcohol and drug addictions counselor and licensed mental health counselor levels. Additionally, jobs to address long-term care needs, home healthcare services, and expanding mental/behavioral health services.

II. Advanced manufacturing to meet employer needs: training/jobs that include computer-aided drafting and design, electronic and mechanical engineering, precision welding, computer numerical controlled precision machining, robotics, and automation.

III. Construction/building trades to address critical infrastructure needs: training/jobs for building roads, bridges, municipality infrastructure, and ensuring safe drinking water.

IV. Information technology: training/jobs to allow businesses to excel in an ever-increasing network dependent business environment.

V. Hospitality-training/jobs to address the workforce shortage and support New Hampshire's tourism industry, to include but not be limited to hotel workers, restaurant workers, campground workers, lift operators, state park workers, and amusement park workers.

#### 8 Reporting Requirement; Measurement of Outcomes.

I. The department of health and human services shall prepare a report on the outcomes of the Granite Workforce program using appropriate standard common performance measures. Program partners, as a condition of participation, shall be required to provide the department with the relevant data. Metrics to be measured shall include, but are not limited to:

(a) Degree of participation.

(b) Progress with overcoming barriers.

(c) Entry into employment.

(d) Job retention.

(e) Earnings gain.

(f) Movement within established federal poverty level measurements, including the Supplemental Nutrition Assistance Program (SNAP) and the New Hampshire granite advantage health care program under RSA 126-AA.

(g) Health insurance coverage provider.

(h) Attainment of education or training, including credentials.

II. The report shall be issued to the speaker of the house of representatives, the president of the senate, the governor, the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program established under RSA 126-AA:4, and the state library on or before December 1, 2019.

#### 9 Termination of Granite Workforce Program.

I. The commissioner of the department of health and human services shall be responsible for determining, every 3 months commencing no later than December 31, 2018, whether available TANF reserve funds total at least \$40,000,000. If at any time the commissioner determines that available TANF reserve funds have fallen below \$40,000,000, the commissioners of the departments of health and human services and employment security shall, within 20 business days of such determination, terminate the Granite Workforce program. The commissioners shall notify the governor, the speaker of the house of representatives, the president of the senate, the chairperson of the fiscal committee of the general court, and Granite Workforce participants of the program's pending termination.

II. If at any time the New Hampshire granite advantage health care program, established under RSA 126-AA, terminates, the commissioners of the departments of health and human services and employment security shall terminate the Granite Workforce program. The date of the Granite Workforce program's termination shall align with that of the New Hampshire granite advantage health care program.

10 Insurance Premium Tax; New Hampshire Granite Advantage Health Care Program. Amend RSA 400-A:32, III to read as follows:

III.(a) Except as provided in subparagraph (b), the taxes imposed in paragraphs I and II of this section shall be promptly forwarded by the commissioner to the state treasurer for deposit to the general fund.

(b) Taxes imposed attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under RSA ~~[126-A:5, XXIV-XXVI]~~ **126-AA** shall be deposited into the New Hampshire ~~[health protection trust fund, established in RSA 126-A:5-b]~~ **granite advantage health care trust fund established in RSA 126-AA:3**. The commissioner shall notify the state treasurer of sums for deposit into the New Hampshire ~~[health protection]~~ **granite advantage health care** trust fund no later than 30 days after receipt of said taxes. ***The moneys in the trust fund may be used for the administration of the New Hampshire granite advantage health care program, established in RSA 126-AA.***

11 Plan of Operation for the High Risk Pool. Amend RSA 404-G:5-a, IV(d) to read as follows:

(d) ~~[For the period of January 1, 2017 through December 31, 2018,]~~ An amount not to exceed [50 percent of the remainder amount, as defined in RSA 126-A:5-c, I(b), less the amount made available to the program pursuant to RSA 404-G:11, VI. The association shall transfer all amounts collected pursuant to this subparagraph and the amount made available to the program pursuant to RSA 404-G:11, VI to the New Hampshire health protection trust fund, established pursuant to RSA 126-A:5-b] ***the lesser of the remainder amount, as defined in RSA 126-AA:1, V, or the amount of revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV and taxes attributable to premiums written for medical and other medical-related services for the newly eligible Medicaid population. The association shall transfer all amounts collected pursuant to this subparagraph to the New Hampshire granite advantage health care trust fund established pursuant to RSA 126-AA:3.***

12 New Hampshire Granite Advantage Health Care Program; Federal Match. Amend 2014, 3:10, I as amended by 2016,13:13 to read as follows:

I. If at any time the federal match rate applied to medical assistance for newly eligible adults under ~~[RSA 126-A:5, XXIV-XXV between July 1, 2014 – December 31, 2016 is less than 100 percent, less than 95 percent in 2017 and less than 94 percent in 2018, of the amount as set forth in 42 U.S.C. section 1396d(y) (1), then RSA 126-A:5, XXIV and XXV shall be]~~ ***RSA 126-AA is less than 94 percent in 2018, less than 93 percent in 2019, and less than 90 percent in 2020 and any year thereafter in which the program is authorized, then the program is hereby*** repealed 180 days after the event under this ~~[subparagraph]~~ ***paragraph*** occurs upon notification by the commissioner of the department of health and human services to the secretary of state and the director of legislative services ***and consistent with the terms and conditions of any waiver approved by the Centers for Medicare and Medicaid Services for the program.*** The commissioner shall ~~[immediately issue notice to program participants of the program's pending repeal]:~~

***(a) Within 48 hours after the event under this paragraph has occurred, notify the governor, the speaker of the house of representatives, the president of the senate, and the chairperson of the legislative fiscal committee of the program's pending termination; and***

***(b) Within 10 business days after the event in this paragraph has occurred, notify program participants of the program's pending termination.***

13 Liquor Commission; Funds. Amend RSA 176:16, III to read as follows:

III. [3:4] **Five** percent of the previous fiscal year gross profits derived by the commission from the sale of liquor shall be deposited into the alcohol abuse prevention and treatment fund established by RSA 176-A:1. For the purpose of this section, gross profit shall be defined as total operating revenue minus the cost of sales and services as presented in the state of New Hampshire comprehensive annual financial report, statement of revenues, expenses, and changes in net position for proprietary funds.

**III-a. In order to facilitate the initial funding of the granite advantage health care trust fund, established under RSA 126-AA:3, for the period of January 1 to June 30, 2019, an amount no less than 1/2 of the 5 percent of such gross profits based on the state comprehensive annual financial report for the state fiscal year 2017 shall be deposited into the alcohol abuse prevention and treatment fund no later than November 30, 2018.**

14 Alcohol Abuse Prevention and Treatment Fund. Amend RSA 176-A:1, II and III to read as follows:

II. The fund shall be nonlapsing and continually appropriated for the purposes of funding alcohol education and abuse prevention and treatment programs. **The commissioner of the department of health and human services may accept gifts, grants, donations, or other funding from any source and shall deposit all such revenue received into the fund.** The state treasurer shall invest the moneys deposited in the fund as provided by law. Interest earned on moneys deposited in the fund shall be deposited into the fund.

III. Moneys **received from all other sources other than the liquor commission pursuant to RSA 176:16, III** shall be disbursed from the fund upon the authorization of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery established pursuant to RSA 12-J:1. Funds disbursed shall be used for alcohol and other drug abuse prevention, treatment, and recovery services, and other purposes related to the duties of the commission under RSA 12-J:3, **provided, however, that funds received from any source other than the liquor commission, pursuant to RSA 176:16, III, shall not be used to support the New Hampshire granite advantage health care program and shall not be deposited into the fund established in RSA 126-AA:3.**

**IV. Moneys received from the liquor commission pursuant to RSA 176:16, III and deposited into the fund shall be transferred to the New Hampshire granite advantage health care trust fund, established under RSA 126-AA:3, for use in ensuring the delivery of substance use disorder prevention, treatment, and recovery and other behavioral health services for persons enrolled in the New Hampshire granite advantage health care program; provided, however, that any program or service approved by the governor's commission on alcohol and drug abuse prevention, treatment, and recovery that would have been funded from moneys transferred from the fund shall be paid for with federal or other funds available from within the department of health and human services. For this purpose and no later than December 1, 2018, the sum of \$5,100,000 from the alcohol abuse and prevention treatment fund shall be transferred to the granite advantage health care trust fund for use in the period of January 1 to June 30, 2019. Beginning July 1, 2019 the funds deposited into the fund shall be transferred to the granite advantage health care trust fund established under RSA 126-AA:3 annually no later than June 1 for use during the forthcoming fiscal year based upon the most recently issued comprehensive annual financial report of the state.**

15 Individual Health Insurance Market; Purpose. Amend RSA 404-G:1, II to read as follows:

II. Create a nonprofit, voluntary organization to facilitate the availability of affordable individual non-group health insurance by establishing an assessment mechanism and an individual health insurance market mandatory risk sharing plan as a mechanism to distribute the risks associated within the individual nongroup market and to support the ~~[marketplace premium assistance program established in RSA 126-A:5, XXV]~~ **New Hampshire granite advantage health care program established in RSA 126-AA.**

16 Individual Health Insurance Market; Definitions. Amend RSA 404-G:2, X-a to read as follows:

X-a. "Plan of operation" means the plan of operation of the risk sharing mechanism, the high risk pool, support for the program established in RSA ~~[126-A:5, XXV]~~ **126-AA**, and the federally qualified high risk pool, including articles, bylaws and operating rules, procedures and policies adopted by the association.

17 Managed Care Law; Right to External Review. Amend RSA 420-J:5-a, II(a) to read as follows:

(a) Health care services provided through Medicaid, the state Children's Health Insurance Program (Title XXI of the Social Security Act), Medicare or services provided under these programs but through a contracted health carrier, except where those services are provided through private insurance coverage pursuant to the ~~[marketplace premium assistance program under RSA 126-A:5, XXV]~~ **New Hampshire granite advantage health care program under RSA 126-AA** in which case all provisions of this chapter shall apply.

18 Insurance Department; Administration Fund. Amend RSA 400-A:39, VI(a) to read as follows:

(a) Based on the annual statement filed in such year by each insurer under RSA 400-A:31, RSA 420-A:20, RSA 420-B:9, RSA 420-F:9, or other financial statement filed under RSA 415-E:11, the commissioner shall ascertain each insurer's amount of gross direct premiums written, including policy, membership and other fees, service charges, policy dividends applied in payment for insurance, and all other considerations for insurance originating from policies covering property, subjects, or risks located, resident or to be performed in

New Hampshire after deducting return premiums and dividends actually returned or credited to policyholders. The premium for Medicaid managed care coverage provided by a health carrier contracting with the department of health and human services under RSA 126-A:5, XIX shall not be included in an insurer's assessable premium, except where that coverage is provided through the purchase of insurance coverage pursuant to the ~~[marketplace premium assistance program under RSA 126-A:5, XXV, or through the health insurance premium payment program under RSA 126-A:5, XXIII]~~ ***New Hampshire granite advantage health care program under RSA 126-AA***. If any such insurer does not otherwise timely provide the commissioner with the information necessary for such ascertainment, it shall do so on or before May 1 of each year.

19 New Subparagraph; Application of Receipts; New Hampshire Advantage Health Care Program. Amend RSA 6:12, I(b) by inserting after subparagraph (339) the following new subparagraph:

(340) Moneys deposited in the New Hampshire granite advantage health care trust fund under RSA 126-AA:3.

20 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, or is not approved by the Centers for Medicare and Medicaid Services, the invalidity or nonapproval does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

21 Contingency. RSA 126-AA:2, II(b) as inserted by section 1 of this act shall take effect on the date of certification by the commissioner of the department of health and human services to the director of legislative services and the secretary of state that 42 U.S.C. section 1396a(e)(14)(c) has been repealed or amended to permit the application of an asset test.

22 Funding; New Hampshire Granite Advantage Health Care Program. If the federal government amends 42 U.S.C. section 1396d(y)(1) to eliminate the state's share of funding for the New Hampshire granite advantage health care program, or if the federal government allows the use of savings within the Medicaid program to apply to the state's share of funding the program, or if any other state is permitted to receive funds from the federal government to allow a solely federally funded program, the commissioner of health and human services shall send a letter of notification regarding this change to the governor, the president of the senate, the speaker of the house of representatives, the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program established in RSA 126-AA, and the chairperson of the appropriate standing committee of the house and senate. The commissioner shall apply for the necessary waivers to similarly fund the New Hampshire granite advantage health care program.

#### 23 Applicability.

I. If the commission, established pursuant to RSA 126-AA:4 in section 1 of this act, issues an interim report recommending the New Hampshire granite advantage health care program's discontinuation, the speaker of the house of representatives and the president of the senate shall initiate legislation as soon as practicable to repeal the New Hampshire advantage health care program established in section 1 of this act.

II. If the federal government converts the Medicaid program from a program funded jointly by the federal government and the states into a block grant the New Hampshire granite advantage health care program shall be repealed effective upon the implementation of such conversion, consistent with the terms and conditions of any waiver approved by the Centers for Medicare and Medicaid Services for the program. In the event of a repeal under this paragraph, the commissioner of the department of health and human services shall within 48 hours after the event has occurred, notify the governor, the speaker of the house of representatives, the president of the senate, the chairperson of the fiscal committee, the secretary of state, and the director of legislative services of the program's pending termination and within 10 business days after the event under this paragraph has occurred, notify program participants of the program's pending termination.

#### 24 Repeals. The following are repealed:

I. RSA 404-G:2, X-c, relative to the marketplace premium assistance program.

II. RSA 126-AA:4, relative to the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program.

III. RSA 126-AA, relative to the New Hampshire granite advantage health care program.

IV. RSA 126-A:5-c, relative to funding the state share of the New Hampshire health protection program.

V. RSA 126-A:5-d, relative to voluntary contribution.

VI. RSA 126-A:5, XXX, relative to the New Hampshire health protection program.

VII. RSA 6:12, I(b)(340), relative to the moneys deposited in the New Hampshire granite advantage health care trust fund.

#### 25 Effective Date.

I. Paragraph II of section 24 of this act shall take effect December 1, 2022.

II. Paragraphs III and VII of section 24 of this act shall take effect December 31, 2023.

III. Section 1 of this act shall take effect upon its passage.

IV. RSA 126-AA:2, II(b) as inserted by section 1 of this act shall take effect as provided in section 21 of this act.

V. Section 3-9 of this act shall take effect January 1, 2019.

VI. The remainder of this act shall take effect December 31, 2018.

Rep. Copp requested a roll call; sufficiently seconded.

### YEAS 303 - NAYS 29

#### YEAS - 303

##### BELKNAP

Tilton, Franklin  
Plumer, John

Fields, Dennis  
Spagnuolo, Philip

Huot, David  
Spanos, Peter

Lang, Timothy  
St. Clair, Charlie

##### CARROLL

Avellani, Lino  
Crawford, Karel  
McConkey, Mark

Buco, Thomas  
DesMarais, Edith  
Nelson, Bill

Butler, Edward  
McCarthy, Frank  
Umberger, Karen

Comeau, Ed  
Knirk, Jerry  
Marsh, William

##### CHESHIRE

Abbott, Michael  
Burridge, Delmar  
Faulkner, Barry  
Meador, David  
Sterling, Franklin

Ames, Richard  
Harvey, Cathryn  
Fenton, Donovan  
Parkhurst, Henry  
Tatro, Bruce

Berch, Paul  
Ley, Douglas  
Johnsen, Gladys  
Shepardson, Marjorie  
Pearson, William

Bordenet, John  
Eaton, Daniel  
Mann, John  
Stallcop, Joseph  
Weber, Lucy

##### COOS

Fothergill, John  
Moynihan, Wayne  
Thomas, Yvonne

Hatch, William  
Richardson, Herbert

Laflamme, Larry  
Theberge, Robert

Merner, Troy  
Tucker, Edith

##### GRAFTON

Abel, Richard  
Campion, Polly  
Hennessey, Erin  
Maes, Kevin  
Nordgren, Sharon  
Sykes, George

Almy, Susan  
Darrow, Stephen  
Higgins, Patricia  
Massimilla, Linda  
Rand, Steven  
Johnson, Tiffany

Bailey, Brad  
Dontonville, Roger  
Josephson, Timothy  
Migliore, Vincent Paul  
Schwaegler, Vicki  
White, Andrew

Bennett, Travis  
Ham, Bonnie  
Ladd, Rick  
Mulligan, Mary Jane  
Smith, Suzanne

##### HILLSBOROUGH

Ammon, Keith  
Baroody, Benjamin  
Burns, Charlie  
Christensen, Chris  
Dickey, Glen  
Fedolfi, Jim  
Fromuth, Bart  
Gould, Linda  
Herbert, Christopher  
Moore, Josh  
Keane, Amelia  
L'Heureux, Robert  
Lewicke, John  
MacKenzie, Mark  
Martineau, Jesse  
O'Leary, Richard  
Pierce, David  
Roberts, Carol  
Sanborn, Laurie  
Sofikitis, Catherine  
Twombly, Timothy  
Williams, Kermit

Ayala, Jessica  
Beaulieu, Jane  
Byron, Frank  
Connors, Erika  
DiSilvestro, Linda  
Ferreira, Elizabeth  
Griffin, Gerald  
Hansen, Peter  
Hinch, Richard  
Schmidt, Janice  
King, Mark  
Ober, Lynne  
Lisle, David  
Mangipudi, Latha  
McLean, Mark  
Ohm, Bill  
Proulx, Mark  
Rosenwald, Cindy  
Scully, Kevin  
Souza, Kathleen  
Sullivan, Victoria  
Zaricki, Nick

Griffin, Barbara  
Biggie, Barbara  
Moore, Craig  
Sullivan, Daniel  
Edwards, Elizabeth  
Freeman, Lisa  
Gagne, Larry  
Heath, Mary  
Belanger, James  
Jack, Martin  
Klee, Patricia  
Lascelles, Richard  
MacKay, Mariellen  
Manley, Jonathan  
Newman, Sue  
Long, Patrick  
Ober, Russell  
Rouillard, Claire  
Seidel, Carl  
Smith, Timothy  
Van Houten, Connie

Backus, Robert  
Bouldin, Amanda  
Chandlee, Shannon  
Danielson, David  
Elber, Joel  
Freitas, Mary  
Goley, Jeffrey  
Hellwig, Steve  
Graham, John  
Rice, Kimberly  
Kurk, Neal  
LeBrun, Donald  
McCarthy, Michael  
Martin, Joelle  
O'Brien, Michael  
Panasiti, Reed  
Renzullo, Andrew  
Harvey, Suzanne  
Shaw, Barbara  
Wolf, Terry  
Vann, Ivy

##### MERRIMACK

Turcotte, Alan  
Copp, Anne  
Gile, Mary  
MacKay, James  
Luneau, David  
Patten, Dick  
Rogers, Katherine  
Shurtleff, Stephen  
Walz, Mary Beth

Kuch, Bill  
Wolf, Dan  
Moffett, Howard  
Kenison, Linda  
Moffett, Michael  
Pearl, Howard  
Schuett, Dianne  
Soucy, Timothy  
Wells, Natalie

Bartlett, Christy  
Doherty, David  
Hill, Gregory  
Klose, John  
McGuire, Carol  
Richards, Beth  
Schultz, Kristina  
Walsh, Thomas

Carson, Clyde  
Ebel, Karen  
Horn, Werner  
Kotowski, Frank  
Myler, Mel  
Rodd, Beth  
Seaworth, Brian  
Wallner, Mary Jane

**ROCKINGHAM**

Abrami, Patrick  
Barnes, Arthur  
Cali-Pitts, Jacqueline  
DeSimone, Debra  
Elliott, Robert  
Francese, Paula  
Hagan, Joseph  
Janvrin, Jason  
Kolodziej, Walter  
Griffin, Mary  
Matthews, Carolyn  
Messmer, Mindi  
Nigrello, Robert  
Gordon, Richard  
Spillane, James  
Tripp, Richard  
Ward, Gerald  
Willis, Brenda

Allen, Mary  
Berrien, Skip  
Chirichiello, Brian  
DiLorenzo, Charlotte  
Emerick, J. Tracy  
Gay, Betty  
Hoelzel, Kathleen  
O'Connor, John  
Lerner, Kari  
Pearson, Mark  
McBeath, Rebecca  
Milz, David  
Gordon, Pamela  
Read, Ellen  
Sytek, John  
True, Chris  
Webb, James

Altschiller, Debra  
Bove, Martin  
Cushing, Robert Renny  
Dowling, Patricia  
Farnham, Betsey  
Gilman, Julie  
Edwards, Jess  
Katsakiores, Phyllis  
Lovejoy, Patricia  
Major, Norman  
McKinney, Betsy  
Morrison, Sean  
Packard, Sherman  
Sapareto, Frank  
Le, Tamara  
Verville, Kevin  
Welch, David

Baldasaro, Alfred  
Cahill, Michael  
Thomas, Douglas  
Edgar, Michael  
Fesh, Robert  
Guthrie, Joseph  
Janigian, John  
Khan, Aboul  
Lundgren, David  
Malloy, Dennis  
McMahon, Charles  
Murray, Kate  
Pantelakos, Laura  
Somssich, Peter  
Torosian, Peter  
Vose, Michael  
Weyler, Kenneth

**STRAFFORD**

Berube, Roger  
Conley, Casey  
Gourgue, Amanda  
Horrigan, Timothy  
McNally, Jody  
Graham, Robert  
Southworth, Thomas  
Vincent, Kenneth

Bixby, Peter  
Ellis, Donna  
Grassie, Chuck  
Keans, Sandra  
Mullen, John  
Salloway, Jeffrey  
Spang, Judith  
Wall, Janet

Burton, Wayne  
Fontneau, Timothy  
Harrington, Michael  
Turcotte, Leonard  
Opderbecke, Linn  
Sandler, Catt  
Spencer, Matthew  
Wuelper, Kurt

Cilley, Jacalyn  
Frost, Sherry  
Horgan, James  
Smith, Marjorie  
Schmidt, Peter  
Scruton, Matthew  
Sprague, Dale

**SULLIVAN**

Cloutier, John  
Irwin, Virginia  
Smith, Steven

Gagnon, Raymond  
Laware, Thomas  
Sullivan, Brian

Gottling, Suzanne  
Oxenham, Lee  
Tanner, Linda

Grenier, James  
Rollins, Skip

**NAYS - 29****BELKNAP**

Abear, Marc  
Vadney, Herbert

Aldrich, Glen

Comtois, Barbara

Sylvia, Michael

**CHESHIRE**

Hunt, John

McConnell, James

O'Day, John

**GRAFTON**

Binford, David

Brown, Duane

**HILLSBOROUGH**

Burt, John  
Negron, Steve  
Ulery, Jordan

Carr, John  
Notter, Jeanine

Christie, Rick  
Prout, Andrew

Murphy, Keith  
Somero, Paul

**MERRIMACK**

Hoell, J.R.

**ROCKINGHAM**

Bates, David  
Itse, Daniel

Costable, Michael  
Osborne, Jason

Green, Dennis  
Wallace, Scott

Marsh, Henry

**STRAFFORD**

Kaczynski, Thomas

Pitre, Joseph

and the committee amendment was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.  
Rep. Hoell offered floor amendment (1854h).

**Floor Amendment (1854h)**

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

AN ACT reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, relative to certain liquor funds, and relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile.

Amend the bill by replacing all after section 24 with the following:

25 Repeal. The following are repealed:

I. RSA 215-A:20, relative to the prohibition on carrying a loaded firearm on an OHRV.

II. RSA 215-C:35, relative to the prohibition on carrying a loaded firearm on a snowmobile.

26 Effective Date.

I. Paragraph II of section 24 of this act shall take effect December 1, 2022.

II. Paragraphs III and VII of section 24 of this act shall take effect December 31, 2023.

III. Section 1 of this act shall take effect upon its passage.

IV. RSA 126-AA:2, II(b) as inserted by section 1 of this act shall take effect as provided in section 21 of this act.

V. Section 3-9 of this act shall take effect January 1, 2019.

VI. Section 25 of this act shall take effect 60 days after its passage.

VII. The remainder of this act shall take effect December 31, 2018.

#### AMENDED ANALYSIS

This bill:

I. Establishes the New Hampshire granite advantage health care program which shall replace the current New Hampshire health protection program. Under this program, those individuals eligible to receive benefits under the Medicaid program and newly eligible adults shall choose coverage offered by one of the managed care organizations contracted as vendors under the Medicaid program.

