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Thursday, May 2, 2019

No. 14

HOUSE JOURNAL NO. 13 (Cont'd)

Thursday, April 11, 2019

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

HOUSE JOURNAL NO. 14

Thursday, May 2, 2019

The House assembled at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Kate Atkinson, Rector of St. Paul's Church in Concord. God of love and comfort, we remember today Peter Leishman's son, Jordan, giving thanks for his loving heart, his brilliant intellect, his sense of humor, his commitment to justice, and his willingness to help and support people in need. May Jordan's qualities be an inspiration to us all, even as we mourn the illness that consumed him and robbed him of his life. From the *Book of Common Prayer* for the Episcopal Church, a prayer for the *Victims of Addiction*: O blessed Lord, You ministered to all who came to You: Look with compassion upon all who through addiction have lost their health and freedom. Restore to them the assurance of Your unfailing mercy; remove from them the fears that beset them; strengthen them in the work of their recovery; and to those who care for them, give patient understanding and persevering love. We remember too today, Kris Schultz's mother Lou Ann, giving thanks for her life and her dedicated service. And, on this 75th anniversary of the Holocaust, we remember all those people who lost their lives. May their souls, Lou Ann's soul, Jordan's soul, and the souls of all the departed, through the mercy of God, rest in peace. Amen.

Representative Charlotte DiLorenzo, member from Newmarket, led the Pledge of Allegiance.

The National Anthem was sung by Britnee DiLorenzo, granddaughter of Rep. DiLorenzo.

LEAVES OF ABSENCE

Reps. Abramson, Fulweiler, Gidge, O'Connor, Query and Sofikitis, the day, illness.

Reps. Conley, Edwards, Fenton, Frost, Gourgue, Harrington, McBeath, Merchant, Merlino, Milz, Myler, Owens, Mark Pearson, Pitre, Plett, Proulx, Tatro, Trento, Turcotte and Verville, the day, important business.

Reps. L'Heureux, Lane and Le, the day, illness in the family.

Reps. Leishman and Schultz, the day, death in the family.

INTRODUCTION OF GUESTS

Hayli Langley, Student at Manchester Memorial High School, Page for the day.

Millicent Gregoire and Linda and Sophia Bouldin, guests and family of Reps. Andrew and Amanda Bouldin. Lily Doherty and Nancy Fortin, guests of Rep. Woods. Angela Read, mother of Rep. Read. Cecily Swinburne, daughter of Rep. Swinburne. Randall DiLorenzo, husband of Rep. DiLorenzo and Bradley DiLorenzo, father of the singer, son of Rep. DiLorenzo. Denise Preston, guest of the Speaker.

Speaker Shurtleff addressed the House on the passing of the former member from Lebanon, the Honorable Carl Adams.

Rep. Ley moved that the remarks made by the Speaker be printed in the Permanent Journal.
Without objection, the Speaker ordered.

REMARKS BY THE SPEAKER

Before we get started on work this morning, I just want to make an announcement. Recently I read in the paper the passing of the Honorable Carl Adams. He was a former member from Lebanon who passed away on April 20 at the age of 101. To think that he was here for the centennial of the New Hampshire House is incredible. Representative Adams was a five term Republican member of the New Hampshire House, serving from 1986 to 1996. He was known as a true gentleman and a dedicated public servant. He served as the Lebanon tax assessor for nearly 30 years while simultaneously running the family farm which he had worked on since he was a small boy. He served as a Page in the New Hampshire House in 1941 and was active in the New Hampshire State Grange serving as State Master from 1963 to 1967. I didn't know Representative Adams. All I know is that he served with great honor and distinction in this body and that's all I need to know about him. New Hampshire was lucky to have such a wonderful public servant as Carl Adams. I wish you would join me in a moment of silence for the Honorable Carl Adams.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former member from Lebanon, the Honorable Carl Adams.

SENATE MESSAGES**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 338, relative to rebates under the law governing unfair insurance practices. (Amendment printed SJ 4/18/19)

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

Motion adopted.

HB 171, establishing a commission to study equal access and opportunity for students with disabilities to participate in cocurricular activities. (Amendment printed SJ 4/18/19)

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

Motion adopted.

HB 356, relative to the retention of certain reports by institutions of higher learning. (Amendment printed SJ 4/18/19)

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

Motion adopted.

HB 463-FN, relative to licensure of advanced pharmacy technicians. (Amendment printed SJ 4/18/19)

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

Motion adopted.

HB 572, proclaiming the second Saturday in June as Pollyanna of Littleton New Hampshire Recognition Day. (Amendment printed SJ 4/18/19)

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

Motion adopted.

HB 196, relative to proof of residency for fish and game purposes. (Amendment printed SJ 4/11/19)

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

Motion adopted.

HB 350, relative to licensed health care providers authorized to certify that criteria has been met for the use of therapeutic cannabis. (Amendment printed SJ 4/11/19)

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

Motion adopted.

HB 396-FN-L, relative to delay or denial of records under the right-to-know law. (Amendment printed SJ 4/25/19)

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

Motion adopted.

HB 365, relative to net energy metering limits for customer generators. (Amendment printed SJ 4/18/19)

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

Motion adopted.

Rep. McWilliams declared a conflict of interest and did not participate in the vote.

HB 140, establishing a commission to study the licensing of drivers from foreign countries. (Amendment printed SJ 4/11/19)

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

Motion adopted.

HB 320-FN, relative to organizations authorized to issue decals for multi-use decal number plates. (Amendment printed SJ 4/18/19)

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

Motion adopted.

CONSENT CALENDAR

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

SB 250-FN, relative to forgery of a certificate of insurance, removed by Rep. Warden.

SB 298-FN, relative to summoning out-of-state witnesses in criminal cases, removed by Rep. Sylvia.

SB 225-FN, adding physician assistants to certain New Hampshire laws, removed by Rep. Marsh.

SB 52-FN, requiring the department of transportation to install a traffic light in the town of Conway, removed by Rep. Buco.

Consent Calendar adopted.

SB 176, establishing a committee to study mental health and human service business process alignment and information system interoperability. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kristina Fargo for Commerce and Consumer Affairs. This bill will continue the work of a study committee established in the 2017 session that issued a report in November of 2018. This study will include methods to improve access to services, identify and reduce duplicative efforts and integrate primary care, mental health and substance use treatment systems. Data sharing capabilities would enable improved doctor/patient communications, enable the sharing of data regarding all aspects of patient health for a better overall patient experience as well as providing for better patient outcomes. The amendment changes the effective date from January 1, 2020 to upon passage so that the committee can begin work sooner. Vote 18-0.

Amendment (1472h)

Amend the bill by replacing section 6 with the following:

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

Referred to the Committee on Health, Human Services and Elderly Affairs.

SB 50, relative to testing to determine alcohol concentration. **OUGHT TO PASS.**

Rep. Nancy Murphy for Criminal Justice and Public Safety. This bill clarifies when phlebotomy tests are given to determine alcohol concentration. After a subject submits to an infrared molecular absorption test, he/she has, at his/her own expense, the right to have a blood sample drawn and a blood test made by a person of his/her own choosing who is competent to conduct the tests, as determined by the Commissioner of the Department of Safety under RSA 265-A:5. SB 50 clarifies the time frame within which law enforcement is to provide subjects, the contact information for individuals and the nearest facilities that make themselves available to draw and test blood. Further, it changes this time of notice from "at the same time" to "after" the person submits to the infrared molecular absorption test and the test is completed. Vote 19-0.

SB 112, establishing a committee to study procedures governing the hiring and payment of bail bondsmen and bail commissioners. **OUGHT TO PASS.**

Rep. Linn Opderbecke for Criminal Justice and Public Safety. This bill establishes a committee to study procedures governing the hiring and payment of bail bondsmen and bail commissioners. We heard convincing testimony that there is a continuing shortage of bail commissioners and difficulty in recruiting new commissioners. We also heard that because of present procedures the bail commissioners frequently go unpaid for their services. Vote 20-0.

SB 126, relative to competency evaluations for certain court proceedings. **OUGHT TO PASS.**

Rep. Beth Rodd for Criminal Justice and Public Safety. This is a housekeeping bill requested by the administration of New Hampshire Hospital. It introduces updated practices for determining a defendant's competency to stand trial. It replaces references to "involuntary commitment" with "involuntary admission." No one spoke in opposition to this legislation. Vote 19-0.

SB 239-FN, relative to implementation of the blue alert system in New Hampshire. **OUGHT TO PASS.**

Rep. Daryl Abbas for Criminal Justice and Public Safety. This bill creates a Blue Alert Program in the Division of the State Police that will provide a public notice through different state agencies and media outlets, including text messages, when a law enforcement officer is killed, injured, or has gone missing while in the line of duty. The Blue Alert Program provides relevant information including the description of the offender or offender's vehicle similar to an Amber Alert. Information obtained through the Blue Alert will assist law enforcement officers in apprehending dangerous suspects that pose an imminent threat to public safety so that justice can be administered and supports the safety of law enforcement officers as well as the general public. Vote 19-0.

SB 299-FN, requiring good behavior as a condition for release without arrest or bail. **OUGHT TO PASS.**

Rep. John Bordenet for Criminal Justice and Public Safety. This bill allows the release of someone that law enforcement judges that their release poses no risk of public safety. Failure to maintain good behavior would result in immediate arrest. Vote 20-0.

SB 136, relative to classification of students for tuition purposes in the university system. **OUGHT TO PASS.** Rep. Sue Mullen for Education. This bill removes the rulemaking requirement for the adoption of criteria by the University System Board of Trustees governing the classification of students for tuition purposes. The Joint Legislative Committee on Administrative Rules is in support of this legislation. There would not be any changes in the process for setting criteria or in the process for appeals. Vote 18-2.

SB 276-FN-A, relative to career readiness credentials for high school students. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for Education. This bill defines certain terms related to career and technical education programs, creates ways for New Hampshire high school students to earn career ready credentials, adds to the reporting requirement of the advisory council on career and technical education, and permits students in grade 10 to enroll in career and technical education courses. The amendment gives school districts a year to prepare for the program and requires districts to report on participation in all career readiness programs. The committee believes this bill, as amended, will serve student interests, community needs and the state's economy. Vote 19-0.

Amendment (1558h)

Amend RSA 188-E:5, XI as inserted by section 5 of the bill by replacing it with the following:

XI. Beginning in September 2020, and each year thereafter, school districts shall, for entering high school freshman: assess student career interests; document school pathways to career readiness credentials; advise all entering high school students how to achieve a career ready credential upon graduation; and record on a student's transcript progress towards the credential. School districts shall report the following annually: the number of students who complete CTE; the number of dual enrollments, concurrent enrollments, extended learning opportunities, and work-based learning enrollments; and the number of career ready credentials awarded.

SB 27, relative to certain unclassified positions within the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. This bill, as amended, codifies changes to the titles of certain unclassified positions within the Department of Health and Human Services that have been approved by the Joint Committee on Employee Classification (JCEC). It also extends the time frame to complete a review of certain unclassified positions from 2 to 4 years, giving the department more time to complete this review. The new provision also requires the Commissioner of the Department of Health and Human Services to issue a progress report to the Fiscal Committee every 6 months until the process is complete. Vote 20-0.

Amendment (1405h)

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

IV. In salary grade FF:

FF	Department of health and human services	~~[grants administrator]~~ director contracts unit
FF	Department of health and human services	~~[community social supports liaison]~~ senior general counsel
FF	Department of health and human services	~~[director of contracts]~~ senior general counsel specialist
FF	Department of health and human services	~~[managing analyst]~~ deputy director, information services

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:
3 Health and Human Services Review; Certain Unclassified Employees. Amend RSA 94:1-f, V and VI to read as follows:

V. All titles listed in RSA 94:1-a shall be subject to the requirements of this section, with the exception of the following positions: commissioner, deputy commissioner, associate commissioners, and chief ~~[operat- ing]~~ **executive** officer for New Hampshire hospital. The joint committee may decline to review or exclude any other title from review as it deems necessary.

VI. All reviews and recommendations shall be completed no later than ~~[2]~~ **4** years from the effective date of this section. The commissioner of the department of health and human services shall issue a progress report every 6 months from the effective date of this section to the fiscal committee of the general court until the process is completed.

SB 28, relative to an active retirement system member appointment to the independent investment committee. **OUGHT TO PASS.**

Rep. Dianne Schuett for Executive Departments and Administration. The Independent Investment Committee of the New Hampshire Retirement System (NHRS) manages investments for the system. This committee consists of 5 voting members and this bill would add an active retirement system member as a nonvoting

member. The bill lists public employee associations which would nominate members from whom the Governor may select this appointee. Even though this would be a nonvoting member, the committee agreed that members of the system should have a voice on the investment committee and further, that this member would then be able to participate in non-public sessions. Vote 20-0.

SB 109-FN, relative to paid details by personnel of the division of fire safety. **OUGHT TO PASS.**

Rep. Jaci Grote for Executive Departments and Administration. This bill provides the ability for the Department of Safety's Business Office to invoice customers when members of the Division of Fire Safety perform outside details. These details are staffed by division personnel at a customer's request and can include the NH Motor Speedway and other large events. The funding for educational and public relations events would continue to come from the division's budget and would not be charged as detail. The requesting party would be billed at a detail rate as established by the Commissioner of Safety. This is already the practice for the details performed by the State Police and Marine Patrol per RSA 270:12 enacted last year for the Marine Patrol. Vote 20-0.

SB 114, establishing a committee to study state oversight and regulation of life coaches. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Merchant for Executive Departments and Administration. This bill would create a committee to study the need to establish state oversight and regulation of life coaches. The committee heard testimony from members of the International Coach Federation (ICF) that this organization provides three levels of certification: Associate, Professional, and Master which are renewed every three years and require both continued education and mentoring. In the state of New Hampshire, there are a total of 43 ICF credential holders - 22 Associates, 19 Professionals, and 2 Master Coaches. The committee decided that establishing a committee to study the regulation of life coaches was not warranted as the ICF provides several levels of certifications each requiring ongoing continuing education and monitoring with 3-year renewals. Vote 19-0.

SB 51, establishing a commission to study expanding mental health courts statewide. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Fothergill for Health, Human Services and Elderly Affairs. This bill establishes a commission to study expanding mental health courts statewide. There are a small number of mental health courts functioning now and they are reported to provide valuable service. This bill does not create any mandates to create mental health courts, but to study the pros and cons of such courts in other parts of the state. Vote 19-0.

Amendment (1504h)

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

I. Mental health courts provide sentencing alternatives to individuals with mental illness who are involved in criminal matters. It is an intensive and comprehensive court program which integrates treatment into the resolution of the criminal case. The fundamental principle of a mental health court is that people who engage in criminal behavior due to their mental illness should undergo appropriate treatment in order to modify their behavior and achieve recovery. Mental health court holds its participants accountable for their behavior, provides them with support and assistance, and works collaboratively with service providers for quality care of that individual. Currently there are no mental health courts operating in Belknap, Carroll, Coos, and Sullivan counties.

Amend RSA 490-H:3, I as inserted by section 2 of the bill by inserting after subparagraph (q) the following new subparagraphs:

(r) A representative of the New Hampshire Public Defender, appointed by that organization.

(s) One prosecutor appointed by the county attorneys affiliate of the New Hampshire Association of Counties.

Amend RSA 490-H:3, V as inserted by section 2 of the bill by replacing it with the following:

V. The commission shall submit a report of 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, the chairperson of the oversight committee on health and human services established in RSA 126-A:13, and the state library on or before November 1, 2020.

Amend section 4 of the bill by replacing paragraph I with the following:

I. Section 3 of this act shall take effect November 1, 2020.

SB 120, relative to the controlled drug prescription health and safety program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Woods for Health, Human Services and Elderly Affairs. This bill, as amended, accomplishes the transfer of the Prescription Drug Monitoring Program (PDMP) from oversight by the Board of Pharmacy to the Office of Professional Licensure and Certification (OPLC). This move ensures and enhances greater visibility of the patterns of usage of Schedule II-IV drugs by requiring that monitoring metrics be developed; that de-identified data be made available for research; and that accountability be demonstrated through annual reports to the Governor, Senate President, House Speaker, and all involved licensing boards. Vote 19-0.

Amendment (1528h)

Amend RSA 318-B:32, IV as inserted by section 3 of the bill by replacing it with the following:

IV. The executive director shall establish an advisory council, as provided in RSA 318-B:38.

Amend RSA 318-B:38, II(f) as inserted by section 11 of the bill by replacing it with the following:

(f) Develop a mission statement for the program and strategic goals for its implementation, develop metrics to measure the program's efficient operation, review the performance of the program against the metrics, and make recommendations to the program and ensure they are incorporated.

Amend RSA 318-B:38 as inserted by section 11 of the bill by inserting after paragraph III the following new paragraph:

IV. The council shall make a report, at least annually, commencing on November 1, 2019, to the senate president, the speaker of the house of representatives, the oversight committee on health and human services, established in RSA 126-A:13, and the licensing boards of all professions required to use the program relative to the effectiveness of the program.

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

12 Controlled Drug Prescription Health and Safety Program. Amend 2012, 196:3, I to read as follows:

I. In the event that there is not adequate funding for the controlled drug prescription health and safety program established in section 2 of this act, the ~~[pharmacy board]~~ **office** may curtail, temporarily suspend, or cancel the program.

13 Repeal. The following are repealed:

I. RSA 318-B:31, I, relative to the definition of "board."

II. 2012, 196:3, III, relative to a reporting requirement.

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

Referred to the Committee on Executive Departments and Administration.

SB 274, relative to the newborn home visiting program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill allows rule-making to make home visitation available to all Medicaid eligible mothers of newborns in New Hampshire. The amendment corrects a statutory reference. Vote 20-0.

Amendment (1396h)

Amend RSA 167:3-c, XV as inserted by section 2 of the bill by replacing it with the following:

XV. Procedures for making the home visiting program available to all Medicaid eligible children and pregnant women pursuant to RSA 167:68, II(e).

Referred to the Committee on Commerce and Consumer Affairs.

SB 292-FN, relative to implementation of the new mental health 10-year plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill requires annual reporting about the implementation of the 10-year mental health plan to the Governor, the Senate President, the Speaker and the House and the Health and Human Services Oversight Committee. The amendment makes the first report due on September 1, 2019 and requires annual reports thereafter. Provision is made for the reports to include changes to the 10-year plan needed for implementation. Vote 19-0.

Amendment (1535h)

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

1 New Paragraph; Implementation of New Hampshire's Mental Health Plan. Amend RSA 126-A:5 by inserting after paragraph XXXII the following new paragraph:

XXXIII. On or before September 1, 2019, the commissioner shall submit a report on the New Hampshire 10-year mental health plan of 2018 containing the priorities for implementation of the plan to the oversight committee on health and human services, established under RSA 126-A:13, the chairpersons of the house and senate policy committees with jurisdiction over health and human services matters, the president of the senate, the speaker of the house of representatives, and the governor. The commissioner shall submit a report on or before September 1, 2020 and annually thereafter on the status of the implementation of the 10-year mental health plan including, but not limited to, unmet benchmarks and recommendations for any necessary barrier resolution or necessary adjustments or modifications to the plan to better serve New Hampshire citizens, to the oversight committee on health and human services and the chairpersons of the house and senate policy committees with jurisdiction over health and human services matters. The annual report shall include any recommendations by the commissioner for legislation as needed or appropriate in achieving important benchmarks in fully implementing the 10-year mental health plan.

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

AMENDED ANALYSIS

This bill requires the commissioner to submit a report containing the priorities for implementation of New Hampshire's 10-year mental health plan of 2018 by September 1, 2019 to the oversight committee on health

and human services, the president of the senate, the speaker of the house of representatives, and the governor. This bill also requires the commissioner to submit an annual report thereafter relative to the status of fully implementing the 10-year mental health plan.

Referred to the Committee on Finance.

SB 18, relative to authorized employee wage deductions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian Sullivan for Labor, Industrial and Rehabilitative Services. This bill as amended allows employees who are subject to a collective bargaining agreement to have voluntary deductions for group insurance offered in conjunction with membership in an employee organization. Vote 20-0.

Amendment (1548h)

Amend RSA 275:48, I(d)(7) as inserted by section 1 of the bill by replacing it with the following:

(7) Voluntary deductions designated in writing by a state, county, municipal, or other public employee to the public employer for any insurance or employee benefit offered in conjunction with the employee's membership in an employee organization recognized by the employer or designated by the collective bargaining agreement, provided that the employee may rescind the authorization for such deductions by giving the public employer 30 days written notice.

SB 62, relative to temporary layoffs of certain seasonal workers and establishing a commission to study school bus driver background checks. **OUGHT TO PASS.**

Rep. Brian Sullivan for Labor, Industrial and Rehabilitative Services. This bill allows private sector employed bus drivers to collect unemployment during the nine-week summer vacation without a requirement to seek alternate employment. This will hopefully help to alleviate the shortage of school bus drivers. It also forms a committee to study alternatives to the very cumbersome criminal background check procedure. Vote 20-0.

SB 219, relative to the disposal of highway or turnpike funded real estate. **OUGHT TO PASS.**

Rep. Barry Faulkner for Public Works and Highways. This bill permits the Department of Transportation to exchange existing real estate for other property of equal or greater value without having to go through the state procedures for disposal of excess property and purchase of new property. Such exchanges would be subject to approval by the Governor and Council. Vote 19-0.

SB 221, establishing a commission to study highway fund revenue for hybrid and electric vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. John Graham for Public Works and Highways. The committee agrees that the underlying purpose of this bill, what, how or even if, electric and hybrid vehicles should pay their fair share on the upkeep of the highways within the state is valid. However, the committee feels that a 17-member commission is too large to achieve a workable consensus on this issue. The committee has retained two bills dealing with highway funding alternatives and feels that the goal of this bill can be accomplished simultaneously with our work on these retained bills. Vote 19-0.

SB 76, relative to the prohibition of offshore oil and natural gas exploration. **OUGHT TO PASS.**

Rep. Wendy Thomas for Resources, Recreation and Development. This bill would prohibit offshore oil and natural gas exploration in New Hampshire coastal state waters. As one testifier put it, "the value to this bill is so obvious that everyone should vote in support." At the hearing for this bill, we heard about the ecological and economic impact an oil spill would have on the Great Bay, which is a prime resource for 15 towns, as well as the Gulf of Maine which stretches from NH to Nova Scotia. There is also no need for offshore drilling of oil as New Hampshire currently exports 65% of our generated energy and there are already many oil wells on target to produce all the oil that New Hampshire and the United States will need. This bill protects our beautiful coastline from a potential ecological disaster. Vote 20-0.

Referred to the Committee on Science, Technology and Energy.

SB 121-FN, relative to acquisition rights and easements at Weeks Crossing Dam in the town of Warren by the department of environmental services. **OUGHT TO PASS.**

Rep. Patricia Bushway for Resources, Recreation and Development. This bill authorizes the Department of Environmental Services (DES) to acquire easements at the state-owned Weeks Crossing Pond Dam located in the town of Warren. The dam was destroyed in a flood on July 1, 2017. While the state owns the dam, it does not own the land or easements necessary to reconstruct it which is a DES responsibility. Under RSA 482:44, this bill is required for the state to acquire the necessary easements from the two abutting property owners who are willing to provide them to DES for the consideration of \$1. Weeks Crossing Pond is an important asset to the town of Warren for recreational activities as well as a source of water for firefighting. Vote 20-0. Referred to the Committee on Municipal and County Government.

SB 56, establishing a committee to study motor vehicle registrations of active duty military personnel. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Linda Massimilla for State-Federal Relations and Veterans Affairs. This bill will establish a study committee to review the pros and cons of allowing active duty military, who are stationed out of state, to

maintain their current registration and driver's license. A military driver's license can be renewed one time only online, and our military may be out of state for ten years or more. This study will look at other states, such as Texas, who have already implemented this type of procedure. Vote 15-0.

Amendment (1430h)

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

AN ACT establishing a committee to study motor vehicle registrations and drivers' licenses of active duty military personnel.

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

1 Committee Established. There is established a committee to study motor vehicle registrations and driver's licenses of active duty military members.

2 Membership and Compensation.

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

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

(b) Two members of the house of representatives, one of whom shall be from the transportation committee and one of whom shall be from the state-federal relations and veterans affairs committee, appointed by the speaker of the house of representatives.

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

3 Duties. The committee shall study and make recommendations for legislation to allow active members of the United States armed forces to be exempt from the requirement to pay a registration fee for principal motor vehicles and to maintain active, unexpired drivers' licenses while on active military duty.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2019.

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

AMENDED ANALYSIS

This bill establishes a committee to study motor vehicle registrations and drivers' licenses of active duty military personnel.

Referred to the Committee on Transportation.

SB 208, renaming the adjutant general's department to the department of military affairs and veterans services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anne Warner for State-Federal Relations and Veterans Affairs. This bill formalizes Governor Sununu's executive order reorganizing and combining the military and veterans' functions within the state government. It also creates a single point of contact for veterans seeking services, which will better serve them and their families. The amendment eliminates any potential conflicts with the department receiving donations to its divisions; and adds name changes throughout the applicable RSAs. Vote 14-0.

Amendment (1380h)

Amend RSA 110-B:1 as inserted by section 2 of the bill by replacing it with the following:

110-B:1 ***Department of Military Affairs and Veterans Services.***

I. The department shall consist of the militia which shall include the army national guard, air national guard, the inactive national guard, the state guard and the unorganized militia, and veterans services which shall include the division of veterans services, the state veterans cemetery, the division of community based military programs, the veterans council, and the military leadership team.

II. The department shall be led by an adjutant general who shall be the commissioner of the department of military affairs and veterans services.

III. The department may receive, on behalf of the state, all donations and bequests made to promote the welfare of military service members, veterans, and their families.

Amend the bill by replacing section 7 with the following:

7 Replace Term. Replace "office of veterans services" or "state office of veterans services" with "division of veterans services" in the following RSA sections: RSA 21:50, I(b)(24); 72:29, VI; 94:1-a, I(b)(cc); 115-A:10; 115-A:14; 115-A:17; 115-A:21; 115-B:5; 115-D:2, I(e); 261-C:2, III; 261-C:3; 261-C:4, II; 261-C:7; 358-A:2, XVII; 465:3; 465:5; 465:11; 651:4-b, III(a).

SB 40-FN, relative to online driver education. **OUGHT TO PASS.**

Rep. Laura Telerski for Transportation. The majority of the committee believes this bill is a successful collaboration between the Division of Motor Vehicles (DMV) and the NH Driver Education Teachers' Association

to move toward a blended approval of both online and classroom driver education. No more than 15 hours of classroom work will be fulfilled by online work, with the content and curriculum to be determined by the Director of the DMV. Families will benefit with the convenience of a partial online course while not sacrificing additional classroom time with a teacher. Vote 11-1.

SB 55, authorizing the Harris Center for Conservation Education to issue decals for multi-use decal plates. **OUGHT TO PASS.**

Rep. Cecilia Rich for Transportation. This bill adds the Harris Center for Conservation Education to the multi-use decals for license plates program. Vote 17-0.

REGULAR CALENDAR

SB 6-FN-A-L, relative to child protection staffing and making an appropriation therefor. **OUGHT TO PASS.** Rep. Francesca Diggs for Children and Family Law. This bill makes an appropriation to the Department of Health and Human Services to hire additional child protective workers and child protective supervisors. The Children and Family Law Committee believes that this is the appropriate and needed action. Vote 16-0.

Rep. McGuire requested a roll call; sufficiently seconded.

YEAS 272 - NAYS 87

YEAS - 272

BELKNAP

Feeney, George
Mackie, Jonathan
Viens, Harry

Fields, Dennis
Spanos, Peter

Huot, David
St. Clair, Charlie

Jurius, Deanna
Tilton, Franklin

CARROLL

Buco, Thomas
Kanzler, Harrison
Ticehurst, Susan

Burroughs, Anita
Knirk, Jerry
Woodcock, Stephen

Butler, Edward
MacDonald, John

DesMarais, Edith
Marsh, William

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Parkhurst, Henry
Von Plinsky, Sparky

Ames, Richard
Faulkner, Barry
Mann, John
Schapiro, Joe
Pearson, William

Berch, Paul
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Weber, Lucy

Bordenet, John
Harvey, Cathryn
Morrill, David
Thompson, Craig

COOS

Fothergill, John
Noel, Henry

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Almy, Susan
Egan, Timothy
Gordon, Edward
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Campion, Polly
Fellows, Sallie
Josephson, Timothy
DiSilvestro, Linda
Stavis, Laurel
Weston, Joyce

HILLSBOROUGH

Alexander, Joe
Backus, Robert
Belanger, James
Bosman, James
Cleaver, Skip
Cote, David
Dutzy, Sherry
Gagne, Larry
Hall, Brett
Herbert, Christopher
Jack, Martin
Komi, Richard
Mangipudi, Latha
Mombourquette, Donna
Nutting-Wong, Allison
Petrigno, Peter
Newman, Ray

Bouldin, Amanda
Balch, Chris
Bergeron, Paul
Bouchard, Donald
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Goley, Jeffrey
Hamer, Heidi
Hopper, Gary
Judy, Jean
Langley, Diane
Martin, Joelle
Mullen, Sue
O'Brien, Michael
Pickering, Daniel
Radhakrishnan, Julie

Bouldin, Andrew
Baroody, Benjamin
Bernet, Jennifer
Burns, Charles
Connors, Erika
Desjardin, Kathy
Davis, Fred
Graham, John
Harriott-Gathright, Linda
Indruk, Greg
King, Mark
Long, Patrick
Marzullo, JP
Murphy, Nancy
Panasiti, Reed
Piedra, Israel
Rice, Kimberly

Griffin, Barbara
Beaulieu, Jane
Bordy, William
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Griffith, Willis
Heath, Mary
Schmidt, Janice
Klee, Patricia
Murray, Megan
McGhee, Kat
Nutter-Upham, Frances
Pedersen, Michael
Porter, Marjorie
Riel, Cole

Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Shaw, Barbara
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Snow, Kendall
Smith, Timothy
Van Houten, Constance
Williams, Kermit

MERRIMACK

Allard, James
Doherty, David
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wazir, Safiya

Bartlett, Christy
Ebel, Karen
Kotowski, Frank
Moffett, Howard
Rogers, Katherine
Soucy, Timothy
Wells, Kenneth

Buchanan, Ryan
Ellison, Arthur
Luneau, David
Pimentel, Roderick
Saunderson, George
Wallner, Mary Jane
Wolf, Dan

Carson, Clyde
Horn, Werner
MacKay, James
Richards, Beth
Schamberg, Thomas
Walz, Mary Beth
Woods, Gary

ROCKINGHAM

Abrami, Patrick
Berrien, Skip
Cali-Pitts, Jacqueline
DeClercq, Edward
Dolan, Tom
Elliott, Robert
Grossman, Gaby
Hoelzel, Kathleen
Katsakiores, Phyllis
Maggiore, Jim
McConnell, Liz
Morrison, Sean
Pearson, Stephen
Warner, Anne

Acton, Dennis
Bunker, Lisa
Coursin, David
Desilets, Joel
Doucette, Fred
Fowler, William
Grote, Jaci
Janigian, John
Khan, Aboul
Major, Norman
McKinney, Betsy
Pantelakos, Laura
Somssich, Peter
Welch, David

Altschiller, Debra
Bushway, Patricia
Cushing, Robert Renny
DeSimone, Debra
Edgar, Michael
Gay, Betty
Guthrie, Joseph
Janvrin, Jason
Loughman, Tom
Malloy, Dennis
McMahon, Charles
Prudhomme-O'Brien, Katherine
Vallone, Mark
Yokela, Josh