II. Establishes the granite workforce pilot program.

III. Increases the amount of liquor revenues to be deposited into the alcohol abuse prevention and treatment fund and provides that moneys deposited into the fund shall be transferred to the New Hampshire granite advantage health care trust fund for substance use disorder prevention, treatment, and recovery.

IV. Repeals the prohibitions on carrying a loaded firearm on an OHRV or a snowmobile.

Rep. Byron spoke against.

Rep. Hoell spoke in favor and requested a roll call; sufficiently seconded.

#### YEAS 92 - NAYS 236

#### YEAS - 92

#### BELKNAP

Abear, Marc  
Vadney, Herbert

Aldrich, Glen

Comtois, Barbara

Sylvia, Michael

#### CARROLL

Avellani, Lino

Comeau, Ed

McCarthy, Frank

McConkey, Mark

#### CHESHIRE

Hunt, John

McConnell, James

O'Day, John

Stallcop, Joseph

#### COOS

Merner, Troy

#### GRAFTON

Bailey, Brad  
Migliore, Vincent Paul

Binford, David  
Johnson, Tiffany

Brown, Duane

Darrow, Stephen

#### HILLSBOROUGH

Ammon, Keith  
Carr, John  
Donovan, Daniel  
Gould, Linda  
Ober, Lynne  
Negron, Steve  
Ober, Russell  
Ulery, Jordan

Burns, Charlie  
Christie, Rick  
Fedolli, Jim  
Hellwig, Steve  
Lewicke, John  
Notter, Jeanine  
Sanborn, Laurie  
Sullivan, Victoria

Burt, John  
Danielson, David  
Ferreira, Elizabeth  
Graham, John  
McLean, Mark  
Ohm, Bill  
Somero, Paul  
Zaricki, Nick

Moore, Craig  
Dickey, Glen  
Griffin, Gerald  
Moore, Josh  
Murphy, Keith  
Prout, Andrew  
Souza, Kathleen

#### MERRIMACK

Hill, Gregory  
McGuire, Carol  
Wells, Natalie

Hoell, J.R.  
Pearl, Howard

Klose, John  
Seaworth, Brian

Moffett, Michael  
Walsh, Thomas

#### ROCKINGHAM

Baldasaro, Alfred  
Thomas, Douglas  
Itse, Daniel

Bates, David  
Emerick, J. Tracy  
Edwards, Jess

Chirichiello, Brian  
Gay, Betty  
Janvrin, Jason

Costable, Michael  
Green, Dennis  
Kolodziej, Walter

Morrison, Sean  
Sapareto, Frank  
Verville, Kevin

Osborne, Jason  
Spillane, James  
Vose, Michael

Packard, Sherman  
Torosian, Peter  
Wallace, Scott

Gordon, Richard  
True, Chris  
Webb, James

### STRAFFORD

Harrington, Michael  
Graham, Robert

Kaczynski, Thomas  
Spencer, Matthew

Turcotte, Leonard  
Wuelper, Kurt

Pitre, Joseph

### SULLIVAN

Laware, Thomas

### NAYS - 236

#### BELKNAP

Tilton, Franklin  
Plumer, John

Fields, Dennis  
Spagnuolo, Philip

Huot, David  
Spanos, Peter

Lang, Timothy  
St. Clair, Charlie

#### CARROLL

Buco, Thomas  
Knirk, Jerry

Butler, Edward  
Nelson, Bill

Crawford, Karel  
Umberger, Karen

DesMarais, Edith  
Marsh, William

#### CHESHIRE

Abbott, Michael  
Burridge, Delmar  
Faulkner, Barry  
Meader, David  
Tatro, Bruce

Ames, Richard  
Harvey, Cathryn  
Fenton, Donovan  
Parkhurst, Henry  
Pearson, William

Berch, Paul  
Ley, Douglas  
Johnsen, Gladys  
Shepardson, Marjorie  
Weber, Lucy

Bordenet, John  
Eaton, Daniel  
Mann, John  
Sterling, Franklin

#### COOS

Fothergill, John  
Richardson, Herbert

Hatch, William  
Tucker, Edith

Laflamme, Larry  
Thomas, Yvonne

Moynihan, Wayne

#### GRAFTON

Abel, Richard  
Dontonville, Roger  
Josephson, Timothy  
Mulligan, Mary Jane  
Smith, Suzanne

Almy, Susan  
Ham, Bonnie  
Ladd, Rick  
Nordgren, Sharon  
Sykes, George

Bennett, Travis  
Hennessey, Erin  
Maes, Kevin  
Rand, Steven  
White, Andrew

Campion, Polly  
Higgins, Patricia  
Massimilla, Linda  
Schwaegler, Vicki

### HILLSBOROUGH

Ayala, Jessica  
Beaulieu, Jane  
Chandlee, Shannon  
DiSilvestro, Linda  
Freitas, Mary  
Heath, Mary  
Schmidt, Janice  
King, Mark  
Lascalles, Richard  
MacKenzie, Mark  
Martineau, Jesse  
Long, Patrick  
Rosenwald, Cindy  
Seidel, Carl  
Wolf, Terry  
Williams, Kermit

Griffin, Barbara  
Biggie, Barbara  
Christensen, Chris  
Edwards, Elizabeth  
Gagne, Larry  
Herbert, Christopher  
Jack, Martin  
Klee, Patricia  
LeBrun, Donald  
Mangipudi, Latha  
Newman, Sue  
Panasiti, Reed  
Rouillard, Claire  
Shaw, Barbara  
Twombly, Timothy

Backus, Robert  
Bouldin, Amanda  
Connors, Erika  
Elber, Joel  
Goley, Jeffrey  
Hinch, Richard  
Rice, Kimberly  
Kurk, Neal  
Lisle, David  
Manley, Jonathan  
O'Brien, Michael  
Pierce, David  
Harvey, Suzanne  
Sofikitis, Catherine  
Van Houten, Connie

Baroody, Benjamin  
Byron, Frank  
Sullivan, Daniel  
Freeman, Lisa  
Hansen, Peter  
Belanger, James  
Keane, Amelia  
L'Heureux, Robert  
MacKay, Mariellen  
Martin, Joelle  
O'Leary, Richard  
Roberts, Carol  
Scully, Kevin  
Smith, Timothy  
Vann, Ivy

### MERRIMACK

Turcotte, Alan  
Copp, Anne  
Gile, Mary  
Kenison, Linda  
Patten, Dick  
Schuett, Dianne  
Wallner, Mary Jane

Kuch, Bill  
Wolf, Dan  
Moffett, Howard  
Kotowski, Frank  
Richards, Beth  
Schultz, Kristina  
Walz, Mary Beth

Bartlett, Christy  
Doherty, David  
Horn, Werner  
Luneau, David  
Rodd, Beth  
Shurtleff, Stephen

Carson, Clyde  
Ebel, Karen  
MacKay, James  
Myler, Mel  
Rogers, Katherine  
Soucy, Timothy

### ROCKINGHAM

Abrami, Patrick  
Berrien, Skip  
Cushing, Robert Renny  
Edgar, Michael  
Francese, Paula

Allen, Mary  
Bove, Martin  
DeSimone, Debra  
Elliott, Robert  
Gilman, Julie

Altschiller, Debra  
Cahill, Michael  
DiLorenzo, Charlotte  
Farnham, Betsey  
Guthrie, Joseph

Barnes, Arthur  
Cali-Pitts, Jacqueline  
Dowling, Patricia  
Fesh, Robert  
Marsh, Henry

Hagan, Joseph  
Katsakiores, Phyllis  
Lundgren, David  
Malloy, Dennis  
McMahon, Charles  
Nigrello, Robert  
Somssich, Peter  
Ward, Gerald

Hoelzel, Kathleen  
Khan, Aboul  
Griffin, Mary  
Matthews, Carolyn  
Messmer, Mindi  
Gordon, Pamela  
Sytek, John  
Welch, David

Janigian, John  
Lerner, Kari  
Pearson, Mark  
McBeath, Rebecca  
Milz, David  
Pantelakos, Laura  
Le, Tamara  
Weyler, Kenneth

O'Connor, John  
Lovejoy, Patricia  
Major, Norman  
McKinney, Betsy  
Murray, Kate  
Read, Ellen  
Tripp, Richard  
Willis, Brenda

### STRAFFORD

Berube, Roger  
Conley, Casey  
Gourgue, Amanda  
Keans, Sandra  
Opderbecke, Linn  
Scruton, Matthew  
Vincent, Kenneth

Bixby, Peter  
Ellis, Donna  
Grassie, Chuck  
Smith, Marjorie  
Schmidt, Peter  
Southworth, Thomas  
Wall, Janet

Burton, Wayne  
Fontneau, Timothy  
Horgan, James  
McNally, Jody  
Salloway, Jeffrey  
Spang, Judith

Cilley, Jacalyn  
Frost, Sherry  
Horrigan, Timothy  
Mullen, John  
Sandler, Catt  
Sprague, Dale

### SULLIVAN

Cloutier, John  
Irwin, Virginia  
Sullivan, Brian

Gagnon, Raymond  
Oxenham, Lee  
Tanner, Linda

Gottling, Suzanne  
Rollins, Skip

Grenier, James  
Smith, Steven

and floor amendment (1854h) failed.

Committee report adopted and ordered to third reading.

**SB 450-FN-A**, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program. **OUGHT TO PASS.** Rep. J. Tracy Emerick for Finance. The bill as amended establishes the timing and direction for the delegation of authority of the National Pollutant Discharge Elimination System Program from the federal environmental protection agency to the state department of environmental services. Although the current system is effective, towns have requested that New Hampshire take the opportunity to establish this as a state-operated program. Toward that end, a commission was organized to provide guidance regarding staffing levels, fees for service and other implementation strategies to assist DES to perform the services currently being performed by the Boston, MA, office of the EPA for both public and private supervision. The transition from supervision by the Federal EPA to the state DES has been at the request of both businesses and municipalities in New Hampshire. This bill continues the work in this area with the expectation that the agency will be able to decide whether to go forward or not by the time budgets for the next biennium are being developed. Vote 26-0.

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

Rep. Kurk offered floor amendment (1809h).

### Floor Amendment (1809h)

Amend RSA 149-Q:5 as inserted by section 1 of the bill by replacing it with the following:

149-Q:5 Report. 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 March 1, 2020.

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

2 Repeal. RSA 149-Q, relative to the NPDES advisory commission, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect March 1, 2020.

II. The remainder of this act shall take effect October 1, 2019.

Rep. Kurk spoke in favor.

Floor amendment (1809h) adopted.

Committee report adopted and ordered to third reading.

**SB 538-FN**, including police officers of the state office complex police force in group II of the retirement system. **OUGHT TO PASS.**

Rep. J. Tracy Emerick for Finance. This bill includes officers of the state office complex in Group II of the state retirement system. These officers police the state hospital and Concord-area state office complexes. These officers had been security guards when they were part of the department of health and human services, but since the 2005 transfer to the state police, have upgraded their training and capabilities. The committee learned that they are fully trained and qualified in the same manner as the state police and, in fact, have additional training to deal with the patients they encounter in their daily work. There are currently eight officers in this force, and it is difficult to keep these positions filled. This department has lost thirteen officers to other Group II employers in the last decade. There will be little impact on the pension system as current

employees will receive a split pension reflecting time worked as Group I and time worked as Group II per existing state law. The effective date of the bill is July 1, 2019 so that this change can be included in the budget for the next biennium. Vote 24-2.

Committee report adopted and ordered to third reading.

**SB 549-FN-A**, relative to plans of safe care for infants affected by substance abuse or withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder. **OUGHT TO PASS WITH AMENDMENT.** Rep. David Danielson for Finance. This legislation was submitted at the request of the division of health and human services department of public health. This bill changes state law to satisfy federal requirements in order for the department to continue to obtain a grant of approximately \$130,000. The bill also detailed the collection of data on the birth statistics of children born suffering substance abuse or withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder. The committee was informed that the children's medical birth records are being transmitted by hospitals and birth locations and stored by the secretary of state's office of vital records. The information is then transferred to the division of public health for compilation of the statistical data required for the federal grant. The committee was significantly concerned by the storage of this sensitive information. The amendment would send the child's and mother's medical information only to the department of public health. While the bill's approval would secure for the state the federal grant, no money was appropriated for any personnel costs associated with the implementation of the new data transfer methodology. Vote 22-4.

#### Amendment (1688h)

Amend RSA 132:10-e as inserted by section 1 of the bill by replacing it with the following:

132:10-e Notification of Substance Exposure. Health care providers involved in the delivery or care of infants born with and identified as being affected by substance abuse or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder shall notify only the department of health and human services division of public health services of the occurrence of such condition, irrespective of whether the infant was born in the hospital or other setting.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

**SB 565-FN**, relative to aircraft registration fees and airways tolls. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Kenneth Weyler for the Majority of Finance. The impetus for this bill came from the Nashua Airport. It was pointed out that New Hampshire's total aircraft registration fees could reach hundreds of thousands of dollars for one new long-distance corporate jet. The owners could move the airplane 20 miles to Hanscom Field in Massachusetts and only pay \$350. This shocking information brought a flurry of activity in both the House and the Senate. The House, after extensive study in Ways and Means, lowered the high-end registration and raised the lower end, from \$48 to \$100. It also raised the tax on aviation fuel from ½ cent per gallon to 2 cents. The aim was to make the changes revenue neutral, so that the \$750,000 to support the bureau of Aeronautics would still be raised, even though the money went to the General Fund. That was HB 124. The Senate did a similar thing with this bill, SB 565. The major difference is that the Senate does not raise fuel taxes. This means that the general fund must make up the difference of \$450,000. When SB 565 came over to Ways and Means, that committee added the fuel taxes back in, and the Senate killed HB 124. In the Finance committee, we were left with only this bill to try to encourage owners of corporate jets to base them in our state and hopefully to move their corporations here as well. Since this committee does the budget, and sees the possibility of attracting more large airplanes here with the additional jobs and spending, the extra money to support Aeronautics seemed a worthy investment. If we expected the Senate to accede and the Governor to sign, we felt the need to amend the bill as it came to us from Ways and Means and delete the extra fuel charges; the good news for many antique airplane and glider owners is that they pay the lowest registration fee. Vote 19-6.

Rep. Lynne Ober for the Minority of Finance. The minority believes that this bill should be OTP because that reflects the previously passed House position. In fact, the House has passed this bill three previous times, but the amendment does not support this House passed position. As this bill arrived in Finance, it mirrored HB 124, which passed this House on February 15. The existing aircraft registration fees put NH at a disadvantage to neighboring states. House Ways and Means amended the bill to be revenue neutral since it was clear no money would be forthcoming from the general fund to support aviation. The reduction in the aircraft registration fees created a loss of approximately \$640,000 to the Aviation division of NH Department of Transportation. This is corrected by changing the aviation fuel tax, a cost variable that is controllable by aircraft owners. Even with these changes in the aviation tax, NH aviation fuel tax rates would still be significantly lower than our neighboring states. These changes should help companies that modernize their fleets to stay in NH and not move their operations to Massachusetts. This bill also ensures that our 25 airports in this state would continue to be given modest assistance from the revenues generated from these registration fees. Although this bill was unanimously passed by House Ways and Means and then passed the House on a

voice vote, the amendment now overturns that vote and will have a budgetary impact of nearly \$700,000 in general funds. Therefore the minority believes we should support the previous House position and vote this bill OTP without the amendment.

### Majority Amendment (1676h)

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

AN ACT relative to aircraft registration fees.

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

1 New Section; Reporting by Airport. Amend RSA 422 by inserting after section 20 the following new section:

422:20-a Reporting by Airport. The owner of each airport open for public use shall submit to the department quarterly a list of all aircraft, including the federal registration number for each aircraft, that are based at that airport.

2 Repeal. The following are repealed:

I. RSA 422:31, I-II, relative to aircraft registration fees.

II. RSA 422:32, III, relative to operating fees for operation of antique aircraft.

3 Aircraft Operating Fee. RSA 422:31, III is repealed and reenacted to read as follows:

III. An aircraft operating fee for each aircraft for which a state registration certificate is required. The amount of the fee for an antique aircraft, glider, or experimental aircraft shall be \$100. The amount of the fee for all other aircraft shall be based on the maximum certificated gross weight of the aircraft, as follows:

|                       |         |
|-----------------------|---------|
| 0-3000 lbs.           | \$100   |
| 3001-8000 lbs.        | \$250   |
| 8001-12,500 lbs.      | \$2,500 |
| more than 12,500 lbs. | \$3,500 |

4 New Section; Reporting by Commissioner. Amend RSA 422 by inserting after section 31 the following new section:

422:31-a Reporting by Commissioner. On or before September 15 of each year, the commissioner shall certify in a report to the governor and the chairpersons of the house and senate standing committees on ways and means the following information: for the fiscal year just ended, the numbers of aircraft registered in each of the weight classes listed in RSA 422:31, III; operating fee revenues received by weight class; the numbers of aircraft by weight class that were based during the fiscal year at each of the airports open for public use; and a summary report showing the total numbers of such registered aircraft by weight class by year beginning with the fiscal year ending June 30, 2017.

5 Operating Fee Revenues. Amend RSA 422:36, II to read as follows:

II. Disbursements of revenue from the aircraft operating fee shall be made by the department after collection of such fees provided that ~~1/4~~ **\$250,000** of aircraft operating fee revenues originating at a publicly or privately owned airport shall be available **each fiscal year** for public use and shall, upon application, be paid over to the aeronautical fund established for that airport and shall be used for aeronautical purposes.

6 Applicability.

I. While recognizing that the revision in aircraft registration fees in this act may positively or negatively impact revenues, it is the legislative intent that the operating budget of the bureau of aeronautics shall not be based upon anticipated general fund revenue collected under RSA 422. Any resulting revenue impacts resulting from changes herein shall not negatively impact funding for the operation of the bureau of aeronautics.

II. Effective July 1, 2018, the operating fee for an aircraft not previously registered in this state or an aircraft due for registration renewal after September 1, 2018 shall be the fee in RSA 422:31, III, as amended by section 3 of this act and there shall be no state registration fee for such aircraft.

7 Effective Date.

I. Sections 1-5 of this act shall take effect January 1, 2019.

II. The remainder of this act shall take effect July 1, 2018.

### AMENDED ANALYSIS

This bill requires quarterly reporting by airport owners, modifies registration and operating fees for aircraft, and adjusts the distribution of operating fee revenue.

Majority committee amendment adopted.

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

Rep. Burt requested a roll call; sufficiently seconded.

**YEAS 313 - NAYS 16**

**YEAS - 313**  
**BELKNAP**

Aldrich, Glen  
Huot, David  
Spanos, Peter

Comtois, Barbara  
Lang, Timothy  
St. Clair, Charlie

Tilton, Franklin  
Plumer, John  
Sylvia, Michael

Fields, Dennis  
Spagnuolo, Philip  
Vadney, Herbert

**CARROLL**

Avellani, Lino  
Crawford, Karel  
McConkey, Mark

Buco, Thomas  
DesMarais, Edith  
Nelson, Bill

Butler, Edward  
McCarthy, Frank  
Umberger, Karen

Comeau, Ed  
Knirk, Jerry  
Marsh, William

**CHESHIRE**

Abbott, Michael  
Burridge, Delmar  
Faulkner, Barry  
Mann, John  
Parkhurst, Henry  
Tatro, Bruce

Ames, Richard  
Harvey, Cathryn  
Fenton, Donovan  
McConnell, James  
Shepardson, Marjorie  
Pearson, William

Berch, Paul  
Ley, Douglas  
Johnsen, Gladys  
Meader, David  
Stallcop, Joseph  
Weber, Lucy

Bordenet, John  
Eaton, Daniel  
Hunt, John  
O'Day, John  
Sterling, Franklin

**COOS**

Fothergill, John  
Tucker, Edith

Laflamme, Larry  
Thomas, Yvonne

Merner, Troy

Richardson, Herbert

**GRAFTON**

Almy, Susan  
Brown, Duane  
Ham, Bonnie  
Ladd, Rick  
Mulligan, Mary Jane  
Smith, Suzanne

Bailey, Brad  
Campion, Polly  
Hennessey, Erin  
Maes, Kevin  
Nordgren, Sharon  
Johnson, Tiffany

Bennett, Travis  
Darrow, Stephen  
Higgins, Patricia  
Massimilla, Linda  
Rand, Steven

Binford, David  
Dontonville, Roger  
Josephson, Timothy  
Migliore, Vincent Paul  
Schwaegler, Vicki

**HILLSBOROUGH**

Ammon, Keith  
Baroody, Benjamin  
Burns, Charlie  
Carr, John  
Connors, Erika  
DiSilvestro, Linda  
Ferreira, Elizabeth  
Griffin, Gerald  
Hansen, Peter  
Hinch, Richard  
Jack, Martin  
Klee, Patricia  
Lascelles, Richard  
MacKay, Mariellen  
Manley, Jonathan  
Negron, Steve  
Ohm, Bill  
Proulx, Mark  
Rosenwald, Cindy  
Scully, Kevin  
Somero, Paul  
Twombly, Timothy  
Vann, Ivy

Ayala, Jessica  
Beaulieu, Jane  
Burt, John  
Chandley, Shannon  
Sullivan, Daniel  
Donovan, Daniel  
Freeman, Lisa  
Gagne, Larry  
Heath, Mary  
Graham, John  
Rice, Kimberly  
Kurk, Neal  
LeBrun, Donald  
McCarthy, Michael  
Martineau, Jesse  
Newman, Sue  
Long, Patrick  
Prout, Andrew  
Rouillard, Claire  
Seidel, Carl  
Souza, Kathleen  
Ulery, Jordan  
Williams, Kermit

Griffin, Barbara  
Biggie, Barbara  
Byron, Frank  
Christensen, Chris  
Danielson, David  
Edwards, Elizabeth  
Freitas, Mary  
Goley, Jeffrey  
Hellwig, Steve  
Moore, Josh  
Keane, Amelia  
L'Heureux, Robert  
Lewicke, John  
MacKenzie, Mark  
McLean, Mark  
Notter, Jeanine  
Panasiti, Reed  
Renzullo, Andrew  
Harvey, Suzanne  
Shaw, Barbara  
Smith, Timothy  
Sullivan, Victoria  
Zaricki, Nick

Backus, Robert  
Bouldin, Amanda  
Moore, Craig  
Christie, Rick  
Dickey, Glen  
Elber, Joel  
Fromuth, Bart  
Gould, Linda  
Herbert, Christopher  
Schmidt, Janice  
King, Mark  
Ober, Lynne  
Lisle, David  
Mangipudi, Latha  
Murphy, Keith  
O'Brien, Michael  
Pierce, David  
Roberts, Carol  
Sanborn, Laurie  
Sofikitis, Catherine  
Wolf, Terry  
Van Houten, Connie

**MERRIMACK**

Turcotte, Alan  
Long, Douglas  
Gile, Mary  
Horn, Werner  
Kotowski, Frank  
Mylar, Mel  
Rodd, Beth  
Seaworth, Brian  
Wallner, Mary Jane

Kuch, Bill  
Wolf, Dan  
Moffett, Howard  
MacKay, James  
Luneau, David  
Patten, Dick  
Rogers, Katherine  
Shurtleff, Stephen  
Walz, Mary Beth

Bartlett, Christy  
Doherty, David  
Hill, Gregory  
Kenison, Linda  
Moffett, Michael  
Pearl, Howard  
Schuett, Dianne  
Soucy, Timothy  
Wells, Natalie

Copp, Anne  
Ebel, Karen  
Hoell, J.R.  
Klose, John  
McGuire, Carol  
Richards, Beth  
Schultz, Kristina  
Walsh, Thomas

**ROCKINGHAM**

Abrami, Patrick  
Barnes, Arthur  
Cahill, Michael  
Cushing, Robert Renny  
Dowling, Patricia  
Fesh, Robert  
Marsh, Henry  
Edwards, Jess  
Katsakiores, Phyllis

Allen, Mary  
Bates, David  
Cali-Pitts, Jacqueline  
Thomas, Douglas  
Edgar, Michael  
Francese, Paula  
Hagan, Joseph  
Janigian, John  
Khan, Aboul

Altschiller, Debra  
Berrien, Skip  
Chirichiello, Brian  
DeSimone, Debra  
Elliott, Robert  
Green, Dennis  
Hoelzel, Kathleen  
Janvrin, Jason  
Kolodziej, Walter

Baldasaro, Alfred  
Bove, Martin  
Costable, Michael  
DiLorenzo, Charlotte  
Emerick, J. Tracy  
Guthrie, Joseph  
Itse, Daniel  
O'Connor, John  
Lerner, Kari

Lundgren, David  
Malloy, Dennis  
Messmer, Mindi  
Nigrello, Robert  
Pantelakos, Laura  
Spillane, James  
Tripp, Richard  
Wallace, Scott  
Weyler, Kenneth

Griffin, Mary  
Matthews, Carolyn  
Milz, David  
Osborne, Jason  
Read, Ellen  
Sytek, John  
True, Chris  
Ward, Gerald  
Willis, Brenda

Pearson, Mark  
McKinney, Betsy  
Morrison, Sean  
Gordon, Pamela  
Sapareto, Frank  
Le, Tamara  
Verville, Kevin  
Webb, James

Major, Norman  
McMahon, Charles  
Murray, Kate  
Packard, Sherman  
Somssich, Peter  
Torosian, Peter  
Vose, Michael  
Welch, David

### STRAFFORD

Beaudoin, Steven  
Cilley, Jacalyn  
Frost, Sherry  
Horgan, James  
Turcotte, Leonard  
Schmidt, Peter  
Sandler, Catt  
Spencer, Matthew

Berube, Roger  
Conley, Casey  
Gourgue, Amanda  
Horrigan, Timothy  
McNally, Jody  
Pitre, Joseph  
Scruton, Matthew  
Vincent, Kenneth

Bixby, Peter  
Ellis, Donna  
Grassie, Chuck  
Kaczynski, Thomas  
Mullen, John  
Graham, Robert  
Southworth, Thomas  
Wall, Janet

Burton, Wayne  
Fontneau, Timothy  
Harrington, Michael  
Keans, Sandra  
Opderbecke, Linn  
Salloway, Jeffrey  
Spang, Judith  
Wuelper, Kurt

### SULLIVAN

Cloutier, John  
Laware, Thomas  
Sullivan, Brian

Gottling, Suzanne  
Oxenham, Lee  
Tanner, Linda

Grenier, James  
Rollins, Skip

Irwin, Virginia  
Smith, Steven

### NAYS - 16 BELKNAP

Abear, Marc

### COOS

Hatch, William

Moynihan, Wayne

### GRAFTON

Abel, Richard

Sykes, George

### HILLSBOROUGH

Belanger, James

Martin, Joelle

O'Leary, Richard

Ober, Russell

### MERRIMACK

Carson, Clyde

### ROCKINGHAM

Farnham, Betsey  
McBeath, Rebecca

Gay, Betty  
Gordon, Richard

Gilman, Julie

Lovejoy, Patricia

and the majority committee report was adopted and ordered to third reading.