Barnes, Arthur
Cahill, Michael
Thomas, Douglas
DiLorenzo, Charlotte
Eisner, Mary
Gilman, Julie
Harb, Robert
Murray, Kate
Lovejoy, Patricia
McBride, Everett
Meuse, David
Read, Ellen
Ward, Gerald

STRAFFORD

Bixby, Peter
Fargo, Kristina
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith
Wall, Janet

Cannon, Gerri
Fontneau, Timothy
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Chase, Wendy
Grassie, Chuck
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

Ellis, Donna
Hayward, Peter
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Vincent, Kenneth

SULLIVAN

Aron, Judy
O'Hearne, Andrew
Sullivan, Brian

Cloutier, John
Oxenham, Lee
Tanner, Linda

Laware, Thomas
Rollins, Skip

Lucas, Gates
Stapleton, Walter

NAYS - 87 BELKNAP

Bean, Harry
Sylvia, Michael

Comtois, Barbara
Varney, Peter

Howard, Raymond

Plumer, John

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

Nelson, Bill

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Camarota, Linda
Flanagan, Jack
Hinch, Richard
Notter, Jeanine
Renzullo, Andrew
Ulery, Jordan

Barry, Richard
Danielson, David
Gould, Linda
Ober, Lynne
Nunez, Hershel
Sanborn, Laurie
Warden, Mark

Boehm, Ralph
Erf, Keith
Greene, Bob
Lascelles, Richard
Prout, Andrew
Somero, Paul
Whittemore, James

Burt, John
Fedolfi, Jim
Gunski, Michael
McLean, Mark
Ober, Russell
Lekas, Tony

MERRIMACK

Hill, Gregory
 Pearl, Howard
 Yakubovich, Michael

Klose, John
 Seaworth, Brian

Marple, Richard
 Testerman, Dave

McGuire, Carol
 Walsh, Thomas

ROCKINGHAM

Abbas, Daryl
 Costable, Michael
 Osborne, Jason
 Melvin, Charles
 Pratt, Kevin
 Torosian, Peter

Baldasaro, Al
 Davis, Dan
 Kolodziej, Walter
 Packard, Sherman
 Roy, Terry
 True, Chris

Bershtein, Alan
 Green, Dennis
 Love, David
 Piemonte, Tony
 Spillane, James
 Wallace, Scott

Chirichiello, Brian
 Hobson, Deborah
 Griffin, Mary
 Potucek, John
 Sytek, John
 Weyler, Kenneth

STRAFFORD

Horgan, James
 Rooney, Abigail

Kittredge, Mac
 Beaudoin, Steven

McNally, Jody
 Wuelper, Kurt

Perreault, Mona

SULLIVAN

Callum, John

Smith, Steven

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

SB 125-FN, relative to parental reimbursement for voluntary services provided under the child in need of services (CHINS) program. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Skip Berrien for the Majority of Children and Family Law. When a child in need of services (CHINS) enters a voluntary services plan, financial costs should not interfere with accessing appropriate services. This legislation requires the application of available insurance payments to the services but eliminates additional financial liabilities to the family of the child. Vote 15-1.

Rep. Josh Yokela for the Minority of Children and Family Law. This bill removes the requirement that parents are asked to pay for voluntary services that their children receive through the (CHINS) program. The next step is to have mandatory services provided for free, too. The minority believes that it is the parent's responsibility to care for their children, not the state's responsibility.

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

Rep. Yokela spoke against.

Rep. Berrien spoke in favor.

Majority committee report adopted and referred to the Committee on Finance.

SB 129, relative to misdemeanor cases filed in superior court. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Daryl Abbas for the Majority of Criminal Justice and Public Safety. This bill creates a presumption that when an unclassified misdemeanor charge is filed directly in the superior court, the unclassified misdemeanor is presumed to be a class A misdemeanor. Presently, when an unclassified misdemeanor is filed directly in superior court, the prosecutor must file a separate notice of intent to seek class A misdemeanor penalties before the defendant's arraignment. Many unclassified misdemeanors filed in superior court are related separate felony charges and therefore, more often than not, the prosecutor is seeking class A misdemeanor penalties. Prosecutors are overworked, and this bill relieves them of the burden of regularly filing unnecessary paperwork. This bill has a narrow application because the majority of recent legislation will express the classifications for misdemeanors where this bill would only apply when the misdemeanor does not contain a classification. Furthermore, this bill does not prevent the prosecutor from agreeing to reduce a class A misdemeanor to a class B misdemeanor after the arraignment. Vote 18-1.

Rep. David Meuse for the Minority of Criminal Justice and Public Safety. By raising the presumption for an unclassified misdemeanor to class A based on where the charge is filed (superior court), this bill would also elevate the potential penalty for the offense from the default presumption of a class B, which does not include jail time, to class A, which potentially can include jail time. The likelihood that the misdemeanor charge would be filed with other, more serious charges if the filing occurs in superior court, raises concerns that the presumption of a higher penalty would unfairly tip the scales to favor the prosecution during the negotiation of any plea deal. Majority committee report adopted and ordered to third reading.

(Rep. Ebel in the Chair)

SB 82-FN, relative to school food and nutrition programs. **OUGHT TO PASS.**

Rep. Mark Vallone for Education. This bill enables schools to provide breakfast at no cost to every student who meets federal income eligibility guidelines. By providing funds equal to the difference between the reduced and free federal reimbursement rates for breakfast, New Hampshire will ensure that students eligible for reduced price meals are offered breakfast at no cost. Research sponsored by the National Institute of Health has demonstrated a link between eating breakfast and improved school performance and behavior. Vote 15-3. Committee report adopted and referred to the Committee on Finance.

SB 139, establishing a committee to study options for lowering student debt. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for the Majority of Education. This bill establishes a committee to study options to lower student loan debt. New Hampshire residents have some of the highest student debt in the country, and the committee believes that potential solutions for debt relief should be explored. The burden of high balance, high interest loan amounts places economic constraints on too many Granite Staters who seek opportunities to better themselves and their families. Vote 13-7.

Rep. Glenn Cordelli for the Minority of Education. The minority believes that this is yet another study committee to investigate an issue that others - nationally and in New Hampshire - are reviewing. We also believe that any committee time would be better spent by looking at college expenses. This House has already found a bill Inexpedient to Legislate that would have funded free college credits - HB 673. This House has also cut funding from the Governor's proposed budget to reduce student debt. Passage of this bill is contradictory to other decisions of this body.

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

Rep. Cordelli spoke against.

Rep. Ellison spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 217 - NAYS 142

YEAS - 217

BELKNAP

Huot, David St. Clair, Charlie

CARROLL

Buco, Thomas	Burroughs, Anita	Butler, Edward	DesMarais, Edith
Kanzler, Harrison	Knirk, Jerry	Ticehurst, Susan	Woodcock, Stephen

CHESHIRE

Abbott, Michael	Ames, Richard	Berch, Paul	Bordenet, John
Eaton, Daniel	Faulkner, Barry	Gomarolo, Jennie	Harvey, Cathryn
Ley, Douglas	Mann, John	Meador, David	Morrill, David
Parkhurst, Henry	Schapiro, Joe	Swinburne, Sandy	Thompson, Craig
Von Plinsky, Sparky	Pearson, William	Weber, Lucy	

COOS

Hatch, William	Laflamme, Larry	Moynihan, Wayne	Noel, Henry
Tucker, Edith	Thomas, Yvonne		

GRAFTON

Abel, Richard	Adjutant, Joshua	Almy, Susan	Campion, Polly
Diggs, Francesca	Dontonville, Roger	Egan, Timothy	Fellows, Sallie
Ford, Susan	French, Elaine	Josephson, Timothy	Maes, Kevin
Massimilla, Linda	Mulligan, Mary Jane	Muscatel, Garrett	Nordgren, Sharon
Osborne, Richard	Ruprecht, Dennis	Stavis, Laurel	Stringham, Jerry
Smith, Suzanne	Sykes, George	Weston, Joyce	

HILLSBOROUGH

Alexander, Joe	Bouldin, Amanda	Bouldin, Andrew	Backus, Robert
Balch, Chris	Baroody, Benjamin	Beaulieu, Jane	Bergeron, Paul
Bernet, Jennifer	Bordy, William	Bosman, James	Bouchard, Donald
Chretien, Jacqueline	Cleaver, Skip	Cohen, Bruce	Connors, Erika
Cornell, Patricia	Cote, David	Dargie, Paul	Desjardin, Kathy
DiSilvestro, Linda	Dutzy, Sherry	Espitia, Manny	Davis, Fred
Freitas, Mary	Goley, Jeffrey	Griffith, Willis	Hall, Brett
Hamer, Heidi	Harriott-Gathright, Linda	Heath, Mary	Herbert, Christopher
Indruk, Greg	Schmidt, Janice	Jack, Martin	Judy, Jean
King, Mark	Klee, Patricia	Komi, Richard	Langley, Diane
Long, Patrick	Murray, Megan	Mangipudi, Latha	Martin, Joelle
McGhee, Kat	Mombourquette, Donna	Mullen, Sue	Murphy, Nancy
Nutter-Upham, Frances	Nutting-Wong, Allison	O'Brien, Michael	Pedersen, Michael
Petrigno, Peter	Pickering, Daniel	Piedra, Israel	Porter, Marjorie
Newman, Ray	Radhakrishnan, Julie	Riel, Cole	Rung, Rosemarie
Newman, Sue	Shaw, Barbara	Snow, Kendall	St. John, Michelle
Stack, Kathryn	Stevens, Deb	Smith, Timothy	Telerski, Laura
Toomey, Dan	Vail, Suzanne	Van Houten, Constance	Vann, Ivy
Thomas, Wendy	Wilhelm, Matthew	Williams, Kermit	Woodbury, David

MERRIMACK

Bartlett, Christy
 Ellison, Arthur
 McWilliams, Rebecca
 Rodd, Beth
 Schuett, Dianne
 Walz, Mary Beth
 Woods, Gary

Buchanan, Ryan
 Karrick, David
 Moffett, Howard
 Rogers, Katherine
 Shurtleff, Steve
 Wazir, Safiya

Carson, Clyde
 Luneau, David
 Pimentel, Roderick
 Saunderson, George
 Soucy, Timothy
 Wells, Kenneth

Doherty, David
 MacKay, James
 Richards, Beth
 Schamberg, Thomas
 Wallner, Mary Jane
 Wolf, Dan

ROCKINGHAM

Altschiller, Debra
 Cahill, Michael
 DiLorenzo, Charlotte
 Gilman, Julie
 Loughman, Tom
 McConnell, Liz
 Read, Ellen
 Warner, Anne

Berrien, Skip
 Cali-Pitts, Jacqueline
 Dolan, Tom
 Grossman, Gaby
 Lovejoy, Patricia
 McKinney, Betsy
 Somssich, Peter

Bunker, Lisa
 Coursin, David
 Edgar, Michael
 Grote, Jaci
 Maggiore, Jim
 Meuse, David
 Vallone, Mark

Bushway, Patricia
 Cushing, Robert Renny
 Eisner, Mary
 Murray, Kate
 Malloy, Dennis
 Pantelakos, Laura
 Ward, Gerald

STRAFFORD

Bixby, Peter
 Fargo, Kristina
 Horrigan, Timothy
 Smith, Marjorie
 Salloway, Jeffrey
 Towne, Matthew

Cannon, Gerri
 Fontneau, Timothy
 Keans, Sandra
 Opderbecke, Linn
 Sandler, Catt
 Treleaven, Susan

Chase, Wendy
 Grassie, Chuck
 Kenney, Cam
 Schmidt, Peter
 Southworth, Thomas
 Vincent, Kenneth

Ellis, Donna
 Higgins, Peg
 Levesque, Cassandra
 Rich, Cecilia
 Spang, Judith
 Wall, Janet

SULLIVAN

Cloutier, John
 Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 142**BELKNAP**

Bean, Harry
 Howard, Raymond
 Spanos, Peter
 Viens, Harry

Comtois, Barbara
 Jurius, Deanna
 Sylvia, Michael

Feeney, George
 Mackie, Jonathan
 Tilton, Franklin

Fields, Dennis
 Plumer, John
 Varney, Peter

CARROLL

Avellani, Lino
 Marsh, William

Comeau, Ed
 Nelson, Bill

Cordelli, Glenn

MacDonald, John

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
 Boehm, Ralph
 Danielson, David
 Gagne, Larry
 Gunski, Michael
 Lascelles, Richard
 Nunez, Hershel
 Renzullo, Andrew
 Lekas, Tony

Griffin, Barbara
 Burns, Charles
 Erf, Keith
 Gould, Linda
 Hinch, Richard
 Marzullo, JP
 Panasiti, Reed
 Rice, Kimberly
 Ulery, Jordan

Barry, Richard
 Burt, John
 Fedolfi, Jim
 Graham, John
 Hopper, Gary
 McLean, Mark
 Prout, Andrew
 Sanborn, Laurie
 Warden, Mark

Belanger, James
 Camarota, Linda
 Flanagan, Jack
 Greene, Bob
 Ober, Lynne
 Notter, Jeanine
 Ober, Russell
 Somero, Paul
 Whittemore, James

MERRIMACK

Allard, James
 Kotowski, Frank
 Seaworth, Brian

Hill, Gregory
 Marple, Richard
 Testerman, Dave

Horn, Werner
 McGuire, Carol
 Walsh, Thomas

Klose, John
 Pearl, Howard
 Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
 Barnes, Arthur

Abrami, Patrick
 Bershtein, Alan

Acton, Dennis
 Chirichiello, Brian

Baldasaro, Al
 Costable, Michael

Davis, Dan
DeSimone, Debra
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
McMahon, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Weyler, Kenneth

Thomas, Douglas
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Griffin, Mary
Melvin, Charles
Potucek, John
Pearson, Stephen
True, Chris
Yokela, Josh

DeClercq, Edward
Elliott, Robert
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Major, Norman
Morrison, Sean
Pratt, Kevin
Spillane, James
Wallace, Scott

Desilets, Joel
Fowler, William
Harb, Robert
Janigian, John
Kolodziej, Walter
McBride, Everett
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Welch, David

STRAFFORD

Hayward, Peter
Perreault, Mona

Horgan, James
Rooney, Abigail

Kittredge, Mac
Beaudoin, Steven

McNally, Jody
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

SB 29, establishing a commission to study incidents of workplace violence against state employees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kristina Schultz for the Majority of Executive Departments and Administration. The commission established by this bill has a very specific, serious mission: to gather information about incidents of workplace violence upon state employees. According to federal statistics, public employees are three times more likely to experience workplace violence than those in the private sector. New Hampshire's state employees encounter a number of at-risk situations as public servants on behalf of all Granite Staters. Employees at risk include child protection service investigators, nurses at NH Hospital, state liquor store clerks and many other positions. We Granite Staters, as their employers, should seek the best solutions for their safety on the job. This commission will be tasked with reviewing incidents instigated by citizens against public employees, as well as reviewing current policies on public employee safety in the workplace for effectiveness, timeliness and protocols for anticipating deficiencies. We all should want this for our public servants. Vote 12-8.

Rep. Carol McGuire for the Minority of Executive Departments and Administration. The minority is not unconcerned about workplace violence but is troubled by the resolution proposed by this bill. Preventing violence against workers is clearly a management responsibility and should be high on their agendas. The cases presented at the public hearing; Liquor Commission workers going late to deposit bags of cash, and social workers entering broken and abusive homes, are unique to each agency. In fact, we heard that the Liquor Commission has already taken steps to protect its employees. In addition, a commission of the size proposed, on a topic this broad, should not be limited to a few months. The minority believes that agency heads should share best practices for employee security and safety on an ongoing basis.

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

On a division vote, with 211 members having voted in the affirmative, and 143 in the negative, the majority committee report was adopted and ordered to third reading.