**SB 580**, relative to the creation of new class lines within the department of transportation, the department of health and human services, and the department of education, amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital, and transferring a capital budget appropriation for painting the ceiling of Representatives Hall to the legislative branch. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Tracy Emerick for Finance. This bill amends language concerning transfers of appropriated funds. It suspends otherwise unauthorized transfers from salaries and benefits in order to maximize federal grants and raises the maximum from \$75,000 to \$100,000 before approval of the fiscal committee is required. The bill authorizes departments to establish additional expenditure class lines with fiscal committee and governor and executive council approval. It supports and reiterates the previously passed legislative position requiring funding transfers out of or within the Sununu youth services center to obtain prior approval of the fiscal committee. It amends the capital budget to allow for door replacements at the New Hampshire hospital. It transfers a capital budget appropriation for painting the ceiling of Representatives Hall from the department of administrative services to the legislative branch. Vote 26-0.

### Amendment (1725h)

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

AN ACT relative to transfers of appropriated funds, amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital, and transferring a capital budget appropriation for painting the ceiling of Representatives Hall to the legislative branch.

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

1 Transfer Authority. RSA 9:16-a, I-II are repealed and reenacted to read as follows:

I. Notwithstanding any other provision of law, every department as defined in RSA 9:1 is hereby authorized to transfer funds within and among all accounting units within said department, provided that any transfer of \$100,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council, and provided that no funds may be transferred in violation of the provisions of RSA 9:17-a, 9:17-b, or 9:17-c or in violation of any restrictions otherwise provided by law. The restrictions included in RSA 9:17-a, 9:17-b, or 9:17-c shall not apply if a transfer is necessary to satisfy a federal maintenance of effort requirement to ensure the receipt of federal funds.

II. Subject to the limitations in paragraph III and approval of the fiscal committee of the general court and the governor and council, the transfers authorized in this section may include the establishment of new accounting units and expenditure class codes as necessary and appropriate to respond to changes in federal or state laws, regulations, or programs and otherwise as necessary for the efficient management of the department; provided that if a transfer does not include new accounting units or expenditure class codes, only transfers of \$100,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council.

2 New Paragraph; Transfers; Expenditure Class Restrictions. Amend RSA 9:16-a by inserting after paragraph II the following new paragraph:

II-a. Unless specifically permitted by an operating budget section or footnote, the following transfer restrictions shall apply to all departments:

(a) The appropriation budgeted in class 023-heat-electricity-water shall not be transferred or expended for any other purpose, except that agencies may transfer between class 023 appropriations as necessary.

(b) The appropriations in classes 047 and 048 for the maintenance of buildings and grounds shall not be transferred or expended for any other purpose and shall not lapse in the first year of the operating budget, except that appropriations for maintenance of buildings and grounds may be transferred as follows:

(1) Appropriations in class 047-own forces maintenance-buildings and grounds may transferred to other class 047 appropriations or to class 048-contractual maintenance- buildings and grounds appropriations.

(2) Appropriation in 048-contractual maintenance- buildings and grounds may transferred to other class 048-contractual maintenance- buildings and grounds appropriations or to class 047 appropriations.

(c) The appropriations budgeted class 027-transfers to DoIT, class 028-transfers to general services, class 041-audit funds set aside, class 042-additional fringe benefits, class 049-transfers, class 061-unemployment compensation, class 062-workers compensation, class 064-retiree pension benefit-health insurance, shall not be transferred or expended for any other purpose, except that agencies may transfer any portion of funds in class 027 transfers to OIT not related to IT shared services upon consultation with and approval from the CIO.

(d) The following account units within the department of natural and cultural resources shall be exempt from the transfer restrictions in subparagraphs (a), (b) and (c): 03-35-35-351510-3701, 03-35-35-351510-3745, 03-35-35-351510-3720, 03-35-35-351510-7300, 03-35-35-351510-3414, 03-35-35-351510-3556, 0335-35-351510-3558, 03-35-35-351510-3484, 03-35-35-351510-3486, 03-35-35351510-3488, 03-35-35-351510-3562, 03-35-35-351510-3415, 03-35-35-351510-3746, 03-35-35-351510-3777, 0335-35-351510-3717 and 03-35-35-351510-3703.

3 Appropriations; Transfers Authorized. Amend RSA 9:16-a, III to read as follows:

III. The ~~[\$75,000]~~ **\$100,000** threshold under paragraphs I-II shall be applied at the accounting unit level on a cumulative basis within the fiscal year. Once the threshold has been reached, the approval of the fiscal committee of the general court and the governor and council shall be required for subsequent transfers within the fiscal year.

4 Transfer of Funds for Operation of the Sununu Youth Services Center. Amend 2017, 156:169 to read as follows:

156:169 Transfer of Funds for Operation of the Sununu Youth Services Center.

**I.** In the case of transfers ~~[affecting the funding for any of the functions of]~~ **out of or within** the Sununu youth services center **affecting functions** subject to RSA 621, the prior approval of the fiscal committee of the general court shall be required. Prior to acting on transfer requests to which this section applies, the fiscal committee of the general court shall solicit the advice of the advisory group established in section 165 of this act. The commissioner may only seek a transfer which is subject to the requirements of this section if there has been full compliance with the requirements of section 165 of this act and RSA 169-B:19, VI, as amended by this act.

**II.(a) Under emergency circumstances only, the commissioner may seek approval of the fiscal committee of the general court for transfers into the Sununu youth services center affecting functions subject to RSA 621. For the purposes of this section, "emergency circumstances" shall mean:**

**(1) A situation in which the average census at the Sununu youth services center for a 60-day period has exceeded by at least 30 percent the average census for the 30 days preceding the initiation of that 60-day period; or**

**(2) A natural or other disaster beyond the control of the department.**

***(b) Transfers requested under this section shall be used to fund operations at the Sununu youth services center for a period not to exceed 3 months. If the situation persists, the commissioner may seek subsequent transfers in 3-month increments.***

5 Department of Health and Human Services; Capital Budget; Appropriation; Purpose Amended. Amend 2011, 253:1, VII, D, extended by 2013, 195:47, 60, amended by 2014, 121:3, extended by 2015, 220:23, 61, extended by 2017, 228:22, 82, to read as follows:

|                                                               |           |
|---------------------------------------------------------------|-----------|
| D. APS Repairs/Renovations-Roof, Windows and Curtain Wall     | 3,675,000 |
| <b><i>and Door Replacements or Other Related Upgrades</i></b> |           |

6 Capital Budget; Department of Administrative Services; Representatives Hall Project Removed. Amend 2017, 228:1, II, B, 9 to read as follows:

|                                                          |          |
|----------------------------------------------------------|----------|
| 9. [State House Representatives Hall - Paint Ceiling     | 665,000] |
| Project transferred to paragraph XIV, Legislative Branch |          |

7 Total Adjusted; Capital Budget; Administrative Services. Amend 2017, 228:1, II, total state appropriation paragraph II, to read as follows:

|                                        |                                    |
|----------------------------------------|------------------------------------|
| Total state appropriation paragraph II | [\$26,595,000] <b>\$25,930,000</b> |
|----------------------------------------|------------------------------------|

8 Capital Budget; Legislative Branch; Representatives Hall Ceiling Project Added. Amend 2017, 228:1, XIV to read as follows:

XIV. Legislative Branch

|                                      |         |
|--------------------------------------|---------|
| A. Legislative Parking Garage Design | 740,000 |
|--------------------------------------|---------|

|                                                                   |                  |
|-------------------------------------------------------------------|------------------|
| <b><i>B. State House Representatives Hall - Paint Ceiling</i></b> | <b>\$665,000</b> |
|-------------------------------------------------------------------|------------------|

|                                         |                                |
|-----------------------------------------|--------------------------------|
| Total state appropriation paragraph XIV | [\$740,000] <b>\$1,405,000</b> |
|-----------------------------------------|--------------------------------|

9 Legislative Branch Capital Projects; Lapse Eliminated. The appropriations made to the legislative branch in 2017, 228:1, XIV as amended by section 8 of this act, shall not lapse.

10 Department of Administrative Services; Transfer Authority; Consolidation of Human Resources and Payroll Functions. In order to comply with the provisions of 2017, 156:1, the commissioner of the department of administrative services is hereby authorized to transfer funds within and among all accounting units and/or expenditure class codes within the department, and is further authorized to create new class codes with the department into which funds may be transferred or placed as the commissioner deems necessary for compliance with the provisions of 2017, 156:1. The provisions of this section shall terminate on July 1, 2019.

11 Repeal. RSA 9:17-a, III, relative to the exemption of the department of health and human services from certain transfer procedures, is repealed.

12 Effective Date.

I. RSA 9:16-a, II-a(a)-(b) as inserted by section 2 of the bill shall take effect July 1, 2018.

II. RSA 9:16-a, II-a(c)-(d) as inserted by section 2 of the bill shall take effect July 1, 2019.

III. Section 3 of this act shall take effect July 1, 2018.

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

#### AMENDED ANALYSIS

This bill:

I. Amends language concerning transfers of appropriated funds.

II. Authorizes departments to establish additional expenditure class lines with fiscal committee and governor and executive council approval.

III. Requires funding transfers out of or within the Sununu youth services center to obtain prior approval of the fiscal committee.

IV. Amends the capital budget to allow for door replacements at the New Hampshire hospital.

V. Transfers a capital budget appropriation for painting the ceiling of Representatives Hall from the department of administrative services to the legislative branch.

VI. Authorizes the commissioner of the department of administrative services to transfer appropriated funds for one year.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

**SB 590-FN-A**, making a supplemental appropriation to the state loan repayment program and relative to emergency involuntary admissions, the child protection act, and the developmental disabilities wait list and making appropriations therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank Byron for Finance. As amended, SB 590 now includes a "lockbox" designed to store the department of health and human services (DHHS) excess appropriation for the children's health insurance program of more than \$25M for each of the next two years. This lockbox will collect the excess money and require legislative approval for expenditures out of this fund, with any remaining amounts being returned the state's general fund at the end of each fiscal year. The bill was amended to include \$410,000 for the state's loan repayment program that seeks to partner with business in the state to help pay student loans for individuals who are filling specialty jobs such as nurses, doctors, etc. that are in short supply in less populated sections of the

state. The amendment includes \$5.4 million in general and federal funds for reducing the developmental disabilities (DD) wait list. The original bill also clarified the process of the involuntary emergency admissions and discharge laws that the committee did not change. Finally, the committee heard from DHHS that there was difficulty establishing a new mobile crisis team in the state. In response to the department's request, the amendment changes the purpose of the existing appropriation by allowing DHHS to establish either one mobile crisis team or one behavioral health crisis treatment center utilizing the budgeted appropriation. Vote 22-0.

#### Amendment (1705h)

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

AN ACT relative to the state loan repayment program, the developmental disabilities wait list, involuntary admissions procedures, and the mental health system.

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

1 New Section; Department of Health and Human Services; Account Established. Amend RSA 126-A by inserting after section 74 the following new section:

126-A:75 Excess Appropriation Allocation Account. There is hereby established under the department of health and human services an excess appropriation allocation account. For the biennium ending June 30, 2019, immediately upon acceptance by the fiscal committee of any federal funds attributable to the 38 percentage point enhanced federal match for the children's health insurance program, the commissioner of administrative services shall transfer general funds of an equal amount from account 05-95-47-470010-7948, Medicaid Care Management, into the excess appropriation allocation account. Any funds remaining unspent in the excess appropriation allocation account at the end of each fiscal year shall lapse to the state general fund.

2 Department of Health and Human Services; State Loan Repayment Program; Funding Source. The department of health and human services is authorized to utilize up to \$410,000 in the fiscal year ending June 30, 2019, for the purpose of providing additional funding to the state loan repayment program. This amount shall be a charge against the department of health and human services excess appropriation allocation account established in RSA 126-A:75. If new federal funds become available to the program, the department is authorized to accept and expend such funds without prior approval of the fiscal committee. Participants in the state loan repayment program shall agree to work or practice in the state for a total of 3 years.

3 Department of Health and Human Services; Developmental Disabilities Wait List; Funding Source. The department of health and human services is authorized to utilize up to \$5,400,000 in the fiscal year ending June 30, 2019, for the purpose of funding the developmental disabilities wait list. Of this amount, \$2,700,000 shall be a charge against the department of health and human services excess appropriation allocation account established in RSA 126-A:75 and \$2,700,000 shall be federal funds. Fiscal committee approval shall not be required for the acceptance and expenditure of federal funds authorized under this section.

4 New Paragraph; Mental Health Services System; Definitions. Amend RSA 135-C:2 by inserting after paragraph XV the following new paragraph:

XV-a. "Transitional housing program services" means a residential program that provides housing and support services to persons with serious and persistent mental illness through a contract with the department of health and human services.

5 Involuntary Emergency Admissions; Examination. Amend RSA 135-C:28, I to read as follows:

I. The involuntary emergency admission of a person shall be to the state mental health services system under the supervision of the commissioner. The admission may be ordered upon the certificate of a physician or APRN, as defined in RSA 135-C:2, II-a, who is approved by either a designated receiving facility or a community mental health program approved by the commissioner, provided that within 3 days of the completion of the petition the physician or APRN has conducted, or has caused to be conducted, a physical examination if indicated and circumstances permit, and a mental examination. The physician or APRN must find that the person to be admitted meets the criteria of RSA 135-C:27. The certificate shall state the time and, in detail, the nature of the examinations conducted. The certificate shall also state a specific act or actions the physician or APRN has actually observed or which have been reported to him or her by the petitioner or a reliable witness who shall be identified in the certificate, and which in the physician's or APRN's *or designee's* opinion satisfy the criteria set forth in RSA 135-C:27. The physician or APRN shall ~~identify in the certificate the facility in the state mental health services system to which the person shall be admitted~~ **inform the person of the designated receiving facility in the mental health services system that he or she will be transported to upon the facility location being identified.** The admission shall be made to the facility which can best provide the degree of security and treatment required by the person and shall be consistent with the placement principles set forth in RSA 135-C:15. As used in RSA 135-C:27-33, "petitioner" means any individual, including a physician or APRN completing a certificate, who has requested that a physician or APRN conduct or who has conducted an examination for purposes of involuntary emergency admission. Every certificate shall be accompanied by a written petition signed by a petitioner.

6 Nonemergency Involuntary Admissions; Conditions of Conditional Discharge. Amend RSA 135-C:50, III to read as follows:

III. During the term of conditional discharge, the person conditionally discharged shall be provided with continuing treatment on an out-patient basis by a community mental health program approved by the commissioner **or by transitional housing program services.**

7 Nonemergency Involuntary Admissions; Revocation of Conditional Discharge. Amend the introductory paragraph of RSA 135-C:51, I to read as follows:

I. If a psychiatrist or APRN, as defined in RSA 135-C:2, II-a, at a community mental health program **or transitional housing program services** providing continuing treatment on an outpatient basis to a person conditionally discharged pursuant to RSA 135-C:50, reasonably believes that:

8 Nonemergency Involuntary Admissions; Revocation of Conditional Discharge. Amend RSA 135-C:51, III to read as follows:

III. If the psychiatrist or APRN, following the examination the psychiatrist or APRN conducted or caused to be conducted of the person, finds that the person either has violated a condition of the discharge or is in such a mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or herself or to others, he or she may temporarily revoke the conditional discharge. If the conditional discharge is temporarily revoked, the psychiatrist, or APRN, or designee, shall prepare, offer to and explain to the person a written notice, if it can be done safely without significant possibility of bodily harm, giving the reasons for the revocation and to ~~identify the receiving facility to which the person is to be delivered~~ **inform the person of the designated receiving facility in the mental health services system that he or she will be transported to upon the facility location being identified.** If this cannot be done safely, a description of the circumstances indicating such risk shall be placed in the file.

9 Guardians and Conservators; General Powers and Duties of Guardian of the Person. Amend RSA 464-A:25, I(a) to read as follows:

(a) To the extent that it is consistent with the terms of any order by a court of competent jurisdiction relating to detention or commitment of the ward, the guardian shall be entitled to custody of the ward and may establish the ward's place of abode within or without this state. Admission to a state institution **or other designated receiving facility** shall be in accordance with the following:

(1) A guardian may admit a ward to a state institution **or other designated receiving facility** with prior approval of the probate court if, following notice and hearing, the court finds beyond a reasonable doubt that the placement is in the ward's best interest and is the least restrictive placement available. Authorization for such admission shall not be time limited unless the court so orders. Authority to admit a ward to a state institution **or other designated receiving facility** with prior approval under this subparagraph shall not be subject to the limitations contained in RSA 464-A:25, I(a)(2) through (7).

(2) A guardian may admit a ward to a state institution **or other designated receiving facility** without prior approval of the probate court upon written certification by a physician licensed in the state of New Hampshire, or, in the case of placement in New Hampshire hospital or other designated receiving facility, by a psychiatrist licensed in the state of New Hampshire, or an advanced practice registered nurse, as defined in RSA 135-C:2, II-a, that the placement is in the ward's best interest and is the least restrictive placement available. Within 36 hours, excluding days when the court is closed, of such an admission of a ward to a state institution **or other designated receiving facility**, the guardian shall submit to the Merrimack county probate court notice of the admission and the reasons therefor, together with a copy of the certificate by the physician, psychiatrist, or advanced practice registered nurse.

(3) The Merrimack county probate court shall review the guardian's notice within 48 hours of the filing of the notice, excluding days when the court is closed, to determine whether the notice on its face appears to establish that the placement is in the ward's best interest and is the least restrictive placement available. If the court concludes that the notice is insufficient, the court shall order the immediate release of the ward from the state institution **or other designated receiving facility**. If the court concludes that the notice is sufficient, counsel for the ward shall be appointed no later than 48 hours following the court's review of the guardian's notice, excluding days when the court is closed. Notice of the appointment shall be transmitted to the ward, to the guardian, and to counsel. Counsel's notice shall be transmitted in writing and electronically or in another manner which is likely to give actual notice of the appointment to counsel at the earliest practicable time. For purposes of proceedings regarding admissions to state institutions **or other designated receiving facilities** without prior court approval, the ward shall have the right to legal counsel in the same manner as provided in RSA 464-A:6. The court shall also provide the ward a notice stating that the ward has the right to appointed counsel, the right to oppose the admission by the guardian, and the right to a hearing and to present evidence at that hearing.

(4) Counsel for a ward admitted to a state institution **or other designated receiving facility** who has been appointed pursuant to subparagraph (3) shall deliver a written report to the court within 5 days of his or her appointment which shall declare whether the ward requests a hearing on the propriety of the admission. Unless the ward waives a hearing, counsel's report shall include a request for a hearing on behalf of the ward. A copy of counsel's report shall be sent to the ward and to the guardian. If the court

does not receive a written report from counsel within 5 days of counsel's appointment, the court shall order appropriate relief, including but not limited to substitution of counsel, an order to show cause, or scheduling of a hearing on the propriety of the admission without awaiting a report from counsel.

(5) Upon receipt of a request for a hearing, the court shall schedule a hearing on the admission to a state institution *or other designated receiving facility* without prior approval of the probate court, at which the guardian shall have the burden of proving, beyond a reasonable doubt, that the placement is in the ward's best interest and is the least restrictive placement available. The hearing shall be held within 10 days, excluding days when the court is closed, from the date that the request is received.

(6) A guardian may not admit a ward to a state institution *or other designated receiving facility* for more than 60 days for any single admission or more than 90 days in any 12-month period upon certification of a physician or psychiatrist, or an advanced practice registered nurse, as defined in RSA 135-C:2, II-a, without filing a petition requesting approval of the probate court.

(7) At any time, the ward or counsel for the ward may request a hearing on the admission to a state institution *or other designated receiving facility* without prior approval of the probate court, at which the guardian shall have the burden of proving, beyond a reasonable doubt, that the placement is in the ward's best interest and is the least restrictive placement available. The hearing shall be held within 15 days, excluding days when the court is closed, from the date that the hearing is requested.

10 New Section; Rescission of Involuntary Admission. Amend RSA 135-C by inserting after section 29 the following new section:

135-C:29-a Rescission of Involuntary Admission.

I. Following completion of an involuntary emergency admission certificate under RSA 135-C:28 and before custody of the person is accepted by a law enforcement officer pursuant to RSA 135-C:29, the certificate may be rescinded and the person who is the subject of the certificate released in any of the following circumstances:

(a) A mobile crisis team under contract with the department of health and human services accepts transfer of the person's care.

(b) An assertive community treatment team operated by a community mental health program accepts transfer of the person's care.

(c) A community-based provider accepts transfer of the person's care.