SB 233, relative to the classification of certain state employee positions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Schmidt for Executive Departments and Administration. This bill deletes and inserts positions and salary grades for certain unclassified state officers. This bill is a request of the Joint Committee on Employee Classification (JCEC) established in RSA 14:14-c. It is the statutorily mandated function of the JCEC, a ministerial board, to oversee and vote on executive branch requests for salary changes, position title changes or other matters related to compensation of state officers. In the course of doing so, the JCEC employs the services of the Korn Ferry Hay Group, a global consultant, to provide expert guidance in making its decisions, which inform legislative action on executive branch requests. This bill will codify the above referenced changes in statute. Vote 19-1.

Amendment (1404h)

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

AN ACT relative to the classification of, and yearly service increases for, certain state officers.

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

- 1 Compensation of Certain State Officers. Amend RSA 94:1-a, I(b) by deleting the following:

FF Department of safety	assistant director homeland security and emergency management
FF Department of revenue administration	director of document processing

FF	Department of administrative services	manager of employee relations
2	Compensation of Certain State Officers. Amend RSA 94:1-a, I(b) by inserting the following:	
EE	Insurance department	communications director
GG	Department of safety	assistant director division of homeland security and emergency management
GG	Department of administrative services	manager of employee relations
GG	Department of information technology	assistant director agency software division
HH	Department of revenue administration	director of taxpayer services
HH	Office of the child advocate	director

3 Compensation of Certain State Officers; Yearly Service Increases. Amend RSA 94:3 to read as follows:
 94:3 Yearly Service Increases. ~~For each year after July 1, 1953,~~ Upon recommendation of the appointing authority, the holder of any position mentioned in RSA 94:1-a shall be entitled to an annual increase in salary amounting to ~~[1/5]~~ **1/6** of the difference between the minimum and maximum salary for said position but in no case shall the total salary exceed the maximum as herein established.

4 Effective Date. This act shall take effect July 1, 2019.

AMENDED ANALYSIS

This bill deletes and inserts positions and salary grades for certain unclassified state officers and adjusts the yearly service increase for such state officers.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

(Speaker Shurtleff in the Chair)

SB 11-FN-A, relative to mental health services and making appropriations therefor. **OUGHT TO PASS.**

Rep. James MacKay for Health, Human Services and Elderly Affairs. This bill contains a number of initiatives which are meant to address the current mental health crisis in the short term. Intermediate and long-term solutions are being addressed in other legislation. First, the sum of \$607,509 is appropriated to increase rates for designated receiving facilities (DRF) units to encourage maintenance of existing units and encourage creation of new units. Second, \$500,000 is appropriated to increase rates paid for voluntary inpatient psychiatric services. Third, \$4,400,000 is appropriated for renovations to existing hospitals to create up to 3 new designated receiving facilities, each with no fewer than 8 beds, up to a total of 30 beds. The new units must be maintained for no less than 5 years. Fourth, \$2,100,000 is appropriated for contracts for integrated, affordable, supportive housing for those with serious mental illness. This will aid in more appropriate discharge from the state hospital, which, in turn, frees up beds for those who are in crisis. Fifth, the sum of \$3,000,000 is appropriated for either the creation of a fourth mobile crisis team and apartments from qualified vendors, or a second behavioral health crisis center. Sixth, the state is required to comply with the terms of any decision or settlement in the case of *Doe v. NH Department of Health and Human Services, et. al.* Finally, the bill requires insurers to pay an acute care hospital a per diem rate for the boarding and care provided to patients waiting in emergency rooms for a bed to become available at the state hospital, and to pay for mental health services provided to those patients during their stay. Vote 19-0.

Committee report adopted and ordered to third reading.

SB 232-FN, adopting the model psychology interjurisdictional compact. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frances Nutter-Upham for the Majority of Health, Human Services and Elderly Affairs. This bill would allow PSYPACT member psychologists to practice across state lines into other compact states, using telecommunication technologies across state lines. All psychologists who become members must be a PhD level licensed psychologist who are in good standing in their own state. Being in the compact provides many benefits. 1). Continuity of care, as a patient who moves can continue with their regular therapist until a new therapist can be found. This means increased access to therapy in rural areas. 2). A student attending college in another state could retain their regular therapist. 3). Patients who require a therapist with a particular specialty - forensics, autism, or others - could have access to such a psychologist. 4). Coordination of care - patients and family members who might not live in the same state could participate in treatment. All states that have adopted PSYPACT prior to the first commission meeting will be able to write the bylaws and operational rules for the commission. Vote 13-8.

Rep. Susan Ticehurst for the Minority of Health, Human Services and Elderly Affairs. This bill is word for word the same as HB 483, which the committee voted to retain. While we heard more information about the bill in its second hearing, the minority remains concerned about the lack of clarity surrounding an interstate

licensing compact which will allow psychologists to use telecommunications to provide services across state lines. The compact commission has the authority to promulgate uniform rules to facilitate and coordinate the implementation of the compact. Those rules have the full force and effect of law and are binding on all compact states but are not yet written. There may be conflicts between the laws of the licensee's home state and the remote state, for example the requirements for reporting when a person is in danger of harming themselves or another. The compact requires a psychologist licensed in another state but practicing in New Hampshire to practice under the scope of practice and laws authorized in New Hampshire. The minority is concerned about the quality of instruction about these requirements. While we have been told that it is important for New Hampshire to join the compact immediately, so they can participate in the writing of the rules for the compact, members of the minority believe it would be prudent to wait until the compact is up and running and has a positive track record before joining.

Majority committee report adopted and referred to the Committee on Executive Departments and Administration.

SB 289-FN, relative to health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill is an omnibus bill requested by the Department of Health and Human Services and is intended to clarify a number of statutes. It requires licensing of all collection stations, not just those run by laboratories. It expands the definition of an "individual home care service provider" to include one who provides health support services as well as personal care services. It allows spouses as well as parents to be reimbursed for personal care provided to a child or spouse with special health needs residing at home. It allows area agencies to provide care or to provide care coordination for developmentally disabled persons, but not to provide both for any one individual. It allows a developmentally disabled person or their guardian to make the choice in selecting their service coordinator. It incorporates the requirements of the federal statute on to operation of area agencies by reference into state law and authorizes rule-making. It clarifies that approval of only one institutional review board is necessary when multiple institutions are involved in cooperative research. It specifies protocols for administration of medications and vaccinations in public health clinics. Finally, it brings up to date the definition of health care coverage for the medical support obligation in child custody decisions by including all types of health care coverage, not just private insurance. The amendment simply corrects a typographical error. Vote 19-0.

Amendment (1515h)

Amend the introductory paragraph of RSA 318:42, VII as inserted by section 11 of the bill by replacing it with the following:

VII. The dispensing of noncontrolled prescription drugs ~~[by registered nurses in clinics operated by or under contract with the department of health and human services]~~ **at a clinic by a licensed health professional legally authorized to administer immunizations or dispense medications**, or by ~~[such]~~ **registered** nurses in clinics of nonprofit family planning agencies under contract with the department of health and human services, provided that:

Committee amendment adopted.

Committee report adopted and referred to the Committee on Finance.

SB 290-FN, relative to the New Hampshire granite advantage health care program. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jerry Knirk for the Majority of Health, Human Services and Elderly Affairs. This bill makes several modifications to the Granite Advantage Healthcare Program. The majority of the committee is concerned with the possibility of a significant loss of coverage for our Medicaid enrollees, as happened in Arkansas where the imposition of a work requirement leads to about a quarter of recipients losing coverage. This bill does not eliminate the community engagement requirement outright but establishes a trigger for its elimination if 1) there are negative economic consequences due to increased un-compensated care as a result of beneficiaries being dis-enrolled from the program, or 2) if 500 or more enrollees lose coverage. This bill expands the ways which an enrollee can meet the community engagement provision, such as allowing self-employment, college study or participation in recovery activities for substance abuse disorder to count for meeting the required hours. It also extends some exemptions to the community engagement requirement such as raising the age of a dependent child being cared for from 6 years old to 13 years old and including a beneficiary who is the caretaker for a grandchild. The majority believes this bill still respects the spirit and goals of the community engagement provision while providing a safeguard for the patients and the economy. Finally, this bill allows the use of general funds for expanded Medicaid with strict restrictions. General funds can be used only if the federal match of 90% is still being met and if the general funds are used as a last resort. Vote 16-5.

Rep. William Marsh for the Minority of Health, Human Services and Elderly Affairs. The minority appreciates the bipartisan coalition which passed SB 313 last session and recognizes its importance in providing 5 years of stability to the Medicaid Expansion program for participants and providers. The minority recognizes that tweaks to programs may need to be made on a data driven basis as programs are implemented but does not agree that the changes proposed in this bill are driven by data in so far as many features of the re-authorized

Medicaid Expansion, and in particular the work requirement, are not yet implemented. The minority believes that passing this bill effectively terminates this bipartisan coalition. It opens the door to subsequent changes to the Medicaid Expansion Program based solely on changes in the political climate in NH. Various providers who might be inclined to create programs expecting stability in reimbursement through Medicaid Expansion for 5 years might well decide to forego capital investments without that stability. Given the need to expand programs addressing behavioral health – both to solve the ER boarding issue and to address the opioid epidemic, as well as other issues – discouraging capital investments in healthcare is very much not in the interest of the State of NH. If the work requirement successfully allows 1% of participants (500) to lift themselves out of poverty, and those participants lose their eligibility for Medicaid Expansion due to their increased income, the minority believes that would validate the efficacy of the work requirement. However, under this bill, if these same 500 people become uninsured (even temporarily due to eligibility requirements for employer-based health insurance) that would trigger the elimination of the work requirement. Obviously that provision is self-defeating. For these reasons, the minority recommends this bill be found Inexpedient to Legislate.

The question being adoption of the majority committee report of Ought to Pass.
Rep. Marsh spoke against.

MOTION TO LAY ON THE TABLE

Rep. Cordelli moved that **SB 290-FN**, relative to the New Hampshire granite advantage health care program, be laid on the table.

On a division vote, with 148 members having voted in the affirmative, and 208 in the negative, the motion failed.

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

Rep. Knirk spoke in favor.

Rep. Notter requested a roll call; sufficiently seconded.

YEAS 210 - NAYS 150

YEAS - 210 BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Parkhurst, Henry
Von Plinsky, Sparky

Ames, Richard
Faulkner, Barry
Mann, John
Schapiro, Joe
Pearson, William

Berch, Paul
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Weber, Lucy

Bordenet, John
Harvey, Cathryn
Morrill, David
Thompson, Craig

COOS

Hatch, William
Tucker, Edith

Lafamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Komi, Richard
Mangipudi, Latha

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
Martin, Joelle

Balch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
McGhee, Kat

Mombourquette, Donna
Nutting-Wong, Allison
Pickering, Daniel
Radhakrishnan, Julie
Snow, Kendall
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Mullen, Sue
O'Brien, Michael
Piedra, Israel
Riel, Cole
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Shaw, Barbara
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
Ebel, Karen
MacKay, James
Richards, Beth
Schamberg, Thomas
Walz, Mary Beth

Buchanan, Ryan
Ellison, Arthur
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wazir, Safiya

Carson, Clyde
Karrick, David
Moffett, Howard
Rogers, Katherine
Soucy, Timothy
Wells, Kenneth

Doherty, David
Luneau, David
Pimentel, Roderick
Saunderson, George
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Lovejoy, Patricia
Meuse, David
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Edgar, Michael
Grote, Jaci
Maggiore, Jim
Pantelakos, Laura
Warner, Anne

Bunker, Lisa
Coursin, David
Eisner, Mary
Murray, Kate
Malloy, Dennis
Read, Ellen

Bushway, Patricia
Cushing, Robert Renny
Gilman, Julie
Loughman, Tom
McConnell, Liz
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Fontneau, Timothy
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

Chase, Wendy
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Vincent, Kenneth

Ellis, Donna
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 150

BELKNAP

Bean, Harry
Howard, Raymond
Spanos, Peter
Viens, Harry

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John
Varney, Peter

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Ober, Lynne
Notter, Jeanine
Ober, Russell
Sanborn, Laurie
Warden, Mark

Alexander, Joe
Boehm, Ralph
Danielson, David
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Renzullo, Andrew
Somero, Paul
Whittemore, James

Griffin, Barbara
Burns, Charles
Erf, Keith
Gould, Linda
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Rice, Kimberly
Lekas, Tony

Barry, Richard
Burt, John
Fedolli, Jim
Graham, John
Hopper, Gary
McLean, Mark
Prout, Andrew
Rung, Rosemarie
Ulery, Jordan

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian
Yakubovich, Michael

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

Klose, John
Pearl, Howard
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Fowler, William
Harb, Robert
Janigian, John
Kolodziej, Walter
Major, Norman
Melvin, Charles
Potucek, John
Pearson, Stephen
True, Chris
Weyler, Kenneth

Abrami, Patrick
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
McBride, Everett
Morrison, Sean
Pratt, Kevin
Spillane, James
Vallone, Mark
Yokela, Josh

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott

Baldasaro, Al
Costable, Michael
Desilets, Joel
Elliott, Robert
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Griffin, Mary
McMahon, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Welch, David

STRAFFORD

Hayward, Peter
Perreault, Mona

Horgan, James
Rooney, Abigail

Kittredge, Mac
Beaudoin, Steven

McNally, Jody
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

and the majority committee report was adopted and referred to the Committee on Finance.

SB 99-FN, relative to gainful employment and partial disability in workers' compensation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT LEGISLATE.**

Rep. Harrison Kanzler for the Majority of Labor, Industrial and Rehabilitative Services. As amended, this bill will help to more clearly define "gainful employment" relative to workers' compensation. With this language in place it ensures that "gainful employment" considers employment that is similarly remunerative to their employment prior to disability. Vote 12-8.

Rep. Brian Seaworth for the Minority of Labor, Industrial and Rehabilitative Services. The minority is concerned that this bill, even as amended, could have a significant and indeterminable impact on workers compensation rates, raising costs for all NH businesses. Prior to the majority amendment the intent of the language was to eliminate the incentive for workers to seek employment and instead remaining on full disability. As amended, the bill could have a similar effect. Injured workers currently considered as partially disabled would be reclassified as being unable to find gainful employment based upon a partial reduction in earning capacity.

Majority Amendment (1517h)

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

2 Effective Date. This act shall take effect January 1, 2020.

AMENDED ANALYSIS

This bill clarifies the definition of gainful employment for purposes of workers' compensation. Majority committee amendment adopted.

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

Rep. Seaworth spoke against.

Rep. Kanzler spoke in favor.

Rep. Flanagan requested a roll call; sufficiently seconded.

YEAS 204 - NAYS 152

**YEAS - 204
BELKNAP**

Huot, David

St. Clair, Charlie

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Parkhurst, Henry
Von Plinsky, Sparky

Ames, Richard
Faulkner, Barry
Mann, John
Schapiro, Joe
Pearson, William

Berch, Paul
Gomarlo, Jennie
Meader, David
Swinburne, Sandy
Weber, Lucy

Bordenet, John
Harvey, Cathryn
Morrill, David
Thompson, Craig

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Mulligan, Mary Jane
Ruprecht, Dennis
Weston, Joyce

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Muscatel, Garrett
Stavis, Laurel

Almy, Susan
Egan, Timothy
Josephson, Timothy
Nordgren, Sharon
Smith, Suzanne

Campion, Polly
Fellows, Sallie
Maes, Kevin
Osborne, Richard
Sykes, George

HILLSBOROUGH

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Langley, Diane
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Shaw, Barbara
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hall, Brett
Herbert, Christopher
King, Mark
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Snow, Kendall
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Balch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Pickering, Daniel
Riel, Cole
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

Baroody, Benjamin
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Komi, Richard
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

MERRIMACK

Bartlett, Christy
Ebel, Karen
MacKay, James
Richards, Beth
Schamberg, Thomas
Walz, Mary Beth

Buchanan, Ryan
Ellison, Arthur
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wazir, Safiya

Carson, Clyde
Karrick, David
Moffett, Howard
Rogers, Katherine
Soucy, Timothy
Wells, Kenneth

Doherty, David
Luneau, David
Pimentel, Roderick
Saunderson, George
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Lovejoy, Patricia
Meuse, David
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Edgar, Michael
Grote, Jaci
Maggiore, Jim
Morrison, Sean
Warner, Anne

Bunker, Lisa
Coursin, David
Eisner, Mary
Murray, Kate
Malloy, Dennis
Pantelakos, Laura

Bushway, Patricia
Cushing, Robert Renny
Gilman, Julie
Loughman, Tom
McConnell, Liz
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigian, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Fontneau, Timothy
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

Chase, Wendy
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Vincent, Kenneth

Ellis, Donna
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith
Wall, Janet

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 152 BELKNAP

Bean, Harry
Howard, Raymond
Spanos, Peter
Viens, Harry

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John
Varney, Peter

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin
Thomas, Yvonne

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Gordon, Edward
Migliore, Vincent Paul

Hennessey, Erin
Stringham, Jerry

Ladd, Rick

Massimilla, Linda

HILLSBOROUGH

Lekas, Alicia
Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Ober, Lynne
Notter, Jeanine
Ober, Russell
Rung, Rosemarie
Ulery, Jordan

Alexander, Joe
Boehm, Ralph
Danielson, David
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Nunez, Hershel
Radhakrishnan, Julie
Sanborn, Laurie
Warden, Mark

Griffin, Barbara
Burns, Charles
Erf, Keith
Gould, Linda
Hinch, Richard
Marzullo, JP
Panasiti, Reed
Renzullo, Andrew
Somero, Paul
Whittemore, James

Barry, Richard
Burt, John
Fedolfi, Jim
Graham, John
Hopper, Gary
McLean, Mark
Prout, Andrew
Rice, Kimberly
Lekas, Tony

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian
Yakubovich, Michael

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

Klose, John
Pearl, Howard
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
McBride, Everett
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Wallace, Scott

Abrami, Patrick
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McKinney, Betsy
Piemonte, Tony
Roy, Terry
Torosian, Peter
Welch, David

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Elliott, Robert
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Griffin, Mary
McMahon, Charles
Potucek, John
Pearson, Stephen
True, Chris
Weyler, Kenneth

Baldasaro, Al
Costable, Michael
Desilets, Joel
Fowler, William
Harb, Robert
Janigian, John
Kolodziej, Walter
Major, Norman
Melvin, Charles
Pratt, Kevin
Spillane, James
Vallone, Mark
Yokela, Josh

STRAFFORD

Hayward, Peter
Perreault, Mona

Horgan, James
Rooney, Abigail

Kittredge, Mac
Beaudoin, Steven

McNally, Jody
Wuelper, Kurt

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

SB 151-FN, establishing an administrative hearing procedure and penalty for an employer who fails to make payment of wages or who fails to secure workers' compensation coverage. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Bordy for the Majority of Labor, Industrial and Rehabilitative Services. The majority believes that this bill protects employees by establishing an administrative procedure and penalty for employers who fail to make payment of wages or fail to secure workers' compensation. The bill provides mechanisms for enforcement in a fair manner with protections for the employer through an appeal process. Vote 12-8.

Rep. Hershel Nunez for the Minority of Labor, Industrial and Rehabilitative Services. This bill is redundant, as these procedures are already in law. While it may attempt to simplify processes, it could also create further problems by lending itself to abuse, and there are still provisions in law that allow appeals to the supreme court. The current language can create more layers of bureaucracy.

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

Rep. Mackie spoke against.

Rep. Bordy spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 212 - NAYS 145

YEAS - 212 BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Parkhurst, Henry
Von Plinsky, Sparky

Ames, Richard
Faulkner, Barry
Mann, John
Schapiro, Joe
Pearson, William

Berch, Paul
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Weber, Lucy

Bordenet, John
Harvey, Cathryn
Morrill, David
Thompson, Craig

COOS

Hatch, William
Noel, Henry

Laflamme, Larry
Tucker, Edith

Merner, Troy
Thomas, Yvonne

Moynihan, Wayne

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Murray, Megan
Mombourquette, Donna
Nutting-Wong, Allison
Pickering, Daniel
Riel, Cole
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Griffith, Willis
Heath, Mary
Jack, Martin
Komi, Richard
Mangipudi, Latha
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hall, Brett
Herbert, Christopher
Judy, Jean
Langley, Diane
Martin, Joelle
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Shaw, Barbara
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Balch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Indruk, Greg
King, Mark
Long, Patrick
McGhee, Kat
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
Snow, Kendall
Smith, Timothy
Van Houten, Constance
Williams, Kermit

MERRIMACK

Bartlett, Christy
Ebel, Karen
MacKay, James
Richards, Beth
Schamberg, Thomas
Walz, Mary Beth

Buchanan, Ryan
Ellison, Arthur
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wazir, Safiya

Carson, Clyde
Karrick, David
Moffett, Howard
Rogers, Katherine
Soucy, Timothy
Wells, Kenneth

Doherty, David
Luneau, David
Pimentel, Roderick
Saunderson, George
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael

Berrien, Skip
Cali-Pitts, Jacqueline

Bunker, Lisa
Chirichiello, Brian

Bushway, Patricia
Coursin, David

Cushing, Robert Renny
Gilman, Julie
Loughman, Tom
McConnell, Liz
Somssich, Peter

DiLorenzo, Charlotte
Grossman, Gaby
Lovejoy, Patricia
Meuse, David
Vallone, Mark

Edgar, Michael
Grote, Jaci
Maggiore, Jim
Pantelakos, Laura
Ward, Gerald

Eisner, Mary
Murray, Kate
Malloy, Dennis
Read, Ellen
Warner, Anne

STRAFFORD

Bixby, Peter
Fargo, Kristina
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Cannon, Gerri
Fontneau, Timothy
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

Chase, Wendy
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Wall, Janet

Ellis, Donna
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

SULLIVAN

Cloutier, John
Sullivan, Brian

Laware, Thomas
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

NAYS - 145

BELKNAP

Bean, Harry
Howard, Raymond
Spanos, Peter
Viens, Harry

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Mackie, Jonathan
Tilton, Franklin

Fields, Dennis
Plumer, John
Varney, Peter

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

GRAFTON

Gordon, Edward

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Boehm, Ralph
Danielson, David
Gagne, Larry
Gunski, Michael
Lascelles, Richard
Panasiti, Reed
Renzullo, Andrew
Somero, Paul
Whittemore, James

Alexander, Joe
Burns, Charles
Erf, Keith
Gould, Linda
Hinch, Richard
McLean, Mark
Prout, Andrew
Rice, Kimberly
Lekas, Tony

Griffin, Barbara
Burt, John
Fedolfi, Jim
Graham, John
Hopper, Gary
Notter, Jeanine
Ober, Russell
Rung, Rosemarie
Ulery, Jordan

Belanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Ober, Lynne
Nunez, Hershel
Radhakrishnan, Julie
Sanborn, Laurie
Warden, Mark

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian
Yakubovich, Michael

Hill, Gregory
Marple, Richard
Testerman, Dave

Horn, Werner
McGuire, Carol
Walsh, Thomas

Klose, John
Pearl, Howard
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Thomas, Douglas
Dolan, Tom
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
McBride, Everett
Morrison, Sean
Pratt, Kevin
Spillane, James
Wallace, Scott

Abrami, Patrick
Bershtein, Alan
DeClercq, Edward
Doucette, Fred
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Welch, David

Acton, Dennis
Costable, Michael
Desilets, Joel
Elliott, Robert
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Griffin, Mary
McMahon, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Weyler, Kenneth

Baldasaro, Al
Davis, Dan
DeSimone, Debra
Fowler, William
Harb, Robert
Janigian, John
Kolodziej, Walter
Major, Norman
Melvin, Charles
Potucek, John
Pearson, Stephen
True, Chris
Yokela, Josh

STRAFFORD

Hayward, Peter
Perreault, Mona

Horgan, James
Rooney, Abigail

Kittredge, Mac
Beaudoin, Steven

McNally, Jody
Wuelper, Kurt

SULLIVAN

Aron, Judy
Stapleton, Walter

Callum, John
Smith, Steven

Lucas, Gates

Rollins, Skip

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

SB 74-FN-A, relative to register of deeds fees used to support the land and community heritage investment program (LCHIP), and establishing a committee to study the economic impact of land conservation. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith Spang for the Majority of Resources, Recreation and Development. This bill will have a very large impact on the ability for the Land and Community Heritage Investment Program (LCHIP) to fund projects in each of our communities. The minor increase of \$10 on the \$25 fee paid for recording a deed, mortgage, mortgage discharge or plan at the registry of deeds goes to LCHIP and is used to provide competitive grants for land conservation and restoration or the preservation of valued historic structures. Every dollar provided by LCHIP leverages up to seven dollars in funds by municipalities and other organizations. Since 2009, LCHIP has been able to make grants to 328 of 505 competitive applications submitted. The fee increase is necessitated by an increase in the cost of building restoration and the price of land and will enable LCHIP to increase the number of projects approved. The fee was first initiated in 2009 and has not been raised since that time. The bill also establishes a committee to study the economic impact of land conservation. Vote 13-7.

Rep. Andrew Renzullo for the Minority of Resources, Recreation and Development. In order to increase funding to LCHIP, this bill institutes a 40% increase to the surcharge levied on certain real estate documents recorded in the registry of deeds. These documents are deeds, plans, mortgages, and mortgage discharges. The surcharge increase is from \$25 to \$35. It is estimated this increase in this surcharge will provide an additional \$1,584,808 per year to LCHIP. LCHIP proponents assert this increase is needed as the \$25 surcharge instituted in 2009 did not meet the financial levels expected. But they seem to forget that the years between 2008 and 2017 encompassed the Great Recession with a very slow recovery, especially in the housing sector with record foreclosures and a depressed housing market. Had they analyzed their own data, they would have seen that revenues to LCHIP in the years 2013 through 2017 averaged \$3.54 million per year and that in 2018 the housing recovery had started to take hold as available funds jumped to \$3.9 million. This amount should go substantially higher if the housing economy continues to improve. The minority believes this request is premature and should be rejected at this time as the surcharge increase is not needed. If we wish to properly provide for a program we deem worthy, should we not stand tall and declare it worthy to be funded from appropriations rather than demand it be funded drop by drop from our young people as they buy their homes or pay off their mortgages.

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

Rep. Merner spoke against.

Rep. Spang spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 214 - NAYS 144

**YEAS - 214
BELKNAP**

Fields, Dennis
Viens, Harry

Huot, David

Jurius, Deanna

St. Clair, Charlie

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
MacDonald, John

DesMarais, Edith
Ticehurst, Susan

Kanzler, Harrison
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Parkhurst, Henry
Von Plinsky, Sparky

Ames, Richard
Faulkner, Barry
Mann, John
Schapiro, Joe
Pearson, William

Berch, Paul
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Weber, Lucy

Bordenet, John
Harvey, Cathryn
Morrill, David
Thompson, Craig

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Adjutant, Joshua
Dontonville, Roger
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Almy, Susan
Egan, Timothy
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Campion, Polly
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Cote, David
DiSilvestro, Linda
Freitas, Mary
Hall, Brett
Herbert, Christopher
Jeudy, Jean
Komi, Richard
Mangipudi, Latha
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Shaw, Barbara
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Danielson, David
Dutzy, Sherry
Goley, Jeffrey
Hamer, Heidi
Indruk, Greg
King, Mark
Langley, Diane
Martin, Joelle
Nutter-Upham, Frances
Petrigno, Peter
Newman, Ray
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Dargie, Paul
Espitia, Manny
Graham, John
Harriott-Gathright, Linda
Schmidt, Janice
Klee, Patricia
Long, Patrick
Mombourquette, Donna
Nutting-Wong, Allison
Pickering, Daniel
Radhakrishnan, Julie
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Balch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
Desjardin, Kathy
Davis, Fred
Griffith, Willis
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Murray, Megan
Mullen, Sue
O'Brien, Michael
Piedra, Israel
Newman, Sue
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
Ebel, Karen
MacKay, James
Richards, Beth
Schamberg, Thomas
Walz, Mary Beth
Woods, Gary

Buchanan, Ryan
Ellison, Arthur
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wazir, Safiya

Carson, Clyde
Karrick, David
Moffett, Howard
Rogers, Katherine
Soucy, Timothy
Wells, Kenneth

Doherty, David
Luneau, David
Pimentel, Roderick
Saunderson, George
Wallner, Mary Jane
Wolf, Dan

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
DiLorenzo, Charlotte
Grossman, Gaby
Lovejoy, Patricia
Meuse, David
Vallone, Mark

Berrien, Skip
Cali-Pitts, Jacqueline
Edgar, Michael
Grote, Jaci
Maggiore, Jim
Pantelakos, Laura
Ward, Gerald

Bunker, Lisa
Coursin, David
Eisner, Mary
Murray, Kate
Malloy, Dennis
Read, Ellen
Warner, Anne

Bushway, Patricia
Cushing, Robert Renny
Gilman, Julie
Loughman, Tom
McConnell, Liz
Somssich, Peter

STRAFFORD

Bixby, Peter
Fargo, Kristina
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

Cannon, Gerri
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Vincent, Kenneth

Chase, Wendy
Higgins, Peg
Levesque, Cassandra
Rich, Cecilia
Spang, Judith
Wall, Janet

Ellis, Donna
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

SULLIVAN

Cloutier, John
Tanner, Linda

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 144**BELKNAP**

Bean, Harry
Mackie, Jonathan
Varney, Peter

Comtois, Barbara
Plumer, John

Feeney, George
Spanos, Peter

Howard, Raymond
Tilton, Franklin

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn

Crawford, Karel

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin	Fothergill, John	Furbush, Michael	Merner, Troy
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GRAFTON

Fellows, Sallie	Gordon, Edward	Hennessey, Erin	Ladd, Rick
Migliore, Vincent Paul			

HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Griffin, Barbara	Barry, Richard
Belanger, James	Boehm, Ralph	Burns, Charles	Burt, John
Camarota, Linda	Erf, Keith	Fedolli, Jim	Flanagan, Jack
Gagne, Larry	Gould, Linda	Greene, Bob	Gunski, Michael
Hinch, Richard	Hopper, Gary	Ober, Lynne	Lascelles, Richard
Marzullo, JP	McGhee, Kat	McLean, Mark	Notter, Jeanine
Nunez, Hershel	Panasiti, Reed	Prout, Andrew	Ober, Russell
Renzullo, Andrew	Rice, Kimberly	Riel, Cole	Rung, Rosemarie
Sanborn, Laurie	Somero, Paul	Lekas, Tony	Ulery, Jordan
Warden, Mark	Whittemore, James		

MERRIMACK

Allard, James	Hill, Gregory	Horn, Werner	Klose, John
Kotowski, Frank	Marple, Richard	McGuire, Carol	Seaworth, Brian
Testerman, Dave	Walsh, Thomas	Yakubovich, Michael	

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Acton, Dennis	Baldasaro, Al
Barnes, Arthur	Bershtein, Alan	Chirichiello, Brian	Costable, Michael
Davis, Dan	Thomas, Douglas	DeClercq, Edward	Desilets, Joel
DeSimone, Debra	Dolan, Tom	Doucette, Fred	Elliott, Robert
Fowler, William	Gay, Betty	Green, Dennis	Guthrie, Joseph
Harb, Robert	Hobson, Deborah	Hoelzel, Kathleen	Osborne, Jason
Janigian, John	Janvrin, Jason	Katsakiores, Phyllis	Khan, Aboul
Kolodziej, Walter	Love, David	Lundgren, David	Griffin, Mary
Major, Norman	McBride, Everett	McKinney, Betsy	McMahon, Charles
Melvin, Charles	Morrison, Sean	Packard, Sherman	Piemonte, Tony
Potucek, John	Pratt, Kevin	Prudhomme-O'Brien, Katherine	Roy, Terry
Pearson, Stephen	Spillane, James	Sytek, John	Torosian, Peter
True, Chris	Wallace, Scott	Welch, David	Weyler, Kenneth
Yokela, Josh			

STRAFFORD

Fontneau, Timothy	Hayward, Peter	Horgan, James	Kittredge, Mac
McNally, Jody	Perreault, Mona	Rooney, Abigail	Beaudoin, Steven
Wuelper, Kurt			

SULLIVAN

Aron, Judy	Callum, John	Laware, Thomas	Lucas, Gates
Rollins, Skip	Stapleton, Walter	Smith, Steven	

and the majority committee report was adopted and referred to the Committee on Ways and Means. Rep. Pearl declared a conflict of interest and did not participate in the vote.