II. Following completion of an involuntary emergency admission certificate under RSA 135-C:28 and before custody of the person is accepted by a law enforcement officer pursuant to RSA 135-C:29, the certificate shall be rescinded and the person who is the subject of the certificate released if the physician or APRN who completed the certificate, or any other physician or APRN authorized to complete such certificates, finds that the person no longer meets the criteria of RSA 135-C:27.

III. No civil action shall be maintained against a person who rescinds an involuntary admission pursuant to paragraph I or II, provided that the person is acting in good faith within the limits of his or her authority.

11 Ten-Year Plan for Mental Health Services. Amend 2017, 112:2, III to read as follows:

III. The commissioner of the department of health and human services shall submit the plan to the speaker of the house of representatives, the president of the senate, and the governor on or before ~~July 1, 2018~~ **October 15, 2018**. The department shall provide interim reports to the oversight committee on health and human services, established under RSA 126-A:13, on or before October 1, 2017 and on or before March 1, 2018. Thereafter, the department shall report quarterly to the health and human services oversight committee providing an update on the progress of the development and implementation of the plan.

12 Repeal; Department of Health and Human Services; Mobile Crisis Teams and Apartments. 2017, 156:188, relative to mobile crisis teams and apartments, is repealed.

13 Department of Health and Human Services; Behavioral Health Policy Options. For the fiscal year ending June 30, 2019, the department of health and human services is authorized to use up to \$3,421,696 of existing appropriations for one of the 2 purposes specified in paragraph I or II of this section. Of this amount, \$2,360,848 shall be state general funds and \$1,060,848 shall be federal funds. The department is authorized to choose from one of the following 2 options, based upon a determination by the commissioner, as to which option will more readily address the state's behavioral health needs:

I. Establish one behavioral health crisis treatment center in a geographic location that has high rates of admissions to and discharges from New Hampshire hospital.

II. Establish one mobile crisis team and related apartments.

14 Designated Receiving Facilities; Residential Beds. The section heading and paragraph I of 2017, 156:186 are repealed and reenacted to read as follows:

156:186 Supported Housing; Residential Beds.

I. The commissioner of the department of health and human services shall contract with programs that enable individuals with serious mental illness to attain and maintain integrated, affordable, supported housing. The department shall use funding not to exceed \$500,000 from existing appropriations for the biennium

ending June 30, 2019. Eligibility for such funding shall include persons who are not eligible for existing housing subsidy programs. The department shall submit a monthly report to the fiscal committee of the general court regarding implementation of this section.

15 Repeal. RSA 126-A:75, relative to the excess appropriation allocation account, is repealed.

16 Effective Date.

I. Section 15 of this act shall take effect July 1, 2019.

II. The remainder of this act shall take effect July 1, 2018.

#### AMENDED ANALYSIS

This bill:

I. Establishes an excess appropriation allocation account in the department of health and human services for the biennium ending June 30, 2019, and authorizes the department to use a portion of the account for the state loan repayment program.

II. Designates funding for the developmental disabilities wait list from federal funds and the excess appropriation allocation account.

III. Clarifies admission to receiving facilities and other services for people who are involuntarily committed under RSA 135-C.

IV. Extends the reporting date for the 10-year plan for mental health services to October 15, 2018.

V. Directs the department of health and human services to increase behavioral health services by establishing either a behavioral health crisis treatment center or a mobile crisis team and related apartments.

VI. Directs the department of health and human services to use a portion of the agency's current appropriation to fund supported housing for individuals with serious mental illness.

Committee amendment adopted.

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

Rep. Martin requested a roll call; sufficiently seconded.

#### YEAS 315 - NAYS 14

##### YEAS - 315

##### BELKNAP

Comtois, Barbara  
Plumer, John  
Vadney, Herbert

Tilton, Franklin  
Spagnuolo, Philip

Fields, Dennis  
Spanos, Peter

Huot, David  
St. Clair, Charlie

##### CARROLL

Avellani, Lino  
DesMarais, Edith  
Nelson, Bill

Buco, Thomas  
McCarthy, Frank  
Umberger, Karen

Butler, Edward  
Knirk, Jerry  
Marsh, William

Crawford, Karel  
McConkey, Mark

##### CHESHIRE

Abbott, Michael  
Burridge, Delmar  
Fenton, Donovan  
McConnell, James  
Shepardson, Marjorie  
Pearson, William

Ames, Richard  
Harvey, Cathryn  
Johnsen, Gladys  
Meader, David  
Stallcop, Joseph  
Weber, Lucy

Berch, Paul  
Eaton, Daniel  
Hunt, John  
O'Day, John  
Sterling, Franklin

Bordenet, John  
Faulkner, Barry  
Mann, John  
Parkhurst, Henry  
Tatro, Bruce

##### COOS

Fothergill, John  
Moynihan, Wayne  
Thomas, Yvonne

Hatch, William  
Richardson, Herbert

Laflamme, Larry  
Theberge, Robert

Merner, Troy  
Tucker, Edith

##### GRAFTON

Abel, Richard  
Binford, David  
Dontonville, Roger  
Josephson, Timothy  
Migliore, Vincent Paul  
Schwaegler, Vicki

Almy, Susan  
Brown, Duane  
Ham, Bonnie  
Ladd, Rick  
Mulligan, Mary Jane  
Smith, Suzanne

Bailey, Brad  
Campion, Polly  
Hennessey, Erin  
Maes, Kevin  
Nordgren, Sharon  
Sykes, George

Bennett, Travis  
Darrow, Stephen  
Higgins, Patricia  
Massimilla, Linda  
Rand, Steven  
Johnson, Tiffany

##### HILLSBOROUGH

Ammon, Keith  
Baroody, Benjamin  
Burns, Charlie  
Chandley, Shannon  
Danielson, David  
Edwards, Elizabeth

Ayala, Jessica  
Beaulieu, Jane  
Burt, John  
Christensen, Chris  
Dickey, Glen  
Elber, Joel

Griffin, Barbara  
Biggie, Barbara  
Byron, Frank  
Connors, Erika  
DiSilvestro, Linda  
Freeman, Lisa

Backus, Robert  
Bouldin, Amanda  
Moore, Craig  
Sullivan, Daniel  
Donovan, Daniel  
Freitas, Mary

Griffin, Gerald  
Heath, Mary  
Graham, John  
Rice, Kimberly  
Kurk, Neal  
LeBrun, Donald  
McCarthy, Michael  
Martin, Joelle  
Murphy, Keith  
O'Brien, Michael  
Panasiti, Reed  
Renzullo, Andrew  
Harvey, Suzanne  
Shaw, Barbara  
Smith, Timothy  
Sullivan, Victoria

Gagne, Larry  
Herbert, Christopher  
Moore, Josh  
Keane, Amelia  
L'Heureux, Robert  
Lewicke, John  
MacKenzie, Mark  
Martineau, Jesse  
Negron, Steve  
O'Leary, Richard  
Pierce, David  
Roberts, Carol  
Sanborn, Laurie  
Sofikitis, Catherine  
Wolf, Terry  
Van Houten, Connie

Goley, Jeffrey  
Hinch, Richard  
Schmidt, Janice  
King, Mark  
Ober, Lynne  
Lisle, David  
Mangipudi, Latha  
McLean, Mark  
Newman, Sue  
Ohm, Bill  
Proulx, Mark  
Rosenwald, Cindy  
Scully, Kevin  
Somero, Paul  
Twombly, Timothy  
Vann, Ivy

Gould, Linda  
Belanger, James  
Jack, Martin  
Klee, Patricia  
Lascelles, Richard  
MacKay, Mariellen  
Manley, Jonathan  
McNamara, Richard  
Notter, Jeanine  
Long, Patrick  
Prout, Andrew  
Rouillard, Claire  
Seidel, Carl  
Souza, Kathleen  
Ulery, Jordan  
Williams, Kermit

### MERRIMACK

Turcotte, Alan  
Copp, Anne  
Ebel, Karen  
Hoell, J.R.  
Klose, John  
McGuire, Carol  
Richards, Beth  
Schultz, Kristina  
Walsh, Thomas

Kuch, Bill  
Long, Douglas  
Gile, Mary  
Horn, Werner  
Kotowski, Frank  
Myler, Mel  
Rodd, Beth  
Seaworth, Brian  
Wallner, Mary Jane

Bartlett, Christy  
Wolf, Dan  
Moffett, Howard  
MacKay, James  
Luneau, David  
Patten, Dick  
Rogers, Katherine  
Shurtleff, Stephen  
Walz, Mary Beth

Carson, Clyde  
Doherty, David  
Hill, Gregory  
Kenison, Linda  
Moffett, Michael  
Pearl, Howard  
Schuett, Dianne  
Soucy, Timothy  
Wells, Natalie

### ROCKINGHAM

Abrami, Patrick  
Barnes, Arthur  
Cahill, Michael  
Cushing, Robert Renny  
Dowling, Patricia  
Farnham, Betsey  
Gilman, Julie  
Hoelzel, Kathleen  
Janvrin, Jason  
Kolodziej, Walter  
Griffin, Mary  
Matthews, Carolyn  
Messmer, Mindi  
Osborne, Jason  
Gordon, Richard  
Spillane, James  
Tripp, Richard  
Wallace, Scott  
Weyler, Kenneth

Allen, Mary  
Bates, David  
Cali-Pitts, Jacqueline  
Thomas, Douglas  
Edgar, Michael  
Fesh, Robert  
Guthrie, Joseph  
Itse, Daniel  
O'Connor, John  
Lerner, Kari  
Pearson, Mark  
McBeath, Rebecca  
Milz, David  
Gordon, Pamela  
Read, Ellen  
Sytek, John  
True, Chris  
Ward, Gerald  
Willis, Brenda

Altschiller, Debra  
Berrien, Skip  
Chirichiello, Brian  
DeSimone, Debra  
Elliott, Robert  
Francese, Paula  
Marsh, Henry  
Edwards, Jess  
Katsakiores, Phyllis  
Lovejoy, Patricia  
Major, Norman  
McKinney, Betsy  
Murray, Kate  
Packard, Sherman  
Sapareto, Frank  
Le, Tamara  
Verville, Kevin  
Webb, James

Baldasaro, Alfred  
Bove, Martin  
Costable, Michael  
DiLorenzo, Charlotte  
Emerick, J. Tracy  
Gay, Betty  
Hagan, Joseph  
Janigian, John  
Khan, Aboul  
Lundgren, David  
Malloy, Dennis  
McMahon, Charles  
Nigrello, Robert  
Pantelakos, Laura  
Somssich, Peter  
Torosian, Peter  
Vose, Michael  
Welch, David

### STRAFFORD

Berube, Roger  
Conley, Casey  
Gourgue, Amanda  
Horrigan, Timothy  
McNally, Jody  
Pitre, Joseph  
Scruton, Matthew  
Vincent, Kenneth

Bixby, Peter  
Ellis, Donna  
Grassie, Chuck  
Kaczynski, Thomas  
Mullen, John  
Graham, Robert  
Southworth, Thomas  
Wall, Janet

Burton, Wayne  
Fontneau, Timothy  
Harrington, Michael  
Keans, Sandra  
Opderbecke, Linn  
Salloway, Jeffrey  
Spang, Judith  
Wuelper, Kurt

Cilley, Jacalyn  
Frost, Sherry  
Horgan, James  
Turcotte, Leonard  
Schmidt, Peter  
Sandler, Catt  
Spencer, Matthew

### SULLIVAN

Cloutier, John  
Irwin, Virginia  
Smith, Steven

Gagnon, Raymond  
Laware, Thomas  
Sullivan, Brian

Gottling, Suzanne  
Oxenham, Lee  
Tanner, Linda

Grenier, James  
Rollins, Skip

### NAYS - 14

### BELKNAP

Sylvia, Michael

### CARROLL

Abear, Marc

Aldrich, Glen

Comeau, Ed

**HILLSBOROUGH**Carr, John  
Hansen, PeterChristie, Rick  
Hellwig, SteveFerreira, Elizabeth  
Ober, RussellFromuth, Bart  
Zaricki, Nick**ROCKINGHAM**

Green, Dennis

**STRAFFORD**

Beaudoin, Steven

and the committee report was adopted and ordered to third reading.

**SB 592-FN-A**, relative to the child welfare system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank Byron for Finance. This bill collects sections contained in various other bills dealing with the division of children, youth and families (DCYF) and addresses them in this one bill. The bill provides funding for its appropriation through excess, unanticipated Children's Health Insurance Program funds estimated in excess of \$25M for FY 2018 that the department of health and human services expects to receive. The committee has created a lockbox securing these funds against department spending except by legislative approval. After each fiscal year, these funds will lapse into the state's general fund. The bill authorizes DCYF to hire 17 additional child protective social workers and 2 supervisory staff to increase the available staff handling possible child abuse cases. The committee added 2 clerical staff to handle paperwork and records in order to help ensure that the caseworkers maximize their available field time. All of these additional staff cost \$1.33M. The committee heard testimony that the state's foster care system is in trouble and lacks sufficient foster care parents due to a lack of staff for certification. The committee has included in the bill 8 additional resource workers to qualify new foster care parents along with \$500,000 to increase foster care rates and to assist in adoption programs. Also, to help with the drug crisis, the bill provides for two licensed alcohol and drug counselors on a contract basis with the department. The bill also addresses those families in need of services through the use of the federal funding as part of the Temporary Aid to Needy Families (TANF) program. The bill authorizes the use of \$500,000 equally divided between home visitation services and voluntary services; both programs are designed to assist families in trouble before DCYF enforcement actions are taken. An additional \$500,000 was allocated to the department's parental assistance program, also designed to help parents before DCYF enforcement actions occur. Testimony by the NH Attorney General also indicated that, due to the opioid crisis, there are significantly more cases requiring his office to take legal action to ensure children's safety. For this reason, 2 additional attorneys were added to his staff. Lastly, the bill creates a joint legislative study committee to examine the implementation of a family drug court having responsibility for child protective cases in which parents have a substance use disorder and to report back its findings by November 1, 2018. Vote 23-0.

**Amendment (1704h)**

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

1 New Section; Department of Health and Human Services; Account Established. Amend RSA 126-A by inserting after section 74 the following new section:

126-A:75 Excess Appropriation Allocation Account. There is hereby established under the department of health and human services an excess appropriation allocation account. For the biennium ending June 30, 2019, immediately upon acceptance by the fiscal committee of any federal funds attributable to the 38 percentage point enhanced federal match for the children's health insurance program, the commissioner of administrative services shall transfer general funds of an equal amount from account 05-95-47-470010-7948, Medicaid Care Management, into the excess appropriation allocation account. Any funds remaining unspent in the excess appropriation allocation account at the end of each fiscal year shall lapse to the state general fund.

2 Department of Health and Human Services; Division for Children Youth and Families; Classified Positions Established. The following classified positions are hereby established in the department of health and human services, division for children, youth and families:

I. Seventeen child protection social worker I positions, at labor grade 18.

II. Two supervisor IV positions, at labor grade 25.

III. Two clerical (executive secretary II) positions, at labor grade 11.

3 Department of Health and Human Services; Positions; Funding Source. The department of health and human services may use up to \$1,333,000 in the fiscal year ending June 30, 2019 for the purpose of funding the positions established in section 2 of this act. Of this amount, \$826,460 shall be a charge against the department of health and human services excess appropriation allocation account established in RSA 126-A:75, and \$506,540 shall be federal funds. Fiscal committee approval shall not be required for the acceptance and expenditure of federal funds authorized under this section.

4 Department of Health and Human Services; Positions Added; Funding Source.

I. The department of health and human services may use up to \$718,000 in the fiscal year ending June 30, 2019 for the purpose of funding the following positions:

(a) Eight child protective services workers, who shall be designated resource workers and shall be employees of the department.

(b) Two licensed alcohol and drug counselors, who shall contract with the department.

II. Of the amount authorized, \$445,160 shall be a charge against the department of health and human services excess appropriation allocation account established in RSA 126-A:75, and \$272,840 shall be federal funds. Fiscal committee approval shall not be required for the acceptance and expenditure of federal funds authorized under this section.

5 Department of Health and Human Services; Foster Care Rates and Foster Care and Adoption Programs. The department of health and human services may use up to \$500,000 in the fiscal year ending June 30, 2019 for the purpose of funding foster care rates and foster care and adoption programs. Of this amount, \$310,000 shall be a charge against the department of health and human services excess appropriation allocation account established in RSA 126-A:75, and \$190,000 shall be federal funds. Fiscal committee approval shall not be required for the acceptance and expenditure of federal funds authorized under this section.

6 Child Protection Act; Duties of the Department of Health and Human Services. Amend RSA 169-C:34, II-a to read as follows:

II-a. The department may issue a confidential letter of concern to a person or persons responsible for the safety and welfare of the child that although there is insufficient evidence to substantiate a finding of abuse or neglect or of unfounded but with reasonable concern, the department encourages the person or persons responsible for the safety and welfare of the child to seek family support services and provide contact information to obtain such services. ***Upon initiating an assessment, the department may offer the family ameliorative services to reduce risk and address child safety concerns.***

7 Child Protection Act; Duties of the Department of Health and Human Services. Amend RSA 169-C:34, V and V-a to read as follows:

V. Notwithstanding any other provision of law to the contrary, the department may~~[-pursuant to a voluntary service plan that is developed and provided for a minor and the minor's family by the department,]~~ offer voluntary services to families without making a determination of the person or persons ~~[apparently]~~ responsible for the abuse or neglect. The department shall adopt rules, pursuant to RSA 541-A, relative to the provision of voluntary services under this paragraph. ***The rules shall include provisions relative to the development of metrics to measure the effectiveness of voluntary services. The costs of voluntary services provided by the department under this paragraph shall not be eligible for reimbursement under RSA 169-C:27.***

V-a. Notwithstanding any other provision of law to the contrary, the department may~~[-pursuant to a voluntary service plan that is developed and provided for the child by the department,]~~ offer voluntary services to any child who prior to his or her eighteenth birthday was found to be neglected or abused, who was in legal custody of the department as of his or her eighteenth birthday, and who is less than 21 years of age. ***The costs of voluntary services provided by the department under this paragraph shall not be eligible for reimbursement under RSA 169-C:27.***

8 Child Protection Act; Liability for Expenses; Voluntary Services Excluded. Amend RSA 169-C:27, I(a) and (b) to read as follows:

(a) Whenever an order creating liability for expenses is issued by the court under this chapter ~~[or whenever a voluntary service plan is developed and provided for a minor and the minor's family by the department]~~, any expenses incurred for services, placements, and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the department of health and human services.

(b) Subparagraph (a) shall not apply to:

(1) Expenses incurred for special education and related services~~[-or to];~~

(2) Expenses incurred for evaluation, care, and treatment of the child at the New Hampshire hospital; ~~[or to]~~

(3) Expenses incurred for the cost of accompanied transportation; ***or***

(4) ***Expenses incurred for voluntary services provided to a minor or the minor's family pursuant to RSA 169-C:34, II-a, RSA 169-C:34, V, or RSA 169-C:34, V-a.***

9 Department of Health and Human Services; Voluntary Services; Funding Source. The department of health and human services may use up to \$1,500,000 in the fiscal year ending June 30, 2019 for the purpose of funding voluntary services to children, youth, and families under RSA 169-C. Wherever possible, the department shall use federal TANF funds to fund services under this section, unless the TANF reserve falls below \$40,000,000, at which point TANF funds shall not be used. Any non-TANF share of costs shall be a charge against the department of health and human services, excess appropriation allocation account established in RSA 126-A:75.

10 New Section; Guardianship of Minors and Estates of Minors; Guardianship of Minors in Foster Care and Consent for Medical Treatment. Amend RSA 463 by inserting after section 12 the following new section:

463:12-a Guardianship of Minors in Foster Care and Consent for Medical Treatment. For any guardianship granted to the department of health and human services for a minor in foster care, or for any minor in the legal custody of the department receiving foster care services, the department's authority to consent to medical treatment for the minor may be established by, but not limited to, any of the following:

I. A duly executed "Authorization for Medical Treatment" signed by the minor's parent or guardian;

II. For the provision of ordinary medical care, including behavioral, mental health, or developmental health services, a copy of that portion of the court order transferring legal custody of the minor to the department under RSA 169-C; or

III. A copy of the letter of guardianship issued to the department that authorizes the department to consent to medical or other treatment of the minor.

11 TANF Funded Initiative; Home Visiting Services. The department of health and human services shall use \$250,000 of available Temporary Assistance to Needy Families (TANF) funds to expand home visiting services through family resource centers. A priority shall be placed on providing home visiting services to families to whom the department has issued a letter of concern pursuant to RSA 169-C:34, II-a, cases reported by the department of health and human services as unfounded but with reasonable concern, as defined in RSA 169-C:3, XXIX, and TANF recipients who, as parents of children under 12 months old, are exempt from TANF work requirements. For purposes of this section, TANF funds shall be considered available, and may be used by the department to fund home visiting services through family resource centers, unless the TANF reserve falls below \$40,000,000, at which point the program shall not be funded.

12 TANF Funded Initiative; Child Care Services. The department of health and human services shall use up to \$250,000 of allowable TANF funds to expand child care services to eligible recipients. Priority shall be given to foster families, families with voluntary service plans through the department of health and human services, and families with individual service plans through family resource centers. For purposes of this section, TANF funds shall be considered available, and may be used by the department to fund child care services, unless the TANF reserve falls below \$40,000,000, at which point the program shall not be funded.

13 New Paragraph; Services for Children, Youth and Families; Parental Assistance Programs. Amend RSA 170-G:4 by inserting after paragraph XIX the following new paragraph:

XX. The department shall develop and administer an array of community-based, evidence-based, parental assistance programs that are designed to reduce child maltreatment, improve parent-child interactions, improve skills for regulating behavior and coping adaptively, and facilitate improved coordination of services and referrals, using such funds as are appropriated by the general court for this purpose. The department shall prioritize the development of these programs in public health regions with the highest need as determined by the rates of poverty, child maltreatment, and other appropriate measures of social vulnerability. The department shall develop outcome measures for the programs implemented and funded pursuant to this paragraph. On or before June 30, 2019, and each year thereafter, the department shall submit a report to the wellness and prevention council on the use of these funds and the outcomes they have produced. The commissioner of the department of health and human services shall adopt rules pursuant to RSA 541-A as necessary to implement this paragraph.

14 Department of Health and Human Services; Parental Assistance Programs; Funding Source. The department of health and human services may use up to \$500,000 in the fiscal year ending June 30, 2019, for the purpose of funding parental assistance programs under RSA 170-G:4 XX. This amount shall be a charged against the department of health and human services excess appropriation allocation account established in RSA 126-A:75.

15 Child Protective Services; Agency Budget Request to Include Staff and Caseload Projections. Each biennium, the commissioner shall develop projections of the number of child abuse and neglect cases and shall include in the department's budget request a specific appropriation for the funds and positions necessary to provide an adequate number of child protective service workers to meet nationally accepted caseload and workload standards. When determining adequate caseload and workload standards, the department shall utilize other resources in determining appropriate caseloads, including but not limited to, the standards established by the Child Welfare League of America.

16 Department of Health and Human Services; Division for Children, Youth, and Families; Attorneys; Funding Source. The department of health and human services may use up to \$190,000 in the fiscal year ending June 30, 2019 for the purpose of hiring 2 staff attorneys for the division for children, youth, and families. Of this amount, \$117,800 shall be a charge against the department of health and human services excess appropriation allocation account established in RSA 126-A:75, and \$72,200 shall be federal funds. Fiscal committee approval shall not be required for the acceptance and expenditure of federal funds authorized under this section.

17 Family Drug Court; Study Committee Established. There is established a committee to study the development of a family drug court in New Hampshire.

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

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

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

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

III. The committee shall study family drug court models and the feasibility of establishing a family drug court in New Hampshire. The specialized court, with jurisdiction over child protection cases that involve substance use by the child's parents or guardians, would provide a coordinated and collaborative approach to reducing child maltreatment by treating parents' underlying substance use disorders. The committee shall solicit information and testimony from any individual or agency the committee deems relevant to its study, including licensed alcohol and drug counselors, family law attorneys, representatives of the department of health and human services, and representatives of the district court family division.

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

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2018.

18 Repeal. RSA 126-A:75, relative to the excess appropriation allocation account, is repealed.

19 Effective Date.

I. Section 18 of this act shall take effect July 1, 2019.

II. Section 17 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 2018.

#### AMENDED ANALYSIS

This bill:

I. Establishes an excess appropriation allocation account in the department of health and human services for the biennium ending June 30, 2019 and authorizes the department to fund certain positions through a combination of federal funds and funds from the account.

II. Authorizes the department to fund foster care rate increases and foster care and adoption programs with a combination of federal funds and funds from the excess appropriation allocation account.

III. Waives reimbursement for voluntary services under the child protection act.

IV. Clarifies consent for medical treatment of children under guardianship or in foster care.

V. Establishes a home visiting services initiative, child care services initiative, and parental assistance programs.

VI. Establishes a committee to study family drug court models.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

**SB 420**, relative to collective bargaining under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Charlotte DiLorenzo for Judiciary. This bill, if passed, would repeal the exemption from the right-to-know law's public meeting requirements for collective bargaining negotiations. This bill is the same verbatim as HB 1344 which was soundly defeated by a 64-vote margin in the House. The exception for collective bargaining sessions has been in the statute for over 30 years and there is no evidence that it has created serious problems. The bill's supporters have good intentions in seeking more openness in government, however, this measure will create more problems than it seeks to solve. Vote 13-4.

Rep. Prout requested a roll call; sufficiently seconded.

#### YEAS 234 - NAYS 95

##### YEAS - 234

##### BELKNAP

Tilton, Franklin  
Spagnuolo, Philip

Fields, Dennis  
Spanos, Peter

Huot, David  
St. Clair, Charlie

Plumer, John  
Vadney, Herbert

##### CARROLL

Buco, Thomas  
Knirk, Jerry  
Marsh, William

Butler, Edward  
McConkey, Mark

Crawford, Karel  
Nelson, Bill

DesMarais, Edith  
Umberger, Karen

##### CHESHIRE

Abbott, Michael  
Burridge, Delmar  
Faulkner, Barry  
Mann, John  
Sterling, Franklin

Ames, Richard  
Harvey, Cathryn  
Fenton, Donovan  
Meador, David  
Tatro, Bruce

Berch, Paul  
Ley, Douglas  
Johnsen, Gladys  
Parkhurst, Henry  
Pearson, William

Bordenet, John  
Eaton, Daniel  
Hunt, John  
Shepardson, Marjorie  
Weber, Lucy

##### COOS

Fothergill, John  
Moynihan, Wayne  
Thomas, Yvonne

Hatch, William  
Richardson, Herbert

Laflamme, Larry  
Theberge, Robert

Merner, Troy  
Tucker, Edith

**GRAFTON**

Abel, Richard  
Darrow, Stephen  
Higgins, Patricia  
Massimilla, Linda  
Schwaegler, Vicki

Almy, Susan  
Dontonville, Roger  
Josephson, Timothy  
Mulligan, Mary Jane  
Smith, Suzanne

Bennett, Travis  
Ham, Bonnie  
Ladd, Rick  
Nordgren, Sharon  
Sykes, George

Campion, Polly  
Hennessey, Erin  
Maes, Kevin  
Rand, Steven

**HILLSBOROUGH**

Ayala, Jessica  
Beaulieu, Jane  
Carr, John  
Sullivan, Daniel  
Elber, Joel  
Herbert, Christopher  
Schmidt, Janice  
Klee, Patricia  
Lisle, David  
Mangipudi, Latha  
McNamara, Richard  
Ohm, Bill  
Roberts, Carol  
Seidel, Carl  
Wolf, Terry

Griffin, Barbara  
Bouldin, Amanda  
Chandlee, Shannon  
Danielson, David  
Freitas, Mary  
Hinch, Richard  
Jack, Martin  
Kurk, Neal  
MacKay, Mariellen  
Manley, Jonathan  
Newman, Sue  
Long, Patrick  
Rosenwald, Cindy  
Shaw, Barbara  
Van Houten, Connie

Backus, Robert  
Byron, Frank  
Christensen, Chris  
DiSilvestro, Linda  
Goley, Jeffrey  
Belanger, James  
Keane, Amelia  
L'Heureux, Robert  
McCarthy, Michael  
Martin, Joelle  
O'Brien, Michael  
Pierce, David  
Harvey, Suzanne  
Sofikitis, Catherine  
Vann, Ivy

Baroody, Benjamin  
Moore, Craig  
Connors, Erika  
Donovan, Daniel  
Heath, Mary  
Graham, John  
King, Mark  
LeBrun, Donald  
MacKenzie, Mark  
Martineau, Jesse  
O'Leary, Richard  
Proulx, Mark  
Sanborn, Laurie  
Smith, Timothy  
Williams, Kermit

**MERRIMACK**

Turcotte, Alan  
Doherty, David  
Horn, Werner  
Luneau, David  
Rodd, Beth  
Shurtleff, Stephen

Bartlett, Christy  
Ebel, Karen  
Kenison, Linda  
Myler, Mel  
Rogers, Katherine  
Soucy, Timothy

Carson, Clyde  
Gile, Mary  
Klose, John  
Patten, Dick  
Schuett, Dianne  
Wallner, Mary Jane

Wolf, Dan  
Moffett, Howard  
Kotowski, Frank  
Richards, Beth  
Schultz, Kristina  
Walz, Mary Beth

**ROCKINGHAM**

Abrami, Patrick  
Berrien, Skip  
Chirichiello, Brian  
Edgar, Michael  
Fesh, Robert  
Marsh, Henry  
O'Connor, John  
Griffin, Mary  
Matthews, Carolyn  
Messmer, Mindi  
Gordon, Pamela  
Somssich, Peter  
Ward, Gerald

Allen, Mary  
Bove, Martin  
Cushing, Robert Renny  
Elliott, Robert  
Francese, Paula  
Hoelzel, Kathleen  
Khan, Aboul  
Pearson, Mark  
McBeath, Rebecca  
Milz, David  
Packard, Sherman  
Sytek, John  
Webb, James

Altschiller, Debra  
Cahill, Michael  
DeSimone, Debra  
Emerick, J. Tracy  
Gilman, Julie  
Janigian, John  
Lerner, Kari  
Major, Norman  
McKinney, Betsy  
Murray, Kate  
Pantelakos, Laura  
Le, Tamara  
Welch, David

Barnes, Arthur  
Cali-Pitts, Jacqueline  
DiLorenzo, Charlotte  
Farnham, Betsey  
Guthrie, Joseph  
Janvrin, Jason  
Lovejoy, Patricia  
Malloy, Dennis  
McMahon, Charles  
Nigrello, Robert  
Read, Ellen  
Tripp, Richard

**STRAFFORD**

Berube, Roger  
Conley, Casey  
Gourgue, Amanda  
Keans, Sandra  
Schmidt, Peter  
Southworth, Thomas

Bixby, Peter  
Ellis, Donna  
Grassie, Chuck  
McNally, Jody  
Salloway, Jeffrey  
Spang, Judith

Burton, Wayne  
Fontneau, Timothy  
Horgan, James  
Mullen, John  
Sandler, Catt  
Vincent, Kenneth

Cilley, Jacalyn  
Frost, Sherry  
Horriggan, Timothy  
Opderbecke, Linn  
Scruton, Matthew  
Wall, Janet

**SULLIVAN**

Cloutier, John  
Irwin, Virginia  
Sullivan, Brian

Gagnon, Raymond  
Laware, Thomas  
Tanner, Linda

Gottling, Suzanne  
Oxenham, Lee

Grenier, James  
Rollins, Skip

**NAYS - 95  
BELKNAP**

Abear, Marc

Aldrich, Glen

Comtois, Barbara

Sylvia, Michael

**CARROLL**

Avellani, Lino

Comeau, Ed

McCarthy, Frank

**CHESHIRE**

McConnell, James

O'Day, John

Stallcop, Joseph

**GRAFTON**

Bailey, Brad  
Johnson, Tiffany

Binford, David

Brown, Duane

Migliore, Vincent Paul

**HILLSBOROUGH**

Ammon, Keith  
Christie, Rick  
Freeman, Lisa  
Gould, Linda  
Rice, Kimberly  
McLean, Mark  
Panasiti, Reed  
Rouillard, Claire  
Twombly, Timothy

Biggie, Barbara  
Dickey, Glen  
Fromuth, Bart  
Hansen, Peter  
Ober, Lynne  
Murphy, Keith  
Prout, Andrew  
Scully, Kevin  
Ulery, Jordan

Burns, Charlie  
Edwards, Elizabeth  
Griffin, Gerald  
Hellwig, Steve  
Lascelles, Richard  
Negron, Steve  
Ober, Russell  
Somero, Paul  
Sullivan, Victoria

Burt, John  
Ferreira, Elizabeth  
Gagne, Larry  
Moore, Josh  
Lewicke, John  
Notter, Jeanine  
Renzullo, Andrew  
Souza, Kathleen  
Zaricki, Nick

**MERRIMACK**

Kuch, Bill  
Hoell, J.R.  
Pearl, Howard

Copp, Anne  
MacKay, James  
Seaworth, Brian

Long, Douglas  
Moffett, Michael  
Walsh, Thomas

Hill, Gregory  
McGuire, Carol  
Wells, Natalie

**ROCKINGHAM**

Baldasaro, Alfred  
Dowling, Patricia  
Itse, Daniel  
Osborne, Jason  
Torosian, Peter  
Wallace, Scott

Bates, David  
Gay, Betty  
Edwards, Jess  
Gordon, Richard  
True, Chris  
Weyler, Kenneth

Costable, Michael  
Green, Dennis  
Katsakiores, Phyllis  
Sapareto, Frank  
Verville, Kevin  
Willis, Brenda

Thomas, Douglas  
Hagan, Joseph  
Kolodziej, Walter  
Spillane, James  
Vose, Michael

**STRAFFORD**

Beaudoin, Steven  
Pitre, Joseph

Harrington, Michael  
Graham, Robert

Kaczynski, Thomas  
Spencer, Matthew

Turcotte, Leonard  
Wuelper, Kurt

**SULLIVAN**

Smith, Steven

and the committee report was adopted.

**SB 240-FN-L**, relative to the monitoring and treatment of contaminated wells. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. John Mullen for the Majority of Resources, Recreation and Development. Upon notification to the Department of Environmental Services (DES) that a well was contaminated by man-made chemicals, DES would be required by the bill to start a monitoring schedule and, if a responsible party could be found, require that party to provide remediation or a new supply of water to the well owner. On its face this seems simple enough. However, the committee realized that if the standard were 100 parts per billion (ppb) for a given contaminant and the well in question had only 5 ppb, there was probably no need to be taking the prescribed actions, potentially a bottomless effort and expense. Two amendments were proposed to remedy this issue, but other problems also were evident. First, there really was no way to know how many such wells might exist and second, what the cost might be to determine who the responsible party might be. If there were no responsible party, would DES be responsible for the costs? No appropriation was made in the bill. Finally, we were made aware that there are individuals and municipalities which own contaminated wells, making them the responsible party for their own well. Making an individual pay extra costs on his or her own well is problematic, and there is an Article 28-a issue if the well is owned by a political subdivision. It was noted that in the case of the many wells found in 2016 to be contaminated in Merrimack, Amherst, Litchfield, Manchester, and Bedford, DES started immediately supplying bottled water and the responsible party paid that expense. Working with the Attorney General, DES successfully negotiated with the responsible party an agreement to connect well owners to public water or to provide individual filtration systems. In other words, DES is already doing what this bill would require. There was sufficient sentiment in the committee that the state should still be looking into the issue, thereby resulting in the Interim Study recommendation. Vote 15-3.

Rep. James McConnell for the Minority of Resources, Recreation and Development. This bill requires that a drinking water well, which is not a source for a public water system, exhibiting the presence of a man-made contaminant other than road salt, be monitored if the Department of Environmental Services determines that the contamination may place it in violation of the existing groundwater standard at a future date. The department must attempt to identify the party responsible for the contamination and require such party to monitor the well. If the monitoring indicates the groundwater standard is likely to be exceeded prior to the next monitoring date, the responsible party is required to provide treatment or an alternative water supply approved by the department.

Majority committee report adopted.

**SB 365**, relative to the use of renewable generation in default service. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Herbert Richardson for the Majority of Science, Technology and Energy. This bill is critical to the six independent biomass power plants and the 900 statewide jobs in the forest products industry the plants support. Based on testimony, the continued operation of these plants and the jobs they support are in dire jeopardy due to the region's over-reliance on natural gas-fired power. One plant has closed, and owners of another two plants have informed employees that, due to significant financial losses over a number of years, they will close those plants this year absent legislative action to maintain operation and to protect these jobs. Losing these plants and 900 jobs means a loss of over \$250 million dollars of economic activity each year statewide. Loss of 900 jobs also means loss of timber tax revenue, Business Enterprise Tax revenue, fuel tax revenue, and a likely hit to NH's Unemployment Trust Fund that could potentially trigger an increase in costs to every employer. The consequences of plant closures will also have a significant ripple effect because the plants are an important market for the forest product industry's low-grade wood which is critical to the health of our \$1.4 billion forest products industry. This bill, as amended, is a temporary three-year solution to help prevent the closings of the plants while the Office of Strategic Initiatives undertakes the study on biomass mandated in last year's budget bill. The bill involves the purchase of power by the local utility at a 20% discount from the retail rate approved by the Public Utilities Commission. This approach is consistent with federal law and a recent 2016 United States Supreme Court case (*Hughes v. Talen Energy*) addressing lawful actions states may take in developing energy policies. The bill also addresses the critical issues at the state's only waste-to-energy plant that serves many of our communities which is also struggling in the natural gas dominated energy world. The bill is aligned to other bills this year that seek to incentivize and help our homegrown renewable energy generators in this state that are having a difficult time operating in the current energy market. If we let these plants fail, not only do we lose all the local jobs, forestry benefits, municipal benefits, environmental benefits, and economic activity, but we will in fact increase our electricity prices. The committee heard testimony that the loss of these plants' generating capacity means NH's annual share of regional generating capacity costs will increase by \$17 million in the future. Also, at a time the operator of the regional electric grid is warning about future electric generation capacity and reliability issues, loss of the electricity these plants produce would also exacerbate those issues. It truly is a case of pay now or pay later. The bill's support of biomass and waste-to-energy preserves fuel diversity in New Hampshire, saves hundreds of jobs affecting thousands of workers and their families, and provides a hedge against escalating regional capacity costs which all ratepayers will bear. There has been bipartisan support for this bill throughout the legislative process. Vote 14-6.

Rep. Michael Vose for the Minority of Science, Technology and Energy. Abundant and low-cost natural gas has driven down the wholesale cost of electricity to a level that makes it more difficult to cost effectively generate power with other fuels. The passage of SB 129 last year sought to help the state's wood-burning electricity generators by increasing their revenues from the sale of renewable energy certificates. It failed. This bill provides another attempt to provide an infusion of cash to keep these biomass plants and associated jobs (the loggers, truckers, and equipment vendors who rely upon them) alive. But this new plan suffers from four major flaws: 1) It violates federal law by ordering state utilities to pay more than an avoided cost price for electricity sold in an interstate grid market; 2) It violates the spirit of the state's restructuring statute that stipulates, "generation services should be subject to market competition and minimal economic regulation" (RSA 374-F:3, III); 3) It lacks transparency by forcing one state utility to purchase all the output from the state's biomass plants at over-market prices and then sell that power on the open market and use the utility's stranded cost mechanism to recover its losses; and 4) It lacks fairness by purporting to provide benefits to all the citizens of our state (better forest management, improved wildlife habitats, enhanced recreational spaces) but requires only the customers of one utility to pay for these benefits. Obtaining benefits like finding a productive use for low-grade wood and keeping our electricity generating fuel supply diverse may be desirable goals, but paying for these benefits needs to be lifted off the shoulders of electricity ratepayers. The minority feels that bills such as this one get in the way of finding a solution that does not hurt ratepayers, especially those business ratepayers attempting to provide a robust economy for our state. As the state's new 10-year energy strategy warns, "The risk with any policy is that it misidentifies the most efficient source of achieving the policy goal."

**Majority Amendment (1701h)**

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

AN ACT relative to the use of renewable generation to provide fuel diversity.

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

1 Findings. New Hampshire's and New England's electricity supply is heavily dependent upon natural gas-fired generation, which is subject to pricing volatility and risks of fuel availability. In its 2018 Operational Fuel-Security Analysis, the independent system operator of New England (ISO-NE) expressed concerns

regarding the need for fuel diversity in the regional generation mix, given the amount of natural gas-fired generation in the mix, and noted that renewables can help lessen the fuel-security risk. The effect of natural gas pricing volatility on energy prices can be the closure of New Hampshire renewable generators and the loss of jobs and other statewide economic benefits, as well as the loss of fuel diversity derived from using indigenous renewable fuels. The general court finds that the continued operation of the state's 6 independent biomass-fired electric generating plants and the state's single renewable waste-to-energy generating plant are at-risk due to energy pricing volatility. These plants (i) are important to the state's economy and jobs, and, in particular, the 6 biomass-fired generators are vital to the state's sawmill and other forest products industries and employment in those industries, and (ii) these indigenous-fueled renewable generating plants are also important to state policies because they provide generating fuel diversity and environmental benefits, which protect the health and safety of the state's citizens and the physical environment of the state. The general court finds that it is in the public interest to promote the continued operation of, and the preservation of employment and environmental benefits associated with these sources of indigenous-fueled renewables, and thereby promote fuel diversity as part of the state's overall energy policy.

2 New Chapter; The Use of Renewable Generation to Provide Fuel Diversity. Amend RSA by inserting after chapter 362-G the following new chapter:

CHAPTER 362-H  
THE PRESERVATION AND USE OF RENEWABLE GENERATION  
TO PROVIDE FUEL DIVERSITY

362-H:1 Definitions. In this chapter:

I. "Adjusted energy rate" means 80 percent of the rate, expressed in dollars per megawatt-hour, resulting from the default energy rate minus, if applicable, the rate component for compliance with the renewable energy portfolio standards law, RSA 362-F, if that rate component is included in the approved default energy rate.

II. "Biomass" means plant-derived fuel including clean and untreated wood such as brush stumps, lumber ends and trimmings, wood pallets, bark, wood chips or pellets, shavings, sawdust and slash, agricultural crops, biogas, or liquid biofuels, but shall exclude any materials derived in whole or in part from construction and demolition debris.

III. "Commission" means the public utilities commission.

IV. "Default energy rate" means the default service energy rate applicable to residential class customers, expressed in dollars per megawatt-hour, as approved by the commission from time to time, and which is available to retail electric customers who are otherwise without an electricity supplier.

V.(a) "Eligible facility" means any facility which produces electricity for sale by the use, as a primary energy source, of biomass, or municipal solid waste; provided that: (1) the facility's power production capacity is not greater than 25 megawatts excluding station service needs; (2) the facility is interconnected with an electric distribution or transmission system located in New Hampshire; and (3) the facility began operation prior to January 1, 2006, or if the facility ceased operation and then later returned to service after that date then prior to January 1, 2006 the facility operated for at least 5 years regardless of the current operational status of the facility.

(b) "Eligible facility" shall not include: (1) any facility, while selling its electrical output at long-term rates established before January 1, 2007 by orders of the commission under RSA 362-A:4; and, (2) any municipal solid waste facility less than 10 megawatts in size and which was not in operation on January 1, 2018.

VI. "Primary energy source" means a fuel or fuels, or energy resource either singly or in combination, that comprises at least 90 percent of the total energy input into a generating unit. A fuel or energy source other than the primary fuel or energy source may be used only for start-up, maintenance, or other required internal needs of the facility.

362-H:2 Purchased Power Agreements. To retain and provide for generator fuel diversity, each electric distribution company that is subject to the commission's approval regarding procurement of default service shall offer to purchase the net energy output of any eligible facility located in its service territory in accordance with the following:

I.(a) Prior to each of its next 6 sequential solicitations of its default service supply after the effective date of this chapter, each such electric distribution company shall solicit proposals, in one solicitation or multiple solicitations, from eligible facilities. The electric distribution company's solicitation to eligible facilities shall inform eligible facilities of the opportunity to submit a proposal to enter into a power purchase agreement with the electric distribution company under which the electric distribution company would purchase an amount of energy from the eligible facility for a period that is coterminous with the time period used in the default service supply solicitation. The solicitation shall provide that the electric distribution company's purchases of energy from the eligible facility shall be priced at the adjusted energy rate derived from the default service rates approved by the commission in each applicable default service supply solicitation and resulting rates proceeding.

(b) The solicitation shall also inform the eligible facility that: (1) the electric distribution company's purchase from the eligible facility shall be at the eligible facility's interconnection point with the electric

distribution company; (2) the purchase shall be from the eligible facility's net electrical output and not from the output of another unit; and (3) the electric distribution company's purchase would be for 100 percent of the eligible facility's net electrical output.

II. Each eligible facility's proposal in response to such solicitation shall provide a non-binding proposed schedule of hourly net output amounts during the term stated over a mutually agreeable period, whether daily, monthly, or over the term used in the default service supply solicitation for the applicable default energy rate and such other information as needed for the eligible facility to submit and the electric distribution company to evaluate the proposal.

III. With each eligible facility solicitation, the electric distribution company shall select all proposals from eligible facilities that conform to the requirements of this section. The electric distribution company shall submit all eligible facility agreements to the commission as part of its submission for periodic approval of its residential electric customer default service supply solicitation.

IV. All such eligible facility agreements shall be subject to review by the commission for conformity with this chapter in the same proceeding in which it undertakes the review of the electric distribution company's periodic default service solicitation and resulting rates.

V. The electric distribution company shall recover the difference between its energy purchase costs and the market energy clearing price through a non-bypassable delivery services charge applicable to all customers in the utility's service territory. The non-bypassable charge may include recovery of reasonable costs incurred by electric distribution companies pursuant to this section. The recovery of the non-bypassable charge shall be allocated among Eversource's customer classes using the allocation percentages approved by the commission in its docket DE 14-238 order 25,920 approving the 2015 Public Service Company of New Hampshire Restructuring and Rate Stabilization Agreement. In the first filing proceeding at the commission under this chapter applicable to each other electric distribution company, the commission shall determine and apply an allocation based on the foregoing allocations for any other electric distribution company subject to this chapter, but reasonably adjusted to account for differing customer classes if any from those of Eversource.

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

#### AMENDED ANALYSIS

This bill requires electric distribution companies subject to the public utilities commission's approval regarding procurement of default service to offer to purchase the net energy output of eligible biomass and waste-to-energy facilities located in its service territory.

Majority committee amendment adopted.

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

#### (Rep. Packard in the Chair)

Rep. Backus spoke in favor and yielded to questions.

Rep. Kuch spoke against.

#### (Speaker Chandler in the Chair)

Rep. Richardson spoke in favor and requested a roll call; sufficiently seconded.