SB 187, relative to OHRV dealer and rental agency registration fees and snowmobile registration fees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Laura Telerski for the Majority of Transportation. The majority believes this bill is a collaboration among the NH Snowmobile Association, clubs, dealers, enthusiasts of the sport, the Trails Bureau, and Fish and Game as a way to develop a more sustainable future for the sport bringing in needed revenue. Registration fees allow snowmobile clubs to maintain trails, purchase much needed grooming machines and keep up with rising fuel costs. Clubs will take on the full cost and the state will no longer be purchasing equipment. This model is similar to the successful program in New York State. Additionally, the registration year will be adjusted to better line up with the season. The new fees are competitive; much lower than Vermont and Quebec, and similar to Maine. Vote 12-4.

Rep. Steven Smith for the Minority of Transportation. The minority appreciates and applauds the volunteers and clubs who maintain the trails. Unfortunately, no data or business case was presented to show that the fee increases in this bill would cover the stated needs. Off-Highway Recreational Vehicle (OHRV) fees are also tied to snowmobile trail maintenance. The minority would prefer that the fee you pay supports the service you receive. Because they do not, the minority regretfully cannot support this bill.

Majority committee report adopted and referred to the Committee on Ways and Means.

SB 216-FN, requiring the New Hampshire transportation council to conduct a review of automated vehicle testing and deployment, establishing an automated vehicle testing pilot program, and providing requirements for automated vehicle deployment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura Telerski for Transportation. The committee believes this bill, as amended, is a needed step to provide structure and guidelines to an autonomous vehicle (AV) testing pilot program and provides requirements for deployment. The bill expands the NH Transportation Council to add two needed members. Also, the Commission to Review the Structure of Motor Vehicle Laws is charged with taking into consideration AVs and how they affect existing laws and statutes that may affect or impede testing or deployment. The new Autonomous Vehicle Advisory Commission is established by this bill to study AVs and advise on proposed legislation. Finally, this bill, as amended, creates the framework for the Division of Motor Vehicles to establish a pilot program for testing of AVs. Vote 19-0.

Amendment (1604h)

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

AN ACT establishing an autonomous vehicle advisory commission, establishing an autonomous vehicle testing pilot program, and providing requirements for automated vehicle deployment.

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

1 New Paragraph; New Hampshire Transportation Council; Duties. Amend RSA 238-A:3 by inserting after paragraph III the following new paragraph:

IV. Solicit input from representatives of:

- (a) Disability communities.
- (b) Elder communities.
- (c) The trucking industry.
- (d) Attorneys with expertise in transportation liability.

2 New Subparagraphs; New Hampshire Transportation Council; Membership. Amend RSA 238-A:4, I by inserting after subparagraph (i) the following new subparagraphs:

- (j) The director of the office of strategic initiatives, or designee.
- (k) The commissioner of the department of insurance, or designee.

3 New Chapter; Autonomous Vehicle Advisory Commission. Amend RSA by inserting after chapter 240 the following new chapter:

CHAPTER 241

AUTONOMOUS VEHICLE ADVISORY COMMISSION

241:1 Commission Established. There is established a commission to study autonomous vehicles.

241:2 Membership and Compensation.

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

- (a) The commissioner of the department of safety, or designee.
- (b) The commissioner of the department of transportation, or designee.
- (c) The commissioner of the department of information technology, or designee.
- (d) The director of the department of safety, division of motor vehicles, or designee.
- (e) The director of the department of safety, division of fire standards and training and emergency medical services, or designee.
- (f) Two members of the house of representatives, including one member from the majority party and one member from the minority party, appointed by the speaker of the house of representatives.
- (g) One member of the senate, appointed by the president of the senate.

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

241:3 Duties. The commission shall:

- I. Advise relevant state agencies and the general court on autonomous vehicle administration.
- II. Develop training curriculum for law enforcement and first responders.
- III. Review National Transportation Safety Board reports on automated vehicle incidents and action recommendations.

IV. Propose modifications to the automated vehicle testing and development pilot program established in RSA 242 when necessary.

V. Maintain up-to-date information on automated vehicle technology, statutes, and regulations, and exchange information regarding unique challenges posed by roads in New Hampshire through interaction with the United States Department of Transportation and the National Highway and Traffic Safety Administration.

241:4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the commissioner of the department of safety. The first meeting of the commission shall be held within 30 days of the effective date of this section. The

commission shall meet as often as necessary to accomplish its goals, provided that at least 3 meetings per year shall be open to the public. Meetings may be held by conference call. Five members of the commission shall constitute a quorum.

241:5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, the state library, and the New Hampshire transportation council on or before November 1 of each year and annually thereafter. The commission shall also provide a report to the speaker of the house of representatives, the president of the senate, and the governor as needed when it receives information from any source that a review the autonomous vehicle testing and development pilot program, statutes, or rules is warranted.

4 New Chapter; Automated Vehicle Testing and Deployment Pilot Program. Amend RSA by inserting after chapter 241 the following new chapter:

CHAPTER 242

AUTOMATED VEHICLE TESTING AND DEPLOYMENT PILOT PROGRAM

242:1 Automated Vehicle Testing Pilot Program and Deployment Requirements.

I. The department of safety, division of motor vehicles, shall establish a pilot program to test automated vehicle technologies on public roads within the state. The pilot program shall commence 90 days following the effective date of this section.

II. The following words and phrases, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

(a) "Automated driving system" means the hardware and software that are collectively capable of performing all aspects of the dynamic driving task within its operational design domain, if any, including achieving a minimal risk condition, without any intervention or supervision by a conventional human driver.

(b) "ADS-equipped vehicle" means a vehicle equipped with an automated driving system.

(c) "Conventional human driver" means a natural person who manually engages in-vehicle braking, accelerating, steering, and transmission gear selection input devices in order to operate a vehicle.

(d) "Driverless capable vehicle" means a vehicle equipped with an automated driving system capable of performing all aspects of the dynamic driving task within its operational design domain, if any, including achieving a minimal risk condition, without any intervention or supervision by a conventional human driver.

(e) "Driverless operation" means a mode of ADS-equipped vehicle operation in which either no on-board user is present, or in which on-board users who are present are not conventional human drivers.

(f) "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic within its specific operational design domain, if any, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints.

(g) "Minimal risk condition" means a reasonably safe state to which an automated driving system brings an ADS-equipped vehicle upon experiencing a performance-relevant failure of the vehicle's automated driving system that renders the automated driving system unable to perform the entire dynamic driving task, such as bringing the vehicle to a complete stop and activating the hazard lamps.

(h) "On-demand driverless capable vehicle network" means a transportation service network that uses a software application or other digital means to dispatch driverless capable vehicles for purposes of transporting persons or goods, including for-hire transportation, transportation for compensation, and public transportation.

(i) "Operational design domain" means a description of the specific operating domain in which an automated driving system is designed to properly operate, including but not limited to roadway types, speed range, environmental conditions such as weather or time of day, and other domain constraints.

(j) "Test driver" means a trained employee, contractor, or other person who is acting as an agent of the testing entity while operating the testing entity's ADS-equipped vehicles that are part of the automated vehicle testing pilot program.

(k) "Testing entity" means an individual, company, college or university, nonprofit, or other organization involved with the design or testing of automated vehicle technologies.

III.(a) A testing entity may test ADS-equipped vehicles on public roadways of this state only if the testing entity has been approved for testing by the department after submitting the information required pursuant to this section.

(b) A testing entity seeking to test ADS-equipped vehicles in this state shall provide notice to the department, upon forms furnished by the department for that purpose, of its intent to participate in the automated vehicle testing pilot program. Such forms shall be accompanied by the following information:

(1) The name and business address of the testing entity intending to test ADS-equipped vehicles on state roadways.

(2) The name, phone number, email address, and physical address in state, if present, of lead staff contact for the testing entity with oversight of the testing project.

(3) Identification information about the vehicles to be used in testing, including the make, model, and license plate numbers.

(4) A description of the operating design domain in which the ADS-equipped vehicle has been designed to operate, including limitations on the types of roadways, weather, time of day, or geographic locations, if any.

(5) The geographic areas within the state in which the entity plans to test ADS-equipped vehicles.

(6) A copy of the testing entity's Voluntary Safety Self-Assessment as defined by the United States Department of Transportation's Federal Automated Vehicles Policy or a detailed summary of the types of safety training given to test drivers, including copies of any documentation or illustration provided.

(7) Proof of the testing entity's financial ability to satisfy judgment for damages for personal injury or property damage of at least \$5 million, which may be in the form of an issued insurance policy, a bond, or other financial instrument.

(8) Acknowledgment, via official form furnished by the department, that:

(A) The ADS-equipped vehicle is in compliance with all applicable federal laws and regulations, or has an exemption under federal law.

(B) The ADS-equipped vehicle is designed to comply with all traffic and motor vehicle safety laws and regulations of this state that govern the performance of the dynamic driving task, unless an exemption has been granted by the department.

(C) The automated driving system has been tested in controlled conditions and has demonstrated functionality ready to test on public roads.

(D) The ADS-equipped vehicle shall only be operated or monitored by trained employees, or other authorized persons as agents of the testing entity who have received instruction on the safe operation of vehicle systems.

(E) The ADS-equipped vehicle test driver holds a valid driver's license that is recognized by the state as affording the individual the privilege of legally operating a motor vehicle on state roadways.

IV. Upon receipt of the information detailed in paragraph III, the department shall:

(a) Review the materials as submitted and, if necessary, request in writing any further information needed to support the application. A testing entity shall not be required to release information that may be proprietary or confidential business information. If the department requests further information, the petitioner shall submit such information or provide a satisfactory explanation of any omission from the materials within 15 business days of the request. Within 15 business days of receipt of the additional information, the department shall review and respond, either with an additional request for information or with the acknowledgment that all questions have been satisfactorily answered.

(b) Collect an annual fee of \$500 from each testing entity participating in the automated vehicle testing pilot program.

V. A testing entity in the automated vehicle testing pilot program may operate an ADS-equipped vehicle without a test driver or conventional human driver in the vehicle, provided that:

(a) A testing entity that wishes to test an ADS-equipped vehicle without a test driver or conventional human driver in the vehicle shall first provide notice to the department of its intention to proceed with such testing. Such notice shall include:

(1) An acknowledgment by the testing entity that the ADS-equipped vehicles in the automated vehicle testing pilot program are capable of achieving a minimal risk condition if a malfunction of the automated driving system occurs that renders that system unable to perform the entire dynamic driving task within its intended operational design domain, if any.

(2) A copy of the testing entity's emergency response guide, including information on how to instruct law enforcement, fire, and emergency medical personnel on safe interaction with the vehicle in emergency and traffic enforcement situations.

(b) The department shall distribute any emergency response guide received pursuant to subparagraph (a)(2) to all law enforcement, fire, and emergency response personnel with jurisdiction over the geographic area in the vicinity of the test entity's stated testing area.

VI.(a) The department may suspend or refuse a testing entity's ability to participate in the pilot program if it finds that:

(1) The testing entity's ADS-equipped vehicle had a significant or recurring failure to comply with the rules of the road of this state or any other state that presented an undue risk to public safety.

(2) The testing company submitted a material misstatement on the materials submitted to the department.

(b) If the department suspends or refuses to renew a testing entity's ability to test, the department shall provide written notice to the testing entity within 48 hours, detailing the grounds that led to the department's actions, as well as specific actions available to the testing entity to cure.

VII. The department shall provide regular updates on the automated vehicle testing pilot program to the New Hampshire transportation council established under RSA 238-A:2.

VIII.(a) Operation on the public roads of this state of an ADS-equipped vehicle capable of performing the entire dynamic driving task within its operational design domain while a conventional human driver is present is lawful under RSA 263, RSA 264, RSA 265, and RSA 266.

(b) The automated driving system, while engaged, shall be designed to operate within its operational design domain in compliance with all applicable traffic and motor vehicle safety laws and regulations of this state that specifically govern the performance of the dynamic driving task, unless an exemption has been granted by the department. Any such operation shall comply as well with the applicable traffic and motor vehicle safety laws and regulations of this state.

IX. A driverless capable vehicle may operate on the public roads of this state without a conventional human driver, provided that the vehicle meets the following conditions:

(a) The vehicle is capable of achieving a minimal risk condition if a malfunction of the automated driving system occurs that renders that system unable to perform the entire dynamic driving task within its intended operational design domain, if any;

(b) While in driverless operation, the vehicle is capable of operating in compliance with all applicable traffic and motor vehicle safety laws and regulations of this state that govern the performance of the dynamic driving task, unless an exemption has been granted by the department. Any such operation shall comply as well with the applicable traffic and motor vehicle safety laws and regulations of this state;

(c) The vehicle is in compliance with all federal laws and regulations or has an exemption under federal law; and

(d) Prior to such operation, the owner or the manufacturer of such a vehicle shall have submitted proof of financial responsibility satisfactory to the department that the driverless vehicle is covered by insurance or proof of self-insurance that satisfies the requirements of RSA 264.

X.(a) A person may operate an on-demand driverless capable vehicle network, provided that driverless vehicles utilized in such a network comply with the requirements of paragraph IX. Such a network may provide transportation of persons or goods, including:

(1) For-hire transportation;

(2) Public transportation; and

(3) Transportation for multiple passengers who agree to share the ride in whole or in part.

(b) An on-demand driverless capable vehicle network may connect passengers to driverless capable vehicles either exclusively or as part of a digital network that also connects passengers to human drivers who provide transportation services, consistent with applicable law, in vehicles that are not driverless capable vehicles.

XI. In the event of an accident in which a vehicle under driverless operation is involved the vehicle shall comply with RSA 264:25 where applicable and to the extent possible, and the vehicle's owner or a person on behalf of the vehicle's owner shall promptly report the accident to law enforcement authorities. If a vehicle under driverless operation fails to remain at the scene of an accident or the operation of the vehicle fails to otherwise comply with RSA 264:25 where applicable and to the extent possible as required by this section, the vehicle's failure shall be imputed to the vehicle's owner, and the vehicle's owner may be charged and convicted of a violation of RSA 264:25 as applicable. However, if the vehicle's failure is due to an error or malfunction in the automated driving system, the vehicle's failure shall instead be imputed to the vehicle's manufacturer, and the vehicle's manufacturer may be charged and convicted for a violation of RSA 264:25 as applicable.

XII. Before an ADS-equipped vehicle may operate on public roads in this state, an owner of such a vehicle shall submit proof of financial responsibility satisfactory to the department that the ADS-equipped vehicle is covered by insurance or proof of self-insurance that satisfies the requirements of RSA 264.

XIII.(a) The automated vehicle testing pilot program, ADS-equipped vehicles, and automated driving systems generally, shall be governed exclusively by this chapter. The department is the sole and exclusive state agency that may implement the provisions of this chapter.

(b) No state or local entity may impose any additional requirements specific to the operation of the automated vehicle testing pilot program, ADS-equipped vehicles, on-demand driverless capable vehicle network, or automated driving systems generally.

(c) No state or local entity may impose a tax, fee, or other requirement on the operation of the automated vehicle testing pilot program, ADS-equipped vehicles, on-demand driverless capable vehicle network, or automated driving systems generally, where such tax, fee, or other requirement relates specifically to the operation of ADS-equipped vehicles.

XIV. Subject to paragraph VIII, no motor vehicle laws of this state shall be construed so as to require a conventional human driver to operate an ADS-equipped vehicle, and the automated driving system, when engaged, shall be deemed to fulfill any physical acts required of a conventional human driver to perform the dynamic driving task.