#### YEAS 225 - NAYS 108

##### YEAS - 225 BELKNAP

Tilton, Franklin  
Spagnuolo, Philip

Fields, Dennis  
Spanos, Peter

Huot, David  
St. Clair, Charlie

Plumer, John

##### CARROLL

Buco, Thomas  
Knirk, Jerry  
Marsh, William

Butler, Edward  
McConkey, Mark

Crawford, Karel  
Nelson, Bill

DesMarais, Edith  
Umberger, Karen

##### CHESHIRE

Abbott, Michael  
Burridge, Delmar  
Faulkner, Barry  
Mann, John  
Shepardson, Marjorie

Ames, Richard  
Harvey, Cathryn  
Fenton, Donovan  
McConnell, James  
Sterling, Franklin

Berch, Paul  
Ley, Douglas  
Johnsen, Gladys  
Meador, David  
Tatro, Bruce

Bordenet, John  
Eaton, Daniel  
Hunt, John  
Parkhurst, Henry  
Weber, Lucy

##### COOS

Fothergill, John  
Moynihan, Wayne  
Thomas, Yvonne

Hatch, William  
Richardson, Herbert

Laflamme, Larry  
Theberge, Robert

Merner, Troy  
Tucker, Edith

**GRAFTON**

Abel, Richard  
Brown, Duane  
Ham, Bonnie  
Ladd, Rick  
Mulligan, Mary Jane  
Smith, Suzanne

Almy, Susan  
Campion, Polly  
Hennessey, Erin  
Maes, Kevin  
Nordgren, Sharon  
Sykes, George

Bailey, Brad  
Darrow, Stephen  
Higgins, Patricia  
Massimilla, Linda  
Rand, Steven

Bennett, Travis  
Dontonville, Roger  
Josephson, Timothy  
Migliore, Vincent Paul  
Schwaegler, Vicki

**HILLSBOROUGH**

Backus, Robert  
Byron, Frank  
Connors, Erika  
Donovan, Daniel  
Goley, Jeffrey  
Hinch, Richard  
Jack, Martin  
L'Heureux, Robert  
Manley, Jonathan  
Negron, Steve  
Long, Patrick  
Rosenwald, Cindy  
Somero, Paul  
Williams, Kermit

Baroody, Benjamin  
Moore, Craig  
Sullivan, Daniel  
Elber, Joel  
Gould, Linda  
Hopper, Gary  
Keane, Amelia  
Lisle, David  
Martin, Joelle  
Newman, Sue  
Pierce, David  
Harvey, Suzanne  
Smith, Timothy

Beaulieu, Jane  
Chandley, Shannon  
Danielson, David  
Freitas, Mary  
Heath, Mary  
Belanger, James  
King, Mark  
MacKenzie, Mark  
Martineau, Jesse  
O'Brien, Michael  
Proulx, Mark  
Shaw, Barbara  
Van Houten, Connie

Bouldin, Amanda  
Christensen, Chris  
DiSilvestro, Linda  
Gidge, Kenneth  
Herbert, Christopher  
Schmidt, Janice  
Klee, Patricia  
Mangipudi, Latha  
McNamara, Richard  
O'Leary, Richard  
Roberts, Carol  
Sofikitis, Catherine  
Vann, Ivy

**MERRIMACK**

Turcotte, Alan  
Wolf, Dan  
Moffett, Howard  
Klose, John  
Pearl, Howard  
Schuett, Dianne  
Wallner, Mary Jane

Bartlett, Christy  
Doherty, David  
Hill, Gregory  
Luneau, David  
Richards, Beth  
Schultz, Kristina  
Walz, Mary Beth

Carson, Clyde  
Ebel, Karen  
MacKay, James  
Myler, Mel  
Rodd, Beth  
Shurtleff, Stephen

Long, Douglas  
Gile, Mary  
Kenison, Linda  
Patten, Dick  
Rogers, Katherine  
Soucy, Timothy

**ROCKINGHAM**

Allen, Mary  
Cahill, Michael  
DeSimone, Debra  
Elliott, Robert  
Gay, Betty  
Janigian, John  
Lovejoy, Patricia  
McBeath, Rebecca  
Milz, David  
Packard, Sherman  
Somssich, Peter  
Willis, Brenda

Altschiller, Debra  
Cali-Pitts, Jacqueline  
DiLorenzo, Charlotte  
Farnham, Betsey  
Gilman, Julie  
O'Connor, John  
Griffin, Mary  
McKinney, Betsy  
Murray, Kate  
Pantelakos, Laura  
Le, Tamara

Berrien, Skip  
Cushing, Robert Renny  
Dowling, Patricia  
Fesh, Robert  
Guthrie, Joseph  
Katsakiores, Phyllis  
Malloy, Dennis  
McMahon, Charles  
Nigrello, Robert  
Read, Ellen  
Tripp, Richard

Bove, Martin  
Thomas, Douglas  
Edgar, Michael  
Francese, Paula  
Hagan, Joseph  
Lerner, Kari  
Matthews, Carolyn  
Messmer, Mindi  
Gordon, Pamela  
Sapareto, Frank  
Ward, Gerald

**STRAFFORD**

Bixby, Peter  
Ellis, Donna  
Grassie, Chuck  
Smith, Marjorie  
Graham, Robert  
Southworth, Thomas  
Wall, Janet

Burton, Wayne  
Fontneau, Timothy  
Horgan, James  
Mullen, John  
Salloway, Jeffrey  
Spang, Judith

Cilley, Jacalyn  
Frost, Sherry  
Horrigan, Timothy  
Opderbecke, Linn  
Sandler, Catt  
Sprague, Dale

Conley, Casey  
Gourgue, Amanda  
Keans, Sandra  
Schmidt, Peter  
Scruton, Matthew  
Vincent, Kenneth

**SULLIVAN**

Cloutier, John  
Irwin, Virginia  
Tanner, Linda

Gagnon, Raymond  
Oxenham, Lee

Gottling, Suzanne  
Rollins, Skip

Grenier, James  
Sullivan, Brian

**NAYS - 108****BELKNAP**

Abear, Marc  
Sylvia, Michael

Aldrich, Glen  
Vadney, Herbert

Comtois, Barbara

Lang, Timothy

**CARROLL**

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

McCarthy, Frank

**CHESHIRE**

O'Day, John

Stallcop, Joseph

**GRAFTON**

Binford, David

Johnson, Tiffany

**HILLSBOROUGH**

Ammon, Keith  
Burt, John  
Ferreira, Elizabeth  
Hansen, Peter  
Moore, Josh  
Lascelles, Richard  
McCarthy, Michael  
Ohm, Bill  
Renzullo, Andrew  
Seidel, Carl  
Ulery, Jordan

Griffin, Barbara  
Carr, John  
Freeman, Lisa  
Hellwig, Steve  
Rice, Kimberly  
LeBrun, Donald  
McLean, Mark  
Panasiti, Reed  
Rouillard, Claire  
Souza, Kathleen  
Sullivan, Victoria

Biggie, Barbara  
Christie, Rick  
Griffin, Gerald  
Hynes, Dan  
Kurk, Neal  
Lewicke, John  
Murphy, Keith  
Prout, Andrew  
Sanborn, Laurie  
Wolf, Terry  
Zaricki, Nick

Burns, Charlie  
Dickey, Glen  
Gagne, Larry  
Graham, John  
Ober, Lynne  
MacKay, Mariellen  
Notter, Jeanine  
Ober, Russell  
Scully, Kevin  
Twombly, Timothy

**MERRIMACK**

Kuch, Bill  
Kotowski, Frank  
Walsh, Thomas

Copp, Anne  
Moffett, Michael  
Wells, Natalie

Hoell, J.R.  
McGuire, Carol

Horn, Werner  
Seaworth, Brian

**ROCKINGHAM**

Abrami, Patrick  
Chirichiello, Brian  
Marsh, Henry  
Khan, Aboul  
Major, Norman  
Spillane, James  
Verville, Kevin  
Welch, David

Baldasaro, Alfred  
Costable, Michael  
Hoelzel, Kathleen  
Kolodziej, Walter  
Morrison, Sean  
Sytek, John  
Vose, Michael  
Weyler, Kenneth

Barnes, Arthur  
Emerick, J. Tracy  
Edwards, Jess  
Lundgren, David  
Osborne, Jason  
Torosian, Peter  
Wallace, Scott

Bates, David  
Green, Dennis  
Janvrin, Jason  
Pearson, Mark  
Gordon, Richard  
True, Chris  
Webb, James

**STRAFFORD**

Beaudoin, Steven  
Turcotte, Leonard  
Wuelper, Kurt

Beube, Roger  
McNally, Jody

Harrington, Michael  
Pitre, Joseph

Kaczynski, Thomas  
Spencer, Matthew

**SULLIVAN**

Laware, Thomas

Smith, Steven

and the majority committee report was adopted and ordered to third reading.

Rep. Itse declared a conflict of interest and did not participate.

**SB 447**, relative to issuance of renewable energy certificates. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas Thomas for the Majority of Science, Technology and Energy. This bill repeals the requirement that the Public Utilities Commission estimate and give credit for the total yearly production for customer-sited sources that are net metered and for which class I or II renewable energy certificates are not issued. The Renewable Energy Fund that provides solar incentive payments has seen relatively low levels of income over the past several years. In the most recent year, solar incentive payments were suspended in mid-year due to a lack of funds. Raising the expectations of those who install solar systems by passing this bill could lead to disillusionment if no funds were available. Because of these considerations, the majority of the committee does not recommend passage of this bill. Vote 12-9.

Rep. Robert Backus for the Minority of Science, Technology and Energy. This bill would end the requirement that the Public Utilities Commission estimate and give renewable energy certificate (REC) credit to electricity providers for unclaimed production by typically small, residential electric customers who net meter. Net metering means that when a home-based solar installation generates power above household needs, the excess can be fed back into the grid for which the customer is paid or credited a portion of the current retail price. In addition, these small solar generators are entitled to RECs which have value since they can be traded on a specialized market to help electricity providers, including utilities, meet their REC obligations. In turn this helps NH meet its goal (25% by year 2025) of increasing the availability of locally produced renewable energy. However, unlike larger generators, many of these homeowners do not bother with going through the hassle of qualifying for these RECs. Current law allows the electricity providers to scoop all of these unclaimed RECs and count them toward their obligation to obtain a certain percentage of their power from renewable sources. This bill, if passed, would end this practice. The current practice tends to depress the price of RECs which recently has been very low, and this in turn means less support for our NH renewable industry. NH has an active solar industry but lags far behind the development of renewable energy being achieved by our neighbors, Massachusetts and Vermont. The cost of ending this REC credit to electricity providers does increase

the likely cost to bill payers, but the testimony stated that for a typical residential customer this would be less than 15 cents a month. The minority believes this nominal price is well worth the boost provided to the local solar industry with its good paying jobs that cannot be outsourced, while also improving air quality, combating climate-damaging emissions, and keeping more of our energy dollars at work in NH rather than sending them elsewhere.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Backus spoke against.

Rep. Douglas Thomas spoke in favor.

Rep. Sylvia requested a roll call; sufficiently seconded.

### YEAS 173 - NAYS 161

#### YEAS - 173

##### BELKNAP

Abear, Marc  
Lang, Timothy  
Vadney, Herbert

Aldrich, Glen  
Plumer, John

Tilton, Franklin  
Spanos, Peter

Fields, Dennis  
Sylvia, Michael

##### CARROLL

Avellani, Lino  
McConkey, Mark

Comeau, Ed  
Nelson, Bill

Crawford, Karel  
Umberger, Karen

McCarthy, Frank  
Marsh, William

##### CHESHIRE

Hunt, John  
Sterling, Franklin

McConnell, James

O'Day, John

Stallcop, Joseph

##### COOS

Fothergill, John

Merner, Troy

Theberge, Robert

##### GRAFTON

Bailey, Brad  
Hennessey, Erin  
Johnson, Tiffany

Binford, David  
Ladd, Rick

Brown, Duane  
Migliore, Vincent Paul

Darrow, Stephen  
Schwaegler, Vicki

##### HILLSBOROUGH

Ammon, Keith  
Burt, John  
Christie, Rick  
Freeman, Lisa  
Gargas, Carolyn  
Hinch, Richard  
Graham, John  
L'Heureux, Robert  
Lewicke, John  
Negron, Steve  
Pierce, David  
Renzullo, Andrew  
Seidel, Carl  
Ulery, Jordan

Griffin, Barbara  
Byron, Frank  
Dickey, Glen  
Fromuth, Bart  
Gould, Linda  
Hopper, Gary  
Moore, Josh  
Ober, Lynne  
McCarthy, Michael  
Notter, Jeanine  
Proulx, Mark  
Rouillard, Claire  
Souza, Kathleen  
Sullivan, Victoria

Biggie, Barbara  
Carr, John  
Donovan, Daniel  
Griffin, Gerald  
Hansen, Peter  
Hynes, Dan  
Rice, Kimberly  
Lascelles, Richard  
McLean, Mark  
Ohm, Bill  
Prout, Andrew  
Sanborn, Laurie  
Wolf, Terry  
Zaricki, Nick

Burns, Charlie  
Christensen, Chris  
Ferreira, Elizabeth  
Gagne, Larry  
Hellwig, Steve  
Belanger, James  
Kurk, Neal  
LeBrun, Donald  
Murphy, Keith  
Panasiti, Reed  
Ober, Russell  
Scully, Kevin  
Twombly, Timothy

##### MERRIMACK

Kuch, Bill  
Hill, Gregory  
Kotowski, Frank  
Seaworth, Brian

Copp, Anne  
Hoell, J.R.  
Moffett, Michael  
Walsh, Thomas

Long, Douglas  
Horn, Werner  
McGuire, Carol  
Wells, Natalie

Wolf, Dan  
Klose, John  
Pearl, Howard

##### ROCKINGHAM

Abrami, Patrick  
Bates, David  
Thomas, Douglas  
Emerick, J. Tracy  
Marsh, Henry  
Janigian, John  
Khan, Aboul  
Pearson, Mark  
McMahon, Charles  
Osborne, Jason  
Spillane, James  
True, Chris  
Webb, James

Allen, Mary  
Bove, Martin  
DeSimone, Debra  
Fesh, Robert  
Hagan, Joseph  
Janvrin, Jason  
Kolodziej, Walter  
Major, Norman  
Milz, David  
Packard, Sherman  
Sytek, John  
Verville, Kevin  
Welch, David

Baldasaro, Alfred  
Chirichiello, Brian  
Dowling, Patricia  
Gay, Betty  
Hoelzel, Kathleen  
O'Connor, John  
Lundgren, David  
Matthews, Carolyn  
Morrison, Sean  
Gordon, Richard  
Torosian, Peter  
Vose, Michael  
Weyler, Kenneth

Barnes, Arthur  
Costable, Michael  
Elliott, Robert  
Green, Dennis  
Edwards, Jess  
Katsakiores, Phyllis  
Griffin, Mary  
McKinney, Betsy  
Nigrello, Robert  
Sapareto, Frank  
Tripp, Richard  
Wallace, Scott  
Willis, Brenda

**STRAFFORD**

Beaudoin, Steven  
Kaczynski, Thomas  
Pitre, Joseph  
Wuelper, Kurt

Berube, Roger  
Turcotte, Leonard  
Graham, Robert

Harrington, Michael  
McNally, Jody  
Scruton, Matthew

Horgan, James  
Mullen, John  
Spencer, Matthew

**SULLIVAN**

Grenier, James

Laware, Thomas

Rollins, Skip

Smith, Steven

**NAYS - 161****BELKNAP**

Huot, David

Spagnuolo, Philip

St. Clair, Charlie

**CARROLL**

Buco, Thomas

Butler, Edward

DesMarais, Edith

Knirk, Jerry

**CHESHIRE**

Abbott, Michael  
Burridge, Delmar  
Faulkner, Barry  
Meador, David  
Pearson, William

Ames, Richard  
Harvey, Cathryn  
Fenton, Donovan  
Parkhurst, Henry  
Weber, Lucy

Berch, Paul  
Ley, Douglas  
Johnsen, Gladys  
Shepardson, Marjorie

Bordenet, John  
Eaton, Daniel  
Mann, John  
Tatro, Bruce

**COOS**

Hatch, William  
Tucker, Edith

Laflamme, Larry  
Thomas, Yvonne

Moynihan, Wayne

Richardson, Herbert

**GRAFTON**

Abel, Richard  
Dontonville, Roger  
Maes, Kevin  
Rand, Steven

Almy, Susan  
Ham, Bonnie  
Massimilla, Linda  
Smith, Suzanne

Bennett, Travis  
Higgins, Patricia  
Mulligan, Mary Jane  
Sykes, George

Campion, Polly  
Josephson, Timothy  
Nordgren, Sharon

**HILLSBOROUGH**

Backus, Robert  
Moore, Craig  
Danielson, David  
Freitas, Mary  
Herbert, Christopher  
King, Mark  
MacKenzie, Mark  
Martineau, Jesse  
O'Leary, Richard  
Harvey, Suzanne  
Smith, Timothy

Baroody, Benjamin  
Chandley, Shannon  
DiSilvestro, Linda  
Gidge, Kenneth  
Schmidt, Janice  
Klee, Patricia  
Mangipudi, Latha  
McNamara, Richard  
Long, Patrick  
Shaw, Barbara  
Van Houten, Connie

Beaulieu, Jane  
Connors, Erika  
Edwards, Elizabeth  
Goley, Jeffrey  
Jack, Martin  
Lisle, David  
Manley, Jonathan  
Newman, Sue  
Roberts, Carol  
Sofikitis, Catherine  
Vann, Ivy

Bouldin, Amanda  
Sullivan, Daniel  
Elber, Joel  
Heath, Mary  
Keane, Amelia  
MacKay, Mariellen  
Martin, Joelle  
O'Brien, Michael  
Rosenwald, Cindy  
Somero, Paul  
Williams, Kermit

**MERRIMACK**

Turcotte, Alan  
Gile, Mary  
Luneau, David  
Rodd, Beth  
Shurtleff, Stephen

Bartlett, Christy  
Moffett, Howard  
Myler, Mel  
Rogers, Katherine  
Soucy, Timothy

Carson, Clyde  
MacKay, James  
Patten, Dick  
Schuett, Dianne  
Wallner, Mary Jane

Doherty, David  
Kenison, Linda  
Richards, Beth  
Schultz, Kristina  
Walz, Mary Beth

**ROCKINGHAM**

Altschiller, Debra  
Cushing, Robert Renny  
Francesca, Paula  
Lovejoy, Patricia  
Murray, Kate  
Somssich, Peter

Berrien, Skip  
DiLorenzo, Charlotte  
Gilman, Julie  
Malloy, Dennis  
Gordon, Pamela  
Le, Tamara

Cahill, Michael  
Edgar, Michael  
Guthrie, Joseph  
McBeath, Rebecca  
Pantelakos, Laura  
Ward, Gerald

Cali-Pitts, Jacqueline  
Farnham, Betsey  
Lerner, Kari  
Messmer, Mindi  
Read, Ellen

**STRAFFORD**

Bixby, Peter  
Ellis, Donna  
Grassie, Chuck  
Opderbecke, Linn  
Southworth, Thomas  
Wall, Janet

Burton, Wayne  
Fontneau, Timothy  
Horrigan, Timothy  
Schmidt, Peter  
Spang, Judith

Cilley, Jacalyn  
Frost, Sherry  
Keans, Sandra  
Salloway, Jeffrey  
Sprague, Dale

Conley, Casey  
Gourgue, Amanda  
Smith, Marjorie  
Sandler, Catt  
Vincent, Kenneth

## SULLIVAN

Cloutier, John  
Oxenham, Lee

Gagnon, Raymond  
Sullivan, Brian

Gottling, Suzanne  
Tanner, Linda

Irwin, Virginia

and the majority committee report was adopted.

**BILLS REMOVED FROM THE CONSENT CALENDAR**

**SB 379**, relative to retroactive denials of previously paid claims. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill changes the time frame for insurance companies and managed care organizations to recover payments from a health care provider for services completed. This is known as "clawback." The bill changes the time period from 18 months to 12 months; 12 months is considered the industry standard. Vote 19-0.

Rep. Bouldin offered floor amendment (1863h).

**Floor Amendment (1863h)**

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

AN ACT relative to retroactive denials of previously paid claims and relative to a second opinion on health care matters for state or county prisoners.

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Medical Services for County Prisoners. Amend RSA 623-C:1 by inserting after paragraph II the following new paragraph:

III. The superintendent of a county correctional facility shall, upon request of the prisoner, provide each prisoner the opportunity to arrange for a second medical opinion from a licensed health care provider not employed or contracted by the county or the state. Unless the superintendent or his or her designee allows for other arrangements, the examination shall occur at the correctional facility. Correctional facility staff shall approve a visit by any health care provider licensed or credentialed by the state of New Hampshire. The prisoner may request a specific health care provider only if the examination is at the prisoner's expense, or at the expense of another person on behalf of the prisoner. The prisoner shall make payment arrangements in advance of the medical examination. Expenses for the second medical opinion shall be billed directly to the prisoner or to the responsible party designated by the prisoner.

4 New Paragraph; Medical Services for State Prisoners. Amend RSA 623-C:2 by inserting after paragraph III the following new paragraph:

IV. The commissioner of the department of corrections shall, upon request of the prisoner, provide each prisoner the opportunity to arrange for a second medical opinion from a licensed health care provider not employed or contracted by the county or the state. Unless the commissioner or his or her designee allows for other arrangements, the examination shall occur at the correctional facility. Correctional facility staff shall approve a visit by any health care provider licensed or credentialed by the state of New Hampshire. The prisoner may request a specific health care provider only if the examination is at the prisoner's expense, or at the expense of another person on behalf of the prisoner. The prisoner shall make payment arrangements in advance of the medical examination. Expenses for the second medical opinion shall be billed directly to the prisoner or to the responsible party designated by the prisoner.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2019.

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

**AMENDED ANALYSIS**

This bill changes the time frame for insurance companies and managed care organizations to recover payments from a health care provider for services completed.

This bill also permits state and county prisoners to have a second opinion from a licensed health care provider.

Rep. Bouldin spoke in favor and yielded to questions.

On a division vote, with 294 members having voted in the affirmative, and 35 in the negative, floor amendment (1863h) was adopted.

Committee report adopted and ordered to third reading.

**SB 527-FN-L**, relative to absentee voting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Griffin for Election Law. This bill establishes additional procedures for the verification of absentee voters. It clarifies the process as to the verification of signatures. The amendment adopted by the committee further clarifies the process for those who assist disabled persons with completing their ballot by alerting the voter and their assistant that the signature on the ballot will be compared to the original signature on the voter registration form if the assistant does not sign an affidavit attesting to their assistance. This will help moderators make better informed decisions regarding the validity of absentee ballots. The amendment also adds a provision which allows persons who are elderly infirm or disabled, or those who provide care for

children or infirm adults to use absentee ballots the day before an election if the National Weather Service has issued a weather warning for Election Day in the city town or unincorporated place and they are concerned about their ability to get to the polls. The committee unanimously recommends this bill with the amendment as a benefit to the voters and our local election officials. Vote 18-0.

**Amendment (1656h)**

Amend the bill by replacing section 1 with the following:

1 Absentee Voting Application Form. Amend RSA 657:4, I to read as follows:

I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance, and Disability:

I hereby declare that (check one):

\_\_\_\_\_ I am a duly qualified voter who is currently registered to vote in this town/ward.

\_\_\_\_\_ I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

I will be entitled to vote by absentee ballot because (check one):

\_\_\_\_\_ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.

\_\_\_\_\_ I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.

\_\_\_\_\_ I cannot appear in public on election day because of observance of a religious commitment.

\_\_\_\_\_ I am unable to vote in person due to a disability.

\_\_\_\_\_ I cannot appear at any time during polling hours at my polling place because of an employment obligation. For the purposes of this application, the term "employment shall include the care of children and infirm adults, with or without compensation.

***For use only on the Monday immediately prior to the election: I cannot appear at my polling place on election day because the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to my city, town, or unincorporated place and either (check one):***

***\_\_\_\_\_ I am elderly or infirm or I have a physical disability, and would otherwise vote in person but I have concerns for my safety traveling in the storm.***

***\_\_\_\_\_ I anticipate that school, child care, or adult care will be canceled, and would otherwise vote in person but will need to care for children or infirm adults.***

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

\_\_\_\_\_ Presidential Primary to be held on \_\_\_\_\_  
(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

\_\_\_\_\_ State Primary to be held on \_\_\_\_\_  
(MM/DD/YYYY)

\_\_\_\_\_ General Election

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

\_\_\_\_\_ Republican Party

\_\_\_\_\_ Democratic Party

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

---

(Last) (First) (Middle) (Sr., Jr., II., III)

Applicant's Voting Domicile (home address):

---

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Mail the ballot to me at this address (if different than the home address):

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)  
 Applicant's Phone Number [(optional)]: \_\_\_\_\_  
 Applicant's Email Address [(optional)]: \_\_\_\_\_  
 Applicant's Signature: \_\_\_\_\_  
 Date Signed: \_\_\_\_\_  
 (MM/DD/YYYY)

***I attest that I assisted the applicant in executing this form because he or she has a disability.***

***Signature \_\_\_\_\_ Print Name \_\_\_\_\_***

***If your absentee ballot application or affidavit envelope has the printed name and signature of a person who assisted you with voting, your signature will not be compared to your signature on the absentee ballot affidavit to verify your identity. Otherwise, if your signatures do not appear to be made by the same person, your absentee ballot may not be counted.***

The applicant must sign this form to receive an absentee ballot. ~~[The signature on this form must match the signature on the affidavit envelope in which the absentee ballot is returned, or the ballot may be rejected.]~~ Any person who ***witnesses and*** assists a voter with a disability in executing this form shall ~~[make a statement acknowledging the assistance on]~~ ***print and sign his or her name in the space provided on the application form [to assist the moderator when comparing signatures on election day]. The moderator will not compare the voter's signature on the application with the signature on the absentee ballot affidavit when a person assisting the voter has signed the statement on the absentee ballot application or affidavit envelope that assistance was provided.***

Amend RSA 659:50, I(c) as inserted by section 3 of the bill by replacing it with the following:

~~[H:] (c) [The signature]~~ ***If the affidavit or application shows that the voter received assistance, the absentee voter shall be processed as verified. Otherwise, the signatures on the affidavit shall be examined to determine if it*** appears to be executed by the same person who signed the application~~[- unless the voter received assistance because the voter is blind or has a disability; and].~~

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

4 Absence, Religious Observance, and Disability Absentee Voting. Amend RSA 657:1 to read as follows:  
 657:1 Absence, Religious Observance, and Disability Absentee Voting.

***I.*** Any person who is absent on the day of any state election from the city, town, or unincorporated place in which he or she is registered to vote or who cannot appear in public on any election day because of his or her observance of a religious commitment or who is unable to vote there in person by reason of physical disability may vote at such elections as provided in this chapter. A person who is unable to appear at any time during polling hours at his or her polling place because of an employment obligation shall be considered absent for purposes of this chapter. For the purposes of this section, the term "employment" shall include the care of children and infirm adults, with or without compensation.

***II. When the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to the city, town, or unincorporated place:***

***(a) A person who is elderly or infirm or who has a physical disability, who otherwise would have voted in person but has concerns for his or her safety traveling in the storm, shall be considered absent for purposes of this chapter and may vote absentee on the Monday immediately prior to the election.***

***(b) A person who cares for children or infirm adults who reasonably anticipates that school, child care, or adult care will be canceled, who otherwise would have voted in person but will be deterred from voting by the need to care for children or infirm adults, shall be considered absent for purposes of this chapter and may vote absentee on the Monday immediately prior to the election.***

***(c) As required by RSA 652:20, the clerk's office shall be open to receive applications for absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive returned ballots on the Monday immediately prior to an election at a minimum from 3:00 p.m. to 5:00 p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided the individual has taken the oath of office and has been trained in the requirements for using an absentee ballot and the procedures for issuing and receiving absentee ballots.***

5 Absentee Voting; Materials. Amend RSA 657:7, II(a)-(b) to read as follows:

(a) Absence from City or Town. A person voting by absentee ballot because of absence from the city or town in which he or she is entitled to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_\_; that I will be unable to appear at any time during polling hours at my polling place because I will be working on election day, ***or I am voting on the Monday immediately prior to the election, the National Weather Service has issued a winter storm***

**warning, blizzard warning, or ice storm warning, and I am elderly or infirm, have a physical disability, or have to care for children or infirm adults, or I** will be otherwise absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind). For the purposes of this certification, the term “working” shall include the care of children and infirm adults, with or without compensation.

(Signature) \_\_\_\_\_

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.

(b) Absence Because of Religious Observance or Physical Disability. A person voting by absentee ballot because of religious observance or physical disability shall fill out and sign the following certificate:

I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of \_\_\_\_\_, New Hampshire, in ward \_\_\_\_\_; that I will be observing a religious commitment which prevents me from voting in person or that on account of physical disability I am unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature) \_\_\_\_\_

~~[The signature on this affidavit must match the signature on the application for an absentee ballot or the ballot may be rejected. A person assisting a blind voter or voter with a disability who needs assistance executing this affidavit shall make and sign a statement on this envelope acknowledging the assistance in order to assist the moderator when comparing signatures on election day.]~~

***The signature on this affidavit must appear to be executed by the same person who signed the absentee ballot application. A person assisting a disabled or blind voter shall make and sign a statement on this envelope in the space provided acknowledging the assistance. The moderator will not compare the voter’s signature on this affidavit with the signature on the absentee ballot application when a person assisting the voter has signed the statement on the affidavit that assistance was provided.***

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.

6 Town Elections; Absentee Voting. Amend RSA 669:26 to read as follows:

669:26 Absentee Voting.

**I.** Every town which has adopted an official ballot system for town elections as provided in RSA 669:12 or 669:13 shall provide for absentee voting. Any eligible voter who is absent from such a town on the day of a town election, or who cannot appear in public on election day because of his or her observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person may vote at a town election in accordance with the provisions of this section and RSA 669:27-669:29. A person who is unable to appear at any time during polling hours at his or her polling place because of an employment obligation shall be considered absent for purposes of this section and 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.

**II. When the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to the town:**

**(a) A person who is elderly or infirm or who has a physical disability, who otherwise would have voted in person but has concerns for his or her safety traveling in the storm, shall be considered absent for purposes of this section and RSA 669:27-669:29 and may vote absentee on the Monday immediately prior to the election.**

**(b) A person who cares for children or infirm adults who reasonably anticipates that school, child care, or adult care will be canceled, who otherwise would have voted in person but will be deterred from voting by the need to care for children or infirm adults, shall be considered absent for purposes of this section and RSA 669:27-669:29 and may vote absentee on the Monday immediately prior to the election.**

**(c) As required by RSA 652:20, the clerk’s office shall be open to receive applications for absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive returned ballots on the Monday immediately prior to an election at a minimum from 3:00 p.m. to 5:00 p.m.**

***The clerk may designate a deputy clerk or assistant to provide this service, provided the individual has taken the oath of office and has been trained in the requirements for using an absentee ballot and the procedures for issuing and receiving absentee ballots.***

7 Effective Date. This act shall take effect January 1, 2019.

#### AMENDED ANALYSIS

This bill establishes additional procedures for verification of absentee voters. This bill also establishes additional absentee voting eligibility if a weather emergency is anticipated for election day. Committee amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Kurk offered floor amendment (1800h).

#### Floor Amendment (1800h)

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

AN ACT relative to absentee voting and relative to the statewide centralized voter registration database.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 9:

7 Purpose. Based on the highly confidential information contained in the voter registration database, including information obtained in the absentee ballot process, the legislature reiterates that this information must be protected and shall not be disclosed except as set forth in RSA 654:45 and never in response to a subpoena or civil litigation discovery request.

8 Statewide Centralized Voter Registration Database; Disclosure. Amend RSA 654:45, VI to read as follows:

VI. The voter database shall be private and confidential and shall not be subject to RSA 91-A and RSA 654:31, ***nor shall it or any of the information contained therein be disclosed pursuant to a subpoena or civil litigation discovery request.*** The secretary of state is authorized to provide voter database record data to the administrative office of the courts to assist in the preparation of master jury lists pursuant to RSA 500-A and to the clerk of the District Court of the United States for the District of New Hampshire to assist in the preparation of federal court jury lists. The voter checklist for a town or city shall be available pursuant to RSA 654:31. Any person who discloses information from the voter database in any manner not authorized by this section shall be guilty of a misdemeanor.

#### AMENDED ANALYSIS

This bill establishes additional procedures for verification of absentee voters. This bill establishes additional absentee voting eligibility if a weather emergency is anticipated for election day. This bill also prohibits disclosure of information contained in the statewide centralized voter registration database pursuant to a subpoena or civil litigation discovery request.

Reps. Kurk and Barbara Griffin spoke in favor.

Floor amendment (1800h) adopted.

Committee report adopted and ordered to third reading.

**SB 446**, relative to net energy metering limits for customer-generators. **OUGHT TO PASS WITH AMENDMENT.** Rep. Michael Vose for Science, Technology and Energy. The net metering law allows small-system generators to send electricity to the grid for which they receive a credit. Systems that generate between 100 kilowatts and 1 megawatt (MW) currently collect credits at their utility's default service rate. This bill expands the size of systems that can obtain these credits to 5 MW. This expansion will permit municipalities, schools, and community groups to install solar or wind generation to produce their own power without wasting any of the excess power they make. The bill also permits small-scale hydro producers of up to 5 MW to move behind the meter and thus to reduce the grid's electricity load while receiving a higher price for the power they generate. The amendment removes a provision that allowed generators up to 25 MW to net meter the first 5 MW of their output. This provision was intended to help wood burning electricity plants, but it was not clear how net metering would help this class of profit-making producers. The amendment also grandfathers the tariff for 1 MW to 5 MW producers for a period of twelve years, and it restricts the exemption from the statewide utility property tax of eligible customer generators to 1 MW. An ongoing proceeding at the Public Utilities Commission will eventually set a permanent tariff for all net metered systems. Vote 19-1.

#### Amendment (1742h)

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

1 Net Energy Metering; Definition of Eligible Customer-generator. Amend RSA 362-A:1-a, II-b to read as follows:

II-b. "Eligible customer-generator" or "customer-generator" means an electric utility customer who owns, operates, or purchases power from an electrical generating facility either powered by renewable energy or which employs a heat led combined heat and power system, with a total peak generating capacity of up to and including [~~one megawatt~~], **5 megawatts and** that is located behind a retail meter on the customer's

premises, is interconnected and operates in parallel with the electric grid, and is used to offset the customer's own electricity requirements. Incremental generation added to an existing generation facility, that does not itself qualify for net metering, shall qualify if such incremental generation meets the qualifications of this paragraph and is metered separately from the nonqualifying facility.

2 Utility Property Tax; Definition of Eligible Customer-Generator; Exclusion Clarified. Amend RSA 83-F:1, V(d) to read as follows:

(d) The electrical generation, production, and supply equipment of an "eligible customer-generator" as defined in RSA 362-A:1-a, II-b, **up to and including one megawatt**;

3 Net Energy Metering; Transition of Tariffs. Amend RSA 362-A:9, XV to read as follows:

XV. Standard tariffs that are available to eligible customer-generators under this section shall terminate on December 31, 2040 and such customer-generators shall transition to tariffs that are in effect at that time. ***Customer-generators with a total peak generating capacity of more than one megawatt and not exceeding 5 megawatts shall be grandfathered with the net metering design and structure specified in this section through December 31, 2030, if the customer-generator's electrical generating facility first becomes operational on or after July 1, 2018. After December 31, 2030, those customer-generators shall transition to tariffs that are in effect at that time.***

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

#### AMENDED ANALYSIS

This bill increases the electric generating capacity of customer generators who may participate in net energy metering and modifies the transition of tariffs applicable to certain customer-generators. The bill also clarifies the definition of eligible customer-generator for purposes of the utility property tax. Committee amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Harrington offered floor amendment (1826h).

#### Floor Amendment (1826h)

Amend the bill by replacing section 3 with the following:

3 Net Energy Metering; Billing. Amend RSA 362-A:9, IV(b) to read as follows:

(b) For facilities with a total peak generating capacity of more than 100 kilowatts ***and up to one megawatt***, the customer-generator shall pay all applicable charges on all kilowatt hours supplied to the customer over the electric distribution system, less a credit on default service charges equal to the metered energy generated by the customer-generator and fed into the electric distribution system over a billing period. ***For facilities with a total peak generating capacity of more than one megawatt, the customer-generator shall pay all applicable charges on all kilowatt hours supplied to the customer over the electric distribution system, and shall be paid or credited by the electric distribution utility for its excess generation at rates that are equal to monthly average locational marginal price for New Hampshire as determined by the commission.***

#### AMENDED ANALYSIS

This bill increases the electric generating capacity of customer generators who may participate in net energy metering, and provides for the determination of the rates paid or credited for the electric generation. The bill also clarifies the definition of eligible customer-generator for purposes of the utility property tax.

Rep. Vose spoke against and yielded to questions.

Rep. Harrington spoke in favor and requested a roll call; sufficiently seconded.

#### YEAS 116 - NAYS 213

##### YEAS - 116

##### BELKNAP

Abear, Marc  
Vadney, Herbert

Aldrich, Glen

Lang, Timothy

Spanos, Peter

##### CARROLL

Avellani, Lino  
McConkey, Mark

Comeau, Ed  
Nelson, Bill

Cordelli, Glenn

Crawford, Karel

##### CHESHIRE

Hunt, John

McConnell, James

O'Day, John

Stallcop, Joseph

##### COOS

Theberge, Robert

##### GRAFTON

Bailey, Brad  
Migliore, Vincent Paul

Binford, David  
Johnson, Tiffany

Brown, Duane

Ham, Bonnie

**HILLSBOROUGH**

Ammon, Keith  
Byron, Frank  
Danielson, David  
Freeman, Lisa  
Hellwig, Steve  
Kurk, Neal  
McLean, Mark  
Ohm, Bill  
Renzullo, Andrew  
Twombly, Timothy

Griffin, Barbara  
Moore, Craig  
Dickey, Glen  
Fromuth, Bart  
Hopper, Gary  
Ober, Lynne  
Murphy, Keith  
Panasiti, Reed  
Rouillard, Claire  
Ulery, Jordan

Burns, Charlie  
Carr, John  
Donovan, Daniel  
Griffin, Gerald  
Hynes, Dan  
MacKay, Mariellen  
Negron, Steve  
Proulx, Mark  
Scully, Kevin  
Sullivan, Victoria

Burt, John  
Christie, Rick  
Ferreira, Elizabeth  
Gould, Linda  
Moore, Josh  
McCarthy, Michael  
Notter, Jeanine  
Prout, Andrew  
Souza, Kathleen  
Zaricki, Nick

**MERRIMACK**

Kuch, Bill  
Hoell, J.R.  
Moffett, Michael  
Wells, Natalie

Copp, Anne  
Horn, Werner  
McGuire, Carol

Wolf, Dan  
Klose, John  
Pearl, Howard

Hill, Gregory  
Kotowski, Frank  
Seaworth, Brian

**ROCKINGHAM**

Allen, Mary  
Emerick, J. Tracy  
Marsh, Henry  
Katsakiores, Phyllis  
Gordon, Richard  
True, Chris  
Weyler, Kenneth

Baldasaro, Alfred  
Fesh, Robert  
Hagan, Joseph  
Kolodziej, Walter  
Sapareto, Frank  
Verville, Kevin  
Willis, Brenda

Bates, David  
Gay, Betty  
Itse, Daniel  
Griffin, Mary  
Spillane, James  
Wallace, Scott

Dowling, Patricia  
Green, Dennis  
Janvrin, Jason  
Osborne, Jason  
Torosian, Peter  
Welch, David

**STRAFFORD**

Beaudoin, Steven  
Kaczynski, Thomas  
Graham, Robert

Ellis, Donna  
Turcotte, Leonard  
Scruton, Matthew

Harrington, Michael  
McNally, Jody  
Spencer, Matthew

Horgan, James  
Pitre, Joseph  
Wuelper, Kurt

**SULLIVAN**

Laware, Thomas

Rollins, Skip

Smith, Steven

**NAYS - 213****BELKNAP**

Tilton, Franklin  
Spagnuolo, Philip

Fields, Dennis  
St. Clair, Charlie

Huot, David

Plumer, John

**CARROLL**

Buco, Thomas  
Knirk, Jerry

Butler, Edward  
Umberger, Karen

DesMarais, Edith  
Marsh, William

McCarthy, Frank

**CHESHIRE**

Abbott, Michael  
Burridge, Delmar  
Faulkner, Barry  
Parkhurst, Henry  
Pearson, William

Ames, Richard  
Harvey, Cathryn  
Johnsen, Gladys  
Shepardson, Marjorie  
Weber, Lucy

Berch, Paul  
Ley, Douglas  
Mann, John  
Sterling, Franklin

Bordenet, John  
Eaton, Daniel  
Meader, David  
Tatro, Bruce

**COOS**

Fothergill, John  
Moynihan, Wayne

Hatch, William  
Richardson, Herbert

Laflamme, Larry  
Tucker, Edith

Merner, Troy  
Thomas, Yvonne

**GRAFTON**

Abel, Richard  
Darrow, Stephen  
Josephson, Timothy  
Mulligan, Mary Jane  
Smith, Suzanne

Almy, Susan  
Dontonville, Roger  
Ladd, Rick  
Nordgren, Sharon  
Sykes, George

Bennett, Travis  
Hennessey, Erin  
Maes, Kevin  
Rand, Steven

Campion, Polly  
Higgins, Patricia  
Massimilla, Linda  
Schwaegler, Vicki

**HILLSBOROUGH**

Backus, Robert  
Bouldin, Amanda  
Sullivan, Daniel  
Freitas, Mary  
Goley, Jeffrey  
Hinch, Richard  
Jack, Martin

Baroody, Benjamin  
Chandley, Shannon  
DiSilvestro, Linda  
Gagne, Larry  
Hansen, Peter  
Belanger, James  
Keane, Amelia

Beaulieu, Jane  
Christensen, Chris  
Edwards, Elizabeth  
Gargas, Carolyn  
Heath, Mary  
Graham, John  
King, Mark

Biggie, Barbara  
Connors, Erika  
Elber, Joel  
Gidge, Kenneth  
Herbert, Christopher  
Schmidt, Janice  
Klee, Patricia

L'Heureux, Robert  
 Lisle, David  
 Martin, Joelle  
 O'Brien, Michael  
 Ober, Russell  
 Sanborn, Laurie  
 Somero, Paul  
 Vann, Ivy

Lascelles, Richard  
 MacKenzie, Mark  
 Martineau, Jesse  
 O'Leary, Richard  
 Roberts, Carol  
 Seidel, Carl  
 Smith, Timothy  
 Williams, Kermit

LeBrun, Donald  
 Mangipudi, Latha  
 McNamara, Richard  
 Long, Patrick  
 Rosenwald, Cindy  
 Shaw, Barbara  
 Wolf, Terry

Lewicke, John  
 Manley, Jonathan  
 Newman, Sue  
 Pierce, David  
 Harvey, Suzanne  
 Sofikitis, Catherine  
 Van Houten, Connie

### MERRIMACK

Turcotte, Alan  
 Doherty, David  
 Kenison, Linda  
 Richards, Beth  
 Schultz, Kristina  
 Wallner, Mary Jane

Bartlett, Christy  
 Gile, Mary  
 Luneau, David  
 Rodd, Beth  
 Shurtleff, Stephen  
 Walz, Mary Beth

Carson, Clyde  
 Moffett, Howard  
 Myler, Mel  
 Rogers, Katherine  
 Soucy, Timothy

Long, Douglas  
 MacKay, James  
 Patten, Dick  
 Schuett, Dianne  
 Walsh, Thomas

### ROCKINGHAM

Abrami, Patrick  
 Bove, Martin  
 Costable, Michael  
 DiLorenzo, Charlotte  
 Francese, Paula  
 Janigian, John  
 Lovejoy, Patricia  
 Matthews, Carolyn  
 Messmer, Mindi  
 Gordon, Pamela  
 Somssich, Peter  
 Vose, Michael

Altschiller, Debra  
 Cahill, Michael  
 Cushing, Robert Renny  
 Edgar, Michael  
 Gilman, Julie  
 O'Connor, John  
 Pearson, Mark  
 McBeath, Rebecca  
 Milz, David  
 Packard, Sherman  
 Sytek, John  
 Ward, Gerald

Barnes, Arthur  
 Cali-Pitts, Jacqueline  
 Thomas, Douglas  
 Elliott, Robert  
 Hoelzel, Kathleen  
 Khan, Aboul  
 Major, Norman  
 McKinney, Betsy  
 Murray, Kate  
 Pantelakos, Laura  
 Le, Tamara  
 Webb, James

Berrien, Skip  
 Chirichiello, Brian  
 DeSimone, Debra  
 Farnham, Betsey  
 Edwards, Jess  
 Lerner, Kari  
 Malloy, Dennis  
 McMahon, Charles  
 Nigrello, Robert  
 Read, Ellen  
 Tripp, Richard

### STRAFFORD

Berube, Roger  
 Conley, Casey  
 Grassie, Chuck  
 Mullen, John  
 Sandler, Catt  
 Wall, Janet

Bixby, Peter  
 Fontneau, Timothy  
 Horrigan, Timothy  
 Opderbecke, Linn  
 Southworth, Thomas

Burton, Wayne  
 Frost, Sherry  
 Keans, Sandra  
 Schmidt, Peter  
 Spang, Judith

Cilley, Jacalyn  
 Gourgue, Amanda  
 Smith, Marjorie  
 Salloway, Jeffrey  
 Vincent, Kenneth

### SULLIVAN

Cloutier, John  
 Irwin, Virginia

Gagnon, Raymond  
 Oxenham, Lee

Gottling, Suzanne  
 Sullivan, Brian

Grenier, James  
 Tanner, Linda

and floor amendment (1826h) failed.

Committee report adopted and ordered to third reading.

**SB 577**, requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas Thomas for Science, Technology and Energy. This bill, as amended, has three separate parts. Part I requires the Public Utilities Commission to suspend the operation of the cap on the cumulative reduction factor for the Burgess BioPower plant. Part II prohibits the import of certain liquid fuels and prohibits the sale of such fuels in 2019. Part III changes the requirements for inclusion in class I of the Renewable Portfolio Standard (RPS) for methane gas. Due to unexpected and continued very low natural gas prices and without the three year suspension noted in Part I, Burgess would be forced to shut down sometime in 2020. This would have affected the state's electrical capacity and fuel diversity situation in addition to numerous lost jobs in related fields. The extra time is needed to secure a more permanent solution to protect our energy infrastructure. Part II ensures that by 2019 fuel oil above the allowable sulfur content is no longer sold, delivered, or used in the state, except for quantities left in storage tanks. Part III allows methane gas energy in the form of useful thermal energy produced by facilities beginning operation after 2013 to be included in Class I of the RPS statute. Vote 19-1.

### Amendment (1677h)

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

AN ACT requiring the public utilities commission to revise its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy.

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

1 Findings. The general court finds that the continued operation of the Burgess BioPower plant in Berlin is important to the energy infrastructure of the state of New Hampshire and important for the attainment of renewable energy portfolio standard goals of fuel diversity, capacity, and sustainability.

2 Public Utilities Commission; Proceedings; Authority to Amend Order. Notwithstanding any other provision of the law to the contrary, the public utilities commission shall reopen its Docket DE 10-195 and forthwith revise its Order No. 25,213 in the following manner:

I. Suspension of Operation of Cap. The public utilities commission shall amend its Order No. 25,213 (Docket DE 10-195) to suspend the operation of the cap on the cumulative reduction factor as set forth on page 97 of its Order for a period of 3 years from the date the operation of the cap would have otherwise taken effect.

II. During the proceedings the Burgess BioPower plant shall, upon request, make their cost and profitability records available to the public utilities commission, which records shall be exempt from public disclosure under RSA 91-A:5, IV.

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. Section 3 of this act shall take effect 12:01 a.m. July 1, 2018.

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

III. The remainder of this act shall take effect July 1, 2018.

#### AMENDED ANALYSIS

This bill:

I. Requires the public utilities commission to reopen a proceeding to revise to its order affecting the Burgess BioPower plant in Berlin.

II. Prohibits the import of certain liquid fuels and prohibits the sale of such fuels in 2019.

III. Changes the inclusion in electric renewable energy class I for methane gas.  
Committee amendment adopted.

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

Rep. Harrington spoke against.

Reps. Tucker and Douglas Thomas spoke in favor.

Rep. Copp requested a roll call; sufficiently seconded.