5 Commission to Review the Structure of Motor Vehicle Laws. Amend RSA 260:77, IV to read as follows:

IV. The commission shall:

(a) Review the structure of motor vehicle laws.

(b) Review existing state statutes and administrative rules to identify existing statutes or rules that may affect or impede the testing and deployment of automated vehicles, including but not limited to existing laws pertaining to vehicle registration and titling, vehicle insurance requirements, the use of arbitration requirements including pre-dispute arbitration requirements in contracts in the transportation sector, drivers' licenses, and general rules of the road.

6 Commission to Review the Structure of Motor Vehicle Laws. Amend RSA 260:77, VI to read as follows:

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before August 1, [2019] **2020**.

7 Commission to Review the Structure of Motor Vehicle Laws; Repeal. Amend 2018, 7:3, I, to read as follows:

I. Section 2 of this act shall take effect August 1, [2019] **2020**.

8 Effective Date.

I. RSA 242:1, I-VIII, XIII, and XIV, as inserted by section 4 of this act shall take effect September 1, 2019.

II. RSA 242:1, IX through XII, as inserted by section 4 of this act shall take effect July 1, 2021.

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

AMENDED ANALYSIS

This bill establishes an autonomous vehicle advisory commission and an automated vehicle testing pilot program.

Committee amendment adopted.

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

Rep. Guthrie spoke against.

Committee report adopted and ordered to third reading.

BILLS REMOVED FROM THE CONSENT CALENDAR

SB 250-FN, relative to forgery of a certificate of insurance. **OUGHT TO PASS.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. The committee heard testimony from the Insurance Commissioner and the Director of the Fraud Unit. A certificate of insurance is issued by an insurance producer or agent and lists the insurance companies, limits and coverages in force for a contractor or business. The certificate holder, such as a general contractor, depends on this information as confirmation that there is proper insurance in place. This could also affect the certificate holders' premiums based on the information provided. Currently, issuance of a fraudulent insurance contract is a misdemeanor. This kind of case is tried in the district court. The problem for the Insurance Department is that it is difficult to prosecute or for a court to prioritize this offense. This bill would change the penalty to a felony and elevate the offense to be heard in superior court. This would make prosecutions for this fraud more likely. Vote 18-0.

Committee report adopted and referred to the Committee on Criminal Justice and Public Safety.

SB 298-FN, relative to summoning out-of-state witnesses in criminal cases. **OUGHT TO PASS.**

Rep. John Bordenet for Criminal Justice and Public Safety. This bill was requested by Judicial Branch and provides a procedure to secure the attendance of a witness from the Commonwealth of Massachusetts to testify in a criminal matter in this state. Vote 19-0.

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

Rep. Sylvia spoke against.

Rep. Bordenet spoke in favor.

Committee report adopted and ordered to third reading.

SB 225-FN, adding physician assistants to certain New Hampshire laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill adds physician assistants to multiple NH statutes. Given their expanding role in health care in NH, the committee feels these clarifications to statutes are necessary to enable them to fulfill this role. The amendment does several things. It clarifies RSA 135-C:28 by continuing the original intent of existing law that only practitioners approved by a designated receiving facility or a community mental health program may approve involuntary emergency admissions. It restores the provision in RSA 135-C:32 which only allows APRNs with specialty training in mental health to sign petitions for involuntary admission. It removes sections 9 and 10 from the original bill, as there are no physicians currently practicing psychotherapy in NH and allowing physician assistants to do so without a suitable supervising physician would violate their licensure. In RSA 415:18-a regulating insurance coverage of mental illness, it requires that a physician assistant providing services have a psychiatrist as their supervising physician. It allows payments to be made to the employer of the physician assistant, as their licensure does not allow independent practice. The amendment also adds physician assistants to RSA

464-A:25, I(a)(2) and (3), which were overlooked in the drafting of the bill. It also changes “Merrimack” to “applicable” which is necessary in order to move the children out of NH Hospital, as part of the 10-year mental health plan and as part of the solution to the ER boarding problem. Vote 19-0.

Amendment (1508h)

Amend RSA 135-C:28, I as inserted by section 3 of the bill by replacing it with the following:

I. The involuntary emergency admission of a person shall be to the state mental health services system under the supervision of the commissioner. ***The commissioner shall maintain a list of physicians, PAs, and APRNs, as defined in RSA 135-C:2, II-a, who are approved by either a designated receiving facility or a community mental health program approved by the commissioner.*** The admission may be ordered upon the certificate of [a] ***an approved physician, approved PA, or approved 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, ***PA***, or APRN has conducted, or has caused to be conducted, a physical examination if indicated and circumstances permit, and a mental examination. The physician, ***PA***, 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, ***PA***, 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, ***PA***’s, or APRN’s or designee’s opinion satisfy the criteria set forth in RSA 135-C:27. The physician, ***PA***, or APRN shall 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, ***PA***, or APRN completing a certificate, who has requested that a physician, ***PA***, 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.

Amend the bill by replacing section 6 with the following:

6 Involuntary Emergency Admission. Amend RSA 135-C:32 to read as follows:

135-C:32 Ten-Day Limitation; Petition for Involuntary Admission. No person shall be admitted for an involuntary emergency admission under RSA 135-C:27-33 for longer than a 10-day period, not including Saturdays and Sundays, unless a subsequent petition for involuntary emergency admission which contains allegations of specific acts or actions which occurred subsequent to the initial involuntary emergency admission is completed and the admission is ordered by a physician, ***PA***, or ~~[A.P.R.N.]~~ ***APRN***, as defined in RSA 135-C:2, II-a, in accordance with RSA 135-C:28, or unless a petition requesting a judicial hearing on the issue of involuntary admission under RSA 135-C:34-54 has been filed with the appropriate probate court within the involuntary admission period. Upon the filing of the petition with the probate court, the period of involuntary emergency admission may be extended until the issuance of the order of the probate court pursuant to RSA 135-C:45. Amend the bill by deleting sections 9 and 10 and renumbering the original sections 11-14 to read as 9-12, respectively.

Amend the bill by replacing section 9 with the following:

9 Insurance; Coverage for Mental Illness, Chemical Dependency Treatment. Amend RSA 415:18-a, I-V to read as follows:

I.(a) Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of:

- (1) Psychiatrists;
- (2) Licensed psychologists;
- (3) Licensed pastoral psychotherapists;
- (4) Psychiatric/mental health advanced practice registered nurses;
- (5) Licensed clinical mental health counselors;
- (6) Licensed alcohol and drug counselors;
- (7) Licensed marriage and family therapists; ~~[and]~~
- (8) Licensed clinical social workers; ***and***
- (9) Licensed, psychiatrist-supervised physician assistants***

are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders.

(b) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders shall be at least as favorable to the certificate holder as the minimum benefits specified in paragraphs II, III, and IV.

(c) Policies written pursuant to this section shall include coverage for expenses arising from treatment for chemical dependency, including alcoholism, up to a specified limit which may be defined in terms of a dollar amount or a maximum number of days or visits. Coverage for expenses arising from treatment for chemical dependency, including alcoholism, shall include both an inpatient and an outpatient benefit for detoxification and rehabilitation.

II. In the case of policies or certificates providing benefits for hospital expenses on other than a major medical basis, benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders based upon confinement in a licensed or accredited general hospital, including psychiatric inpatient facilities included under the license of such a hospital, shall be at least as favorable as benefits provided for any other illness in such a hospital. Benefits based upon confinement in a public mental hospital shall be at least as favorable as benefits provided for confinement in a licensed or accredited general hospital.

III. In the case of policies or certificates providing benefits for medical expenses on other than a major medical basis:

(a) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for services of a psychiatrist, licensed psychologist, licensed pastoral psychotherapist, psychiatric/mental health advanced practice registered nurse, licensed clinical mental health counselor, licensed alcohol and drug counselor, licensed marriage and family therapist, [or] licensed clinical social worker who customarily bills patients directly, ***or of a licensed, psychiatrist-supervised physician assistant whose billing goes through their place of employment***, shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the services of physicians for other illnesses. The ratio of the benefits to the fees reasonably and customarily charged for the services of such:

- (1) Psychiatrists;
- (2) Licensed psychologists;
- (3) Licensed pastoral psychotherapists;
- (4) Psychiatric/mental health advanced practice registered nurses;
- (5) Licensed clinical mental health counselors;
- (6) Licensed alcohol and drug counselors;
- (7) Licensed marriage and family therapists; [or]
- (8) Licensed clinical social workers; ***or***

(9) Licensed, psychiatrist-supervised physician assistants

shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

(b) Each insurer, including health maintenance organizations pursuant to RSA 420-B, that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for services rendered at a community mental health center or psychiatric residential program approved by the department of health and human services. Those benefits shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the treatment of other illnesses. The ratio of the benefits to the full reasonable charges for the services of such a center or program shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

(c) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for outpatient services rendered at a public mental hospital shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the treatment of other illnesses. The ratio of the benefits to the fees reasonably and customarily charged for the services of such a hospital shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

(d) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for outpatient services under this paragraph need not be provided for the first or second visit providing such a limitation applies in the case of services for other illnesses. Benefits for outpatient treatment may be otherwise limited to not less than 15 full hours of treatment in any consecutive 12-month period.

IV.(a) In the case of policies or certificates providing benefits for hospital and medical expenses on a major medical basis, benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual.

(b) In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by:

- (1) A psychiatrist;
- (2) A licensed psychologist;
- (3) A licensed pastoral psychotherapist;
- (4) A psychiatric/mental health advanced practice registered nurse;
- (5) A licensed clinical mental health counselor;
- (6) A licensed alcohol and drug counselor;
- (7) A licensed marriage and family therapist;
- (8) A licensed clinical social worker;

(9) A licensed, psychiatrist-supervised physician assistant;

~~[(9)]~~ **(10) A licensed general hospital;**

~~[(10)]~~ **(11) A public or licensed mental hospital; or**

~~[(11)]~~ **(12) A community mental health center or psychiatric residential program approved according to rules adopted by the commissioner of the department of health and human services.**

IV-a. Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, the option of purchasing, for a separate and identifiable premium, additional coverage for expenses incurred as a result of treatment or counseling by a licensed clinical social worker.

V. In this section:

(a) "Psychiatrist" means a licensed physician who is board-certified or board-eligible according to the most recently promulgated regulations of the American Board of Psychiatry and Neurology.

(b) "Psychologist" means a person who:

(1) Is licensed under RSA 329-B as a psychologist;

(2) Is certified or licensed under a statute in another state which meets or exceeds the standards under RSA 329-B; or

(3) Is certified or licensed in another state and is listed in the National Register of Health Service Providers in Psychology.

(c) "Licensed pastoral psychotherapist" means an individual who is licensed as a pastoral psychotherapist under RSA 330-A and is a fellow or diplomat in the American Association of Pastoral Counselors.

(d) "Psychiatric/mental health advanced practice registered nurse" means an individual who is licensed as an advanced practice registered nurse in psychiatric mental health nursing under RSA 326-B:18, who is defined by and whose scope of practice is described under the rules adopted pursuant to RSA 326-B, and who is a licensed registered nurse, educationally prepared in nursing at a minimum of the master's level, and certified in the specialty by a recognized national certifying agency, such as the American Nurses Credentialing Center.

(e) "Licensed clinical social worker" means an individual who is licensed as a clinical social worker under RSA 330-A:18.

(f) "Licensed clinical mental health counselor" means an individual who is licensed as a clinical mental health counselor under RSA 330-A:19.

(g) "Licensed marriage and family therapist" means an individual who is licensed as a marriage and family therapist under RSA 330-A:21.

(h) "Licensed alcohol and drug counselor" means an individual who is licensed as an alcohol and drug counselor under RSA 330-C and is practicing solely within the scope of practice of a licensed alcohol and drug counselor.

(i) "Mental or nervous conditions" or "mental illness and emotional disorders" means mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders" (DSM), excluding those disorders designated by a "V Code" and those disorders designated as criteria sets and axes provided for further study in the DSM. This term shall not include chemical dependency, including alcoholism.

(j) "Licensed, psychiatrist supervised physician assistant" means an individual who is licensed as a physician assistant under RSA 328-D whose supervising physician is a licensed psychiatrist.

AMENDED ANALYSIS

This bill inserts physician assistants in various statutes concerning mental health services, involuntary emergency admissions to mental health facilities, and insurance coverage.

Rep. Weber spoke against.

Committee amendment failed.

Rep. Weber offered floor amendment (1771h).

Floor Amendment (1771h)

Amend RSA 135-C:28, I as inserted by section 3 of the bill by replacing it with the following:

I. The involuntary emergency admission of a person shall be to the state mental health services system under the supervision of the commissioner. ***The commissioner shall maintain a list of physicians, PAs, and APRNs, as defined in RSA 135-C:2, II-a, who are approved by either a designated receiving facility or a community mental health program approved by the commissioner.*** The admission may be ordered upon the certificate of [a] ***an approved physician, approved PA, or approved 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, ***PA***, or APRN has conducted, or has caused to be conducted, a physical examination if indicated and circumstances permit, and a mental examination. The physician, ***PA***, 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, ***PA***, 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, ***PA's***, or APRN's or designee's opinion satisfy the criteria set forth in RSA 135-C:27. The physician, ***PA***, or APRN shall 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, ***PA***, or APRN completing a certificate, who has requested that a physician, ***PA***, 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.

Amend the bill by replacing section 6 with the following:

6 Involuntary Emergency Admission. Amend RSA 135-C:32 to read as follows:

135-C:32 Ten-Day Limitation; Petition for Involuntary Admission. No person shall be admitted for an involuntary emergency admission under RSA 135-C:27-33 for longer than a 10-day period, not including Saturdays and Sundays, unless a subsequent petition for involuntary emergency admission which contains allegations of specific acts or actions which occurred subsequent to the initial involuntary emergency admission is completed and the admission is ordered by a physician, ***PA***, or ~~[A-P-R-N:]~~ ***APRN***, as defined in RSA 135-C:2, II-a, in accordance with RSA 135-C:28, or unless a petition requesting a judicial hearing on the issue of involuntary admission under RSA 135-C:34-54 has been filed with the appropriate probate court within the involuntary admission period. Upon the filing of the petition with the probate court, the period of involuntary emergency admission may be extended until the issuance of the order of the probate court pursuant to RSA 135-C:45. Amend the bill by deleting sections 9 and 10 and renumbering the original sections 11-14 to read as 9-12, respectively.

Amend the bill by replacing sections 9 and 10 with the following:

9 Insurance; Coverage for Mental Illness, Chemical Dependency Treatment. Amend RSA 415:18-a, I-V to read as follows:

I.(a) Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of mental illnesses and emotional disorders which, in the professional judgment of:

- (1) Psychiatrists;
- (2) Licensed psychologists;
- (3) Licensed pastoral psychotherapists;
- (4) Psychiatric/mental health advanced practice registered nurses;
- (5) Licensed clinical mental health counselors;
- (6) Licensed alcohol and drug counselors;
- (7) Licensed marriage and family therapists; ~~[and]~~
- (8) Licensed clinical social workers; ***and***
- (9) ***Licensed, psychiatrist-supervised physician assistants***

are subject to significant improvement through short-term therapy, and benefits for expenses arising from diagnosis and evaluation of all other mental illnesses and emotional disorders.

(b) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders shall be at least as favorable to the certificate holder as the minimum benefits specified in paragraphs II, III, and IV.

(c) Policies written pursuant to this section shall include coverage for expenses arising from treatment for chemical dependency, including alcoholism, up to a specified limit which may be defined in terms of a dollar amount or a maximum number of days or visits. Coverage for expenses arising from treatment for chemical dependency, including alcoholism, shall include both an inpatient and an outpatient benefit for detoxification and rehabilitation.