#### YEAS 254 - NAYS 64

##### YEAS - 254

##### BELKNAP

Tilton, Franklin  
Spagnuolo, Philip

Fields, Dennis  
Spanos, Peter

Huot, David  
St. Clair, Charlie

Plumer, John  
Vadney, Herbert

##### CARROLL

Buco, Thomas  
DesMarais, Edith  
Umberger, Karen

Butler, Edward  
McCarthy, Frank  
Marsh, William

Cordelli, Glenn  
Knirk, Jerry

Crawford, Karel  
McConkey, Mark

##### CHESHIRE

Abbott, Michael  
Burridge, Delmar  
Faulkner, Barry  
McConnell, James  
Shepardson, Marjorie  
Pearson, William

Ames, Richard  
Harvey, Cathryn  
Johnsen, Gladys  
Meader, David  
Stallcop, Joseph  
Weber, Lucy

Berch, Paul  
Ley, Douglas  
Hunt, John  
O'Day, John  
Sterling, Franklin

Bordenet, John  
Eaton, Daniel  
Mann, John  
Parkhurst, Henry  
Tatro, Bruce

##### COOS

Fothergill, John  
Moynihan, Wayne  
Thomas, Yvonne

Hatch, William  
Richardson, Herbert

Laflamme, Larry  
Theberge, Robert

Merner, Troy  
Tucker, Edith

##### GRAFTON

Abel, Richard  
Boutin, Skylar  
Dontonville, Roger  
Josephson, Timothy  
Migliore, Vincent Paul  
Schwaegler, Vicki

Almy, Susan  
Brown, Duane  
Ham, Bonnie  
Ladd, Rick  
Mulligan, Mary Jane  
Smith, Suzanne

Bailey, Brad  
Campion, Polly  
Hennessey, Erin  
Maes, Kevin  
Nordgren, Sharon  
Sykes, George

Bennett, Travis  
Darrow, Stephen  
Higgins, Patricia  
Massimilla, Linda  
Rand, Steven

##### HILLSBOROUGH

Griffin, Barbara  
Biggie, Barbara  
Carr, John

Backus, Robert  
Burns, Charlie  
Chandley, Shannon

Baroody, Benjamin  
Byron, Frank  
Christensen, Chris

Beaulieu, Jane  
Moore, Craig  
Connors, Erika

Sullivan, Daniel  
Elber, Joel  
Gargas, Carolyn  
Heath, Mary  
Graham, John  
King, Mark  
Lascelles, Richard  
McCarthy, Michael  
Martin, Joelle  
Newman, Sue  
Pierce, David  
Rouillard, Claire  
Somero, Paul  
Van Houten, Connie

Danielson, David  
Freitas, Mary  
Gidge, Kenneth  
Herbert, Christopher  
Schmidt, Janice  
Klee, Patricia  
LeBrun, Donald  
MacKenzie, Mark  
Martineau, Jesse  
O'Leary, Richard  
Ober, Russell  
Harvey, Suzanne  
Souza, Kathleen  
Vann, Ivy

DiSilvestro, Linda  
Griffin, Gerald  
Goley, Jeffrey  
Hinch, Richard  
Jack, Martin  
Kurk, Neal  
Lisle, David  
Mangipudi, Latha  
McNamara, Richard  
Long, Patrick  
Roberts, Carol  
Shaw, Barbara  
Smith, Timothy  
Williams, Kermit

Donovan, Daniel  
Gagne, Larry  
Gould, Linda  
Belanger, James  
Keane, Amelia  
L'Heureux, Robert  
MacKay, Mariellen  
Manley, Jonathan  
Negron, Steve  
Panasiti, Reed  
Rosenwald, Cindy  
Sofikitis, Catherine  
Wolf, Terry

Turcotte, Alan  
Wolf, Dan  
MacKay, James  
Luneau, David  
Rodd, Beth  
Shurtleff, Stephen  
Walz, Mary Beth

Bartlett, Christy  
Doherty, David  
Kenison, Linda  
Myler, Mel  
Rogers, Katherine  
Soucy, Timothy

Carson, Clyde  
Gile, Mary  
Klose, John  
Patten, Dick  
Schuett, Dianne  
Walsh, Thomas

Long, Douglas  
Moffett, Howard  
Kotowski, Frank  
Pearl, Howard  
Schultz, Kristina  
Wallner, Mary Jane

### MERRIMACK

Abrami, Patrick  
Berrien, Skip  
Cushing, Robert Renny  
Edgar, Michael  
Francese, Paula  
Marsh, Henry  
Janvrin, Jason  
Lerner, Kari  
Major, Norman  
McKinney, Betsy  
Murray, Kate  
Pantelakos, Laura  
Le, Tamara  
Welch, David

Allen, Mary  
Bove, Martin  
Thomas, Douglas  
Elliott, Robert  
Gay, Betty  
Hagan, Joseph  
O'Connor, John  
Lovejoy, Patricia  
Malloy, Dennis  
McMahon, Charles  
Nigrello, Robert  
Read, Ellen  
Tripp, Richard  
Weyler, Kenneth

Altschiller, Debra  
Cahill, Michael  
DeSimone, Debra  
Emerick, J. Tracy  
Gilman, Julie  
Hoelzel, Kathleen  
Katsakiores, Phyllis  
Griffin, Mary  
Matthews, Carolyn  
Messmer, Mindi  
Gordon, Pamela  
Somssich, Peter  
Ward, Gerald  
Willis, Brenda

Barnes, Arthur  
Cali-Pitts, Jacqueline  
DiLorenzo, Charlotte  
Farnham, Betsey  
Green, Dennis  
Janigian, John  
Khan, Aboul  
Pearson, Mark  
McBeath, Rebecca  
Milz, David  
Packard, Sherman  
Sytek, John  
Webb, James

### ROCKINGHAM

Bixby, Peter  
Ellis, Donna  
Grassie, Chuck  
Smith, Marjorie  
Schmidt, Peter  
Scruton, Matthew  
Wall, Janet

Burton, Wayne  
Fontneau, Timothy  
Horgan, James  
McNally, Jody  
Graham, Robert  
Southworth, Thomas

Cilley, Jacalyn  
Frost, Sherry  
Horrigan, Timothy  
Mullen, John  
Salloway, Jeffrey  
Spang, Judith

Conley, Casey  
Gourgue, Amanda  
Keans, Sandra  
Opderbecke, Linn  
Sandler, Catt  
Vincent, Kenneth

### STRAFFORD

Cloutier, John  
Irwin, Virginia  
Sullivan, Brian

Gagnon, Raymond  
Oxenham, Lee  
Tanner, Linda

Gottling, Suzanne  
Rollins, Skip

Grenier, James  
Smith, Steven

### SULLIVAN

### NAYS - 64

### BELKNAP

Lang, Timothy

### CARROLL

### GRAFTON

### HILLSBOROUGH

Abear, Marc

Aldrich, Glen

Avellani, Lino

Comeau, Ed

Binford, David

Johnson, Tiffany

Ammon, Keith  
Ferreira, Elizabeth  
Hopper, Gary  
Lewicke, John  
Ohm, Bill  
Sanborn, Laurie  
Ulery, Jordan

Burt, John  
Freeman, Lisa  
Hynes, Dan  
McLean, Mark  
Proulx, Mark  
Scully, Kevin  
Sullivan, Victoria

Christie, Rick  
Hansen, Peter  
Moore, Josh  
Murphy, Keith  
Prout, Andrew  
Seidel, Carl  
Zaricki, Nick

Dickey, Glen  
Hellwig, Steve  
Ober, Lynne  
Notter, Jeanine  
Renzullo, Andrew  
Twombly, Timothy

**MERRIMACK**

Kuch, Bill  
Horn, Werner  
Wells, Natalie

Copp, Anne  
Moffett, Michael

Hill, Gregory  
McGuire, Carol

Hoell, J.R.  
Seaworth, Brian

**ROCKINGHAM**

Baldasaro, Alfred  
Kolodziej, Walter  
Torosian, Peter  
Wallace, Scott

Bates, David  
Gordon, Richard  
True, Chris

Chirichiello, Brian  
Sapareto, Frank  
Verville, Kevin

Costable, Michael  
Spillane, James  
Vose, Michael

**STRAFFORD**

Beaudoin, Steven  
Pitre, Joseph

Harrington, Michael  
Spencer, Matthew

Kaczynski, Thomas  
Wuelper, Kurt

Turcotte, Leonard

**SULLIVAN**

Laware, Thomas

and the committee report was adopted and ordered to third reading.

**SB 512, relative to compact sections of towns. OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven Smith for Transportation. The Commissioner of Transportation is currently authorized to establish compact sections in certain municipalities by statute. Towns and cities would like the flexibility to enter into these agreements outside of the legislative process. The committee amendment removes the existing list of cities and towns eligible for compact sections from RSA 229:5 and directs the department to maintain one complete list on their website. Vote 15-0.

**Amendment (1699h)**

Amend the bill by replacing section 1 with the following:

1 Highway System; Establishing Compact Sections by Agreement with Municipalities. RSA 229:5, V is repealed and reenacted to read as follows:

V. The commissioner of transportation may establish compact sections in cities and towns as agreed between the department of transportation and the municipality. In addition to the authority in RSA 229:5, IV, the commissioner may review and adjust the compact limits for established compacts by agreement with the municipality. The commissioner shall maintain a list on the department's website of cities and towns that have established compact sections.

**AMENDED ANALYSIS**

This bill permits the commissioner of transportation to establish compact sections in cities and towns by agreement with the municipalities.

Committee amendment adopted.

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

Rep. Kurk offered floor amendment (1848h).

**Floor Amendment (1848h)**

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

AN ACT relative to compact sections of towns and relative to surveillance on the public ways of the state.

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

2 Highway Video Surveillance Prohibited. Amend RSA 236:130, I and II to read as follows:

I. In this subdivision, "surveillance" means the act of determining the ownership *or location* of a motor vehicle or the identity of a motor vehicle's occupants on the public ways of the state or its political subdivisions through the use of a camera or other imaging device or any other device, including but not limited to a transponder, cellular telephone, global positioning satellite, or radio frequency identification device, that by itself or in conjunction with other devices or information can be used to determine the ownership *or location* of a motor vehicle or the identity of a motor vehicle's occupants.

II. Neither the state of New Hampshire ~~nor~~, its political subdivisions, *nor any person* shall engage in surveillance on any public ways of the state or its political subdivisions. *This prohibition shall not apply to a person engaging in surveillance if:*

*(a) The person obtains the consent of the owner or lessee of the vehicle; or*

*(b) The surveillance is by a camera, is limited in time and scope, is for a noncommercial purpose, and does not constitute stalking pursuant to RSA 633:3-a.*

3 Highway Video Surveillance Prohibited. Amend RSA 236:130, V to read as follows:

V. Any person violating the provisions of this section shall be guilty of a ~~[violation if a natural person, or guilty of a]~~ misdemeanor ~~[if any other person]~~.

#### 4 Effective Date.

- I. Section 1 of this act shall take effect 60 days after its passage.
- II. The remainder of this act shall take effect July 1, 2018.

#### AMENDED ANALYSIS

This bill:

- I. Permits the commissioner of transportation to establish compact sections in cities and towns by agreement with the municipalities.
  - II. Increases the penalty for a private party who engages in surveillance on highways.
  - III. Modifies the definition of "surveillance" as it pertains to highways.
- Rep. Kurk spoke in favor.  
 Rep. Steven Smith spoke against.  
 Rep. Kurk withdrew floor amendment (1848h).  
 Committee report adopted and ordered to third reading.

#### 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 10, 2018 at 10:00 a.m.  
 Motion adopted.

#### LATE SESSION

##### Third Reading and Final Passage

**SB 189-FN**, requiring insurance policies to cover 3-D mammography.  
**SB 313-FN**, reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds.  
**SB 450-FN-A**, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program.  
**SB 538-FN**, including police officers of the state office complex police force in group II of the retirement system.  
**SB 549-FN-A**, relative to plans of safe care for infants affected by substance abuse or withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder.  
**SB 565-FN**, relative to aircraft registration fees.  
**SB 580**, relative to transfers of appropriated funds, amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital, and transferring a capital budget appropriation for painting the ceiling of Representatives Hall to the legislative branch.  
**SB 590-FN-A**, relative to the state loan repayment program, the developmental disabilities wait list, involuntary admissions procedures, and the mental health system.  
**SB 592-FN-A**, relative to the child welfare system.  
**SB 365**, relative to the use of renewable generation to provide fuel diversity.  
**SB 379**, relative to retroactive denials of previously paid claims and relative to a second opinion on health care matters for state or county prisoners.  
**SB 527-FN-L**, relative to absentee voting and relative to the statewide centralized voter registration database.  
**SB 446**, relative to net energy metering limits for customer-generators.  
**SB 577**, requiring the public utilities commission to revise its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy.  
**SB 512**, relative to compact sections of towns.

#### UNANIMOUS CONSENT

Rep. John Graham requested Unanimous Consent of the House regarding memorial remarks for the former member from Bedford, the Honorable Ken Hawkins and addressed the House.

#### MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former member from Bedford, the Honorable Ken Hawkins.

#### MOTION TO PRINT REMARKS

Without objection, the Speaker moved that the remarks made by Rep. John Graham during Unanimous Consent be printed in the Permanent Journal.

#### REMARKS

**Rep. John Graham:** Thank you Mr. Speaker. I ask that all of my fellow Bedford representatives join me at the well. Members, I wish to offer a few memorial remarks in remembrance of our friend and colleague Ken-

neth R. Hawkins Jr. who lost his battle with cancer a week ago today. Ken was born and raised in Holderness, and had resided in Bedford for several decades. Following school he joined the Marine Corps, and as he used to joke that during the height of the Viet Nam war the furthest west he was sent was his tour in Hawaii. He firmly believed that once a Marine always a Marine. Ken believed in giving back to his community and state. He was active in the Jaycees serving as the NH state president and national vice-president. Following that he was instrumental in founding the Bedford Men's Club, an organization that donates thousands each year to youth programs in town. When he younger he also found time to coach softball, baseball and soccer for teams in Bedford. He was always willing to help make his town a better place – I recall one summer when he and a handful of friends built a bandstand by hand for use by the town. He served in this House for a decade, initially serving on the State-Federal Relation and Veterans Affairs Committee, and ending up on ED&A, serving for a term as vice-chair of that committee. While here he was always willing to work with any member on legislation to improve his beloved state. Make no mistake though he could be fiercely partisan, especially in support of his chosen candidates. Just to be clear those candidates were always Republican. Many of you can recall him at various locations doing sign waves. I remember driving around Bedford and surrounding areas with Ken in his truck full of signs setting them up in the weeks leading up to an election. And in the week after an election reversing the process picking up all the signs we could find because that was the right thing to do. Finally, Ken was a devoted and loving family man. He leaves his wife of 49 years Joyce, his two children and their spouses and 5 grandchildren. Our thoughts and prayers go out to them. These brief remarks only scratch the surface of who Kenny Hawkins was, what he meant not only to his family, but also to his friends, his community and our state. It is people like this that make our communities great and our state what it is. Thank you Mr. Speaker.

#### UNANIMOUS CONSENT

Rep. Schuett requested Unanimous Consent of the House regarding the Old Man of the Mountain and addressed the House.

#### MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the Old Man in the Mountain.

#### MOTION TO PRINT REMARKS

Without objection, the Speaker moved that the remarks made by Rep. Schuett during Unanimous Consent be printed in the Permanent Journal.

#### REMARKS

**Rep. Schuett:** Thank you, Mister Speaker. Today marks the 15th anniversary of the day our most famous state symbol, the Old Man of the Mountain ceased to exist. For those of you who do not know, he has some pretty strong connections to this legislature. In 1945, the General Court declared him to be the official state symbol and of course, we still embellish our license plates and he was prominently displayed on our state quarter. His long term caretaker, the Honorable Niels Nielsen was a member of this House for the 1991-92 Session. When Niels became too frail to do the work, his son, David took over. David's wife Deborah, who worked alongside him in the preservation work, served as our House Sgt.-at-Arms from 2003 to 2008. It seems appropriate that sometime in the early hours of May 3, 2003, under cover of heavy clouds, the Old Man slipped from his place in the White Mountains, unseen by human eyes. Even though he is gone, if you are a true Granite Stater, the Old Man of the Mountain has a special place in your heart and I think it would be fitting for us to observe a moment of silence in his memory.

#### 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 12:10 p.m.

#### RECESS

(Speaker Chandler in the Chair)

#### SENATE MESSAGES

#### CONCURRENCE WITH AMENDMENTS

**SB 63**, relative to record management of abuse and neglect reports, establishing a pilot program regarding electronic storage of abuse and neglect records, and establishing the excess appropriation allocation account in the department of health and human services.

**SB 300**, naming a certain bridge connecting Dover and Newington the Ruth L. Griffin bridge and establishing the fallen state troopers' memorial committee.

**SB 303**, relative to a security freeze on a consumer's credit report.

**SB 309-FN**, regulating groundwater pollution caused by polluting emissions in the air and relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.

**SB 312**, clarifying the New Hampshire Foundation Act.

**SB 336**, relative to the judicial district for the town of Waterville Valley and the unincorporated place of Livermore.

**SB 339**, relative to voting by zoning boards of adjustment.

**SB 351**, relative to managed care programs under workers' compensation.

**SB 366**, relative to membership and procedures of the site evaluation committee.

**SB 374**, relative to adoption of emergency medical and trauma services protocols.

**SB 380**, relative to the therapeutic use of cannabis.

**SB 385**, establishing a foster care children's bill of rights.

**SB 391-FN**, relative to sexual assault survivors' rights.

**SB 433**, relative to the annual filing of statistical reports to the department of education and relative to retention of pupil registers kept on a computer.

**SB 443**, relative to the jurisdiction of counties concerning retail electric supply, and allowing the Carroll county convention to employ a delegation coordinator.

**SB 451**, relative to wildlife trafficking.

**SB 456**, relative to the appointment of the state medical director for emergency medical services.

**SB 478**, establishing an advisory council on lactation.

**SB 479**, relative to the oversight commission on children's services and relative to the commission to review child abuse fatalities.

**SB 489**, establishing a committee to study parental alienation in New Hampshire.

**SB 496-FN**, relative to mediation for certain child support arrearages.

**SB 498-FN**, requiring an annual report detailing activity related to forfeiture of personal property.

**SB 500**, amending references to firearms terminology.

**SB 507**, proclaiming June as post-traumatic stress injury (PTSI) awareness month.

**SB 510**, relative to municipal notice of leases on tax-exempt property.

**SB 534-FN**, relative to the classification of certain state employee positions and relative to a review of certain unclassified positions in the department of health and human services.

**SB 544-FN**, transferring department of safety funds to the fire standards and training and emergency medical services fund.

**SB 553-FN**, establishing a commission to study the incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation.

**SB 564-FN-A**, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.

#### **NONCONCURRENCE**

**SB 493**, relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file.

#### **CONCURRENCE**

**HB 407-FN**, requiring workers' compensation to cover prophylactic treatment for exposure.

**HB 1233**, preempting local regulation of seeds and fertilizer.

**HB 1238**, relative to animal cruelty involving an equine colt.

**HB 1402**, relative to ordinances regarding forestry activities.

**HB 1686-FN**, relative to applications for and the use of education tax credits.

**HB 1822-FN**, making hormonal contraceptives available directly from pharmacists by means of a standing order.

#### **REFERRED FOR INTERIM STUDY**

**HB 114**, relative to minimum electric renewable portfolio standards.

**HB 1476**, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

#### **LAID ON THE TABLE**

**HB 1313**, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile.

**HB 1427-FN**, relative to the reduction in the calculation of state retirement system annuities at age 65.

#### **RECESS**

**(Rep. Baldasaro in the Chair)**

#### **ENROLLED BILL AMENDMENTS**

**HB 1329**, relative to eyewitness identification procedures.

**Amendment 2018-1845EBA**

Amend section 1 of the bill by replacing line 5 with the following:

595-C:1 Definitions. In this chapter:

Amend RSA 595-C:1, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. "Live lineup" means an identification procedure in which a group of persons, including  
Amend RSA 595-C:1, II as inserted by section 1 of the bill by replacing line 1 with the following:

II. "Photo lineup" means an identification procedure in which an array of photographs,  
Amend RSA 595-C:2 as inserted by section 1 of the bill by replacing line 2 with the following:  
conducts photo lineups, live lineups, or show-ups shall adopt a written policy that sets forth the  
Motion adopted.

**HB 1497**, relative to accountability for school performance.

**Amendment 2018-1825EBA**

Amend RSA 193-H:1, III(a)(2) as inserted by section 1 of the bill by replacing line 2 with the following:  
state based on the same methodology used in subparagraph (1).

Amend RSA 193-H:1, III(b) as inserted by section 1 of the bill by replacing line 3 with the following:  
determinations shall be made every 3 years following the initial identification period.  
Motion adopted.

**HB 1577**, relative to the administration of anesthesia by dentists.

**Amendment 2018-1909EBA**

Amend RSA 317-A:12, XII-b as inserted by section 1 of the bill by replacing line 4 with the following:  
***undergoing general anesthesia, deep sedation, moderate sedation, and subsequent***

Amend RSA 317-A:17, II(l) as inserted by section 2 of the bill by replacing line 5 with the following:  
all of the patients shall be physically in the same room to allow continuous visual contact with all

Amend RSA 317-A:20, II(c) as inserted by section 3 of the bill by replacing line 1 with the following:  
***(c) The rules of the board shall require an appropriate number of hours of***  
Motion adopted.

**HB 1738**, transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs.

**Amendment 2018-1860EBA**

Amend section 5 of the bill by replacing line 1 with the following:

5 New Section; Department of Business and Economic Affairs; Division of Travel and

Amend section 7 of the bill by replacing line 8 with the following:  
in 2017, 155:1, accounting unit 03-35-35-352510-2005, is hereby transferred to the department of business  
Motion adopted.

**HB 1739-FN**, prohibiting female genital mutilation.

**Amendment 2018-1790EBA**

Amend the introductory paragraph in RSA 632-A:10-d, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. A person is guilty of a class A felony if:

Amend the bill by inserting after section 2 the following and renumbering the original 3 to read as 5:

3 Abused Child; Definition. Amend RSA 169-C:3, II(e) to read as follows:

(e) Subjected, by any person, to human trafficking as defined in RSA 633:7; ***or***

***(f) Subjected to an act prohibited by RSA 632-A:10-d.***

4 Contingency. If HB 1683-FN of the 2018 regular legislative session becomes law, section 3 of this act shall take effect and section 2 of this act shall not take effect. If HB 1683-FN does not become law, section 2 of this act shall take effect and section 3 of this act shall not take effect.  
Motion adopted.

**RECESS**

**(Rep. McGuire in the Chair)**

**ENROLLED BILL AMENDMENTS**

**SB 314**, relative to regulation of mortgage bankers, brokers, servicers, and originators. (Amendment printed SJ 5/3/18)

Motion adopted.

**SB 321**, relative to group host net energy metering. (Amendment printed SJ 5/3/18)  
Motion adopted.

**SB 369-FN**, relative to the publication of the rulemaking register. (Amendment printed SJ 5/3/18)  
Motion adopted.

**SB 412**, relative to agritourism. (Amendment printed SJ 5/3/18)  
Motion adopted.

**SB 591-FN**, relative to accreditation of health care providers by pharmacy benefit managers. (Amendment printed SJ 5/3/18)  
Motion adopted.

#### **RECESS**

**(Rep. John Graham in the Chair)**

#### **ENROLLED BILL AMENDMENTS**

**SB 300**, naming a certain bridge connecting Dover and Newington the Ruth L. Griffin bridge and establishing the fallen state troopers' memorial committee. (Amendment printed SJ 5/10/18)  
Motion adopted.

#### **RECESS**

**(Speaker Chandler in the Chair)**

#### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 390, 1215, 1265, 1322, 1340, 1411, 1416, 1473, 1483, 1555, 1564, 1589, 1593, 1613, 1615, 1661, 1692, 1700, 1720 and 1808 and Senate Bills numbered 91, 92, 170, 172, 311, 323, 346, 368, 376, 387, 388, 390, 410, 416, 424, 429, 444, 445, 476, 481, 482, 485, 486, 573 and 593.

Rep. Hinch, Sen. Avar for the Committee

#### **RECESS**