II. In the case of policies or certificates providing benefits for hospital expenses on other than a major medical basis, benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders based upon confinement in a licensed or accredited general hospital, including psychiatric inpatient facilities included under the license of such a hospital, shall be at least as favorable as benefits provided for any other illness in such a hospital. Benefits based upon confinement in a public mental hospital shall be at least as favorable as benefits provided for confinement in a licensed or accredited general hospital.

III. In the case of policies or certificates providing benefits for medical expenses on other than a major medical basis:

(a) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for services of a psychiatrist, licensed psychologist, licensed pastoral psychotherapist, psychiatric/mental health advanced practice registered nurse, licensed clinical mental health counselor, licensed alcohol and drug counselor, licensed marriage and family therapist, [or] licensed clinical social worker who customarily bills patients directly, **or of a licensed, psychiatrist-supervised physician assistant whose billing goes through their place of employment**, shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the services of physicians for other illnesses. The ratio of the benefits to the fees reasonably and customarily charged for the services of such:

- (1) Psychiatrists;
- (2) Licensed psychologists;
- (3) Licensed pastoral psychotherapists;
- (4) Psychiatric/mental health advanced practice registered nurses;
- (5) Licensed clinical mental health counselors;
- (6) Licensed alcohol and drug counselors;
- (7) Licensed marriage and family therapists; [or]
- (8) Licensed clinical social workers; **or**

(9) Licensed, psychiatrist-supervised physician assistants

shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

(b) Each insurer, including health maintenance organizations pursuant to RSA 420-B, that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for services rendered at a community mental health center or psychiatric residential program approved by the department of health and human services. Those benefits shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the treatment of other illnesses. The ratio of the benefits to the full reasonable charges for the services of such a center or program shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

(c) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for outpatient services rendered at a public mental hospital shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the treatment of other illnesses. The ratio of the benefits to the fees reasonably and customarily charged for the services of such a hospital shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

(d) Benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders for outpatient services under this paragraph need not be provided for the first or second visit providing such a limitation applies in the case of services for other illnesses. Benefits for outpatient treatment may be otherwise limited to not less than 15 full hours of treatment in any consecutive 12-month period.

IV.(a) In the case of policies or certificates providing benefits for hospital and medical expenses on a major medical basis, benefits arising from treatment, diagnosis and evaluation of mental illnesses and disorders shall be subject to deductibles and coinsurance at least as favorable as those which apply to the benefits for any other illness, provided that benefits payable for expenses incurred in any consecutive 12-month period may be limited to an amount not less than \$3,000 per covered individual, and to a lifetime maximum of not less than \$10,000 per covered individual.

(b) In this paragraph, covered major medical expenses include the reasonable charges for services and treatment on an inpatient, outpatient or partial hospitalization basis by:

- (1) A psychiatrist;
- (2) A licensed psychologist;
- (3) A licensed pastoral psychotherapist;
- (4) A psychiatric/mental health advanced practice registered nurse;
- (5) A licensed clinical mental health counselor;

- (6) A licensed alcohol and drug counselor;
- (7) A licensed marriage and family therapist;
- (8) A licensed clinical social worker;
- (9) A licensed, psychiatrist-supervised physician assistant;**

~~[(9)]~~ **(10)** A licensed general hospital;

~~[(10)]~~ **(11)** A public or licensed mental hospital; or

~~[(11)]~~ **(12)** A community mental health center or psychiatric residential program approved according to rules adopted by the commissioner of the department of health and human services.

IV-a. Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, the option of purchasing, for a separate and identifiable premium, additional coverage for expenses incurred as a result of treatment or counseling by a licensed clinical social worker.

V. In this section:

(a) "Psychiatrist" means a licensed physician who is board-certified or board-eligible according to the most recently promulgated regulations of the American Board of Psychiatry and Neurology.

(b) "Psychologist" means a person who:

(1) Is licensed under RSA 329-B as a psychologist;

(2) Is certified or licensed under a statute in another state which meets or exceeds the standards under RSA 329-B; or

(3) Is certified or licensed in another state and is listed in the National Register of Health Service Providers in Psychology.

(c) "Licensed pastoral psychotherapist" means an individual who is licensed as a pastoral psychotherapist under RSA 330-A and is a fellow or diplomat in the American Association of Pastoral Counselors.

(d) "Psychiatric/mental health advanced practice registered nurse" means an individual who is licensed as an advanced practice registered nurse in psychiatric mental health nursing under RSA 326-B:18, who is defined by and whose scope of practice is described under the rules adopted pursuant to RSA 326-B, and who is a licensed registered nurse, educationally prepared in nursing at a minimum of the master's level, and certified in the specialty by a recognized national certifying agency, such as the American Nurses Credentialing Center.

(e) "Licensed clinical social worker" means an individual who is licensed as a clinical social worker under RSA 330-A:18.

(f) "Licensed clinical mental health counselor" means an individual who is licensed as a clinical mental health counselor under RSA 330-A:19.

(g) "Licensed marriage and family therapist" means an individual who is licensed as a marriage and family therapist under RSA 330-A:21.

(h) "Licensed alcohol and drug counselor" means an individual who is licensed as an alcohol and drug counselor under RSA 330-C and is practicing solely within the scope of practice of a licensed alcohol and drug counselor.

(i) "Mental or nervous conditions" or "mental illness and emotional disorders" means mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders" (DSM), excluding those disorders designated by a "V Code" and those disorders designated as criteria sets and axes provided for further study in the DSM. This term shall not include chemical dependency, including alcoholism.

(j) "Licensed, psychiatrist supervised physician assistant" means an individual who is licensed as a physician assistant under RSA 328-D whose supervising physician is a licensed psychiatrist.

10 Powers of a Guardian. Amend RSA 464-A:25, I(a)(2) and (3) to read as follows:

(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 **licensed** physician, **a licensed advanced practice registered nurse, or a licensed physician assistant**, 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, **a psychiatrist-supervised physician assistant licensed in this state**, 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]~~ **applicable** county probate court notice of the admission and the reasons therefor, together with a copy of the certificate by the physician, psychiatrist, **physician assistant**, or advanced practice registered nurse.

(3) The ~~[Merrimack]~~ **applicable** 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.

AMENDED ANALYSIS

This bill inserts physician assistants in various statutes concerning mental health services, involuntary emergency admissions to mental health facilities, and insurance coverage.

Rep. Weber spoke in favor.

Floor amendment (1771h) adopted.

Committee report adopted and referred to the Committee on Commerce and Consumer Affairs.

SB 52-FN, requiring the department of transportation to install a traffic light in the town of Conway. **IN-EXPEDIENT TO LEGISLATE.**

Rep. Charlie St. Clair for Transportation. The committee, after hearing testimony from the Department of Transportation (DOT) with input from others, recommend this bill as Inexpedient to Legislate. The DOT has a 10-year plan to improve state roads, and to bump this intersection over others would not be fair. The bill made no mention of other alternatives such as a round-about. An engineering study should be included to examine alternatives. Vote 16-0.

Rep. Woodcock spoke against and yielded to questions.

Rep. Sykes spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 323 - NAYS 33

YEAS - 323

BELKNAP

Bean, Harry
Howard, Raymond
Plumer, John
Tilton, Franklin

Comtois, Barbara
Huot, David
Spanos, Peter
Viens, Harry

Feeney, George
Jurius, Deanna
St. Clair, Charlie

Fields, Dennis
Mackie, Jonathan
Sylvia, Michael

CARROLL

Comeau, Ed
MacDonald, John

Crawford, Karel
Ticehurst, Susan

DesMarais, Edith

Knirk, Jerry

CHESHIRE

Abbott, Michael
Eaton, Daniel
Hunt, John
Morrill, David
Swinburne, Sandy
Weber, Lucy

Ames, Richard
Faulkner, Barry
Ley, Douglas
O'Day, John
Thompson, Craig

Berch, Paul
Gomarlo, Jennie
Mann, John
Parkhurst, Henry
Von Plinsky, Sparky

Bordenet, John
Harvey, Cathryn
Meador, David
Schapiro, Joe
Pearson, William

COOS

Craig, Kevin
Merner, Troy
Thomas, Yvonne

Furbush, Michael
Moynihan, Wayne

Hatch, William
Noel, Henry

Laflamme, Larry
Tucker, Edith

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Josephson, Timothy
Migliore, Vincent Paul
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Ladd, Rick
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Egan, Timothy
Gordon, Edward
Maes, Kevin
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Hennessey, Erin
Massimilla, Linda
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Lekas, Alicia
Backus, Robert
Beaulieu, Jane

Bouldin, Amanda
Balch, Chris
Belanger, James

Bouldin, Andrew
Baroody, Benjamin
Bergeron, Paul

Griffin, Barbara
Barry, Richard
Bernet, Jennifer

Boehm, Ralph
Burns, Charles
Cleaver, Skip
Cote, David
DiSilvestro, Linda
Davis, Fred
Gould, Linda
Gunski, Michael
Heath, Mary
Schmidt, Janice
Klee, Patricia
Langley, Diane
Mangipudi, Latha
McLean, Mark
Notter, Jeanine
O'Brien, Michael
Pickering, Daniel
Newman, Ray
Rice, Kimberly
Snow, Kendall
Lekas, Tony
Vail, Suzanne
Whittemore, James

Bordy, William
Burt, John
Cohen, Bruce
Danielson, David
Dutzy, Sherry
Freitas, Mary
Graham, John
Hall, Brett
Herbert, Christopher
Jack, Martin
Klein-Knight, Nicole
Lascelles, Richard
Martin, Joelle
Mombourquette, Donna
Nunez, Hershel
Panasiti, Reed
Piedra, Israel
Ober, Russell
Rung, Rosemarie
Somero, Paul
Smith, Timothy
Van Houten, Constance
Wilhelm, Matthew

Bosman, James
Camarota, Linda
Connors, Erika
Dargie, Paul
Erf, Keith
Gagne, Larry
Greene, Bob
Hamer, Heidi
Hinch, Richard
Jeudy, Jean
Komi, Richard
Long, Patrick
Marzullo, JP
Mullen, Sue
Nutter-Upham, Frances
Pedersen, Michael
Porter, Marjorie
Radhakrishnan, Julie
Newman, Sue
Stack, Kathryn
Telerski, Laura
Vann, Ivy
Williams, Kermit

Bouchard, Donald
Chretien, Jacqueline
Cornell, Patricia
Desjardin, Kathy
Espitia, Manny
Goley, Jeffrey
Griffith, Willis
Harriott-Gathright, Linda
Indruk, Greg
King, Mark
Ober, Lynne
Murray, Megan
McGhee, Kat
Murphy, Nancy
Nutting-Wong, Allison
Petrigno, Peter
Prout, Andrew
Renzullo, Andrew
Shaw, Barbara
Stevens, Deb
Toomey, Dan
Thomas, Wendy
Woodbury, David

MERRIMACK

Allard, James
Ebel, Karen
Klose, John
Marple, Richard
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Bartlett, Christy
Ellison, Arthur
Kotowski, Frank
McGuire, Carol
Richards, Beth
Schamberg, Thomas
Wallner, Mary Jane
Wells, Kenneth

Buchanan, Ryan
Hill, Gregory
Luneau, David
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Walsh, Thomas
Wolf, Dan

Carson, Clyde
Karrick, David
MacKay, James
Pearl, Howard
Rogers, Katherine
Seaworth, Brian
Walz, Mary Beth
Woods, Gary

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Bushway, Patricia
Costable, Michael
Thomas, Douglas
DiLorenzo, Charlotte
Eisner, Mary
Green, Dennis
Hobson, Deborah
Murray, Kate
Loughman, Tom
Griffin, Mary
McBride, Everett
Meuse, David
Potucek, John
Pearson, Stephen
Torosian, Peter
Warner, Anne

Abrami, Patrick
Berrien, Skip
Cahill, Michael
Coursin, David
DeClercq, Edward
Dolan, Tom
Elliott, Robert
Grossman, Gaby
Hoelzel, Kathleen
Katsakiores, Phyllis
Love, David
Maggiore, Jim
McConnell, Liz
Packard, Sherman
Prudhomme-O'Brien, Katherine
Somssich, Peter
True, Chris
Welch, David

Altschiller, Debra
Bershtein, Alan
Cali-Pitts, Jacqueline
Cushing, Robert Renny
Desilets, Joel
Doucette, Fred
Gay, Betty
Grote, Jaci
Osborne, Jason
Khan, Aboul
Lovejoy, Patricia
Major, Norman
McMahon, Charles
Pantelakos, Laura
Read, Ellen
Spillane, James
Wallace, Scott

Baldasaro, Al
Bunker, Lisa
Chirichiello, Brian
Davis, Dan
DeSimone, Debra
Edgar, Michael
Gilman, Julie
Harb, Robert
Janigian, John
Kolodziej, Walter
Lundgren, David
Malloy, Dennis
Melvin, Charles
Piemonte, Tony
Roy, Terry
Sytek, John
Ward, Gerald

STRAFFORD

Bixby, Peter
Fargo, Kristina
Higgins, Peg
Levesque, Cassandra
Schmidt, Peter
Beaudoin, Steven
Spang, Judith
Wuelper, Kurt

Cannon, Gerri
Fontneau, Timothy
Horgan, James
Smith, Marjorie
Perreault, Mona
Salloway, Jeffrey
Treleaven, Susan

Chase, Wendy
Grassie, Chuck
Keans, Sandra
McNally, Jody
Rich, Cecilia
Sandler, Catt
Vincent, Kenneth

Ellis, Donna
Hayward, Peter
Kittredge, Mac
Opderbecke, Linn
Rooney, Abigail
Southworth, Thomas
Wall, Janet

SULLIVAN

Aron, Judy
Lucas, Gates
Stapleton, Walter

Callum, John
O'Hearne, Andrew
Smith, Steven

Cloutier, John
Oxenham, Lee
Sullivan, Brian

Laware, Thomas
Rollins, Skip

NAYS - 33 BELKNAP

Varney, Peter

CARROLL

Avellani, Lino
Kanzler, Harrison

Burroughs, Anita
Marsh, William

Butler, Edward
Nelson, Bill

Cordelli, Glenn
Woodcock, Stephen

COOS

Fothergill, John

HILLSBOROUGH

Alexander, Joe
St. John, Michelle

Fedolfi, Jim
Ulery, Jordan

Flanagan, Jack

Riel, Cole

MERRIMACK

Doherty, David
Yakubovich, Michael

Horn, Werner

McWilliams, Rebecca

Testerman, Dave

ROCKINGHAM

Acton, Dennis
Pratt, Kevin

Guthrie, Joseph
Vallone, Mark

McKinney, Betsy
Weyler, Kenneth

Morrison, Sean
Yokela, Josh

STRAFFORD

Horrigan, Timothy

Kenney, Cam

Towne, Matthew

SULLIVAN

Tanner, Linda

and the committee report was adopted.

RESOLUTION

Rep. Ley 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, Wednesday, May 8, 2019 at 10:00 a.m.

Motion adopted.

LATE SESSION**Third Reading and Final Passage**

SB 50, relative to testing to determine alcohol concentration.

SB 112, establishing a committee to study procedures governing the hiring and payment of bail bondsmen and bail commissioners.

SB 126, relative to competency evaluations for certain court proceedings.

SB 239-FN, relative to implementation of the blue alert system in New Hampshire.

SB 299-FN, requiring good behavior as a condition for release without arrest or bail.

SB 136, relative to classification of students for tuition purposes in the university system.

SB 276-FN-A, relative to career readiness credentials for high school students.

SB 27, relative to certain unclassified positions within the department of health and human services.

SB 28, relative to an active retirement system member appointment to the independent investment committee.

SB 109-FN, relative to paid details by personnel of the division of fire safety.

SB 51, establishing a commission to study expanding mental health courts statewide.

SB 18, relative to authorized employee wage deductions.

SB 62, relative to temporary layoffs of certain seasonal workers and establishing a commission to study school bus driver background checks.

SB 219, relative to the disposal of highway or turnpike funded real estate.

SB 208, renaming the adjutant general's department to the department of military affairs and veterans services.

SB 40-FN, relative to online driver education.

SB 55, authorizing the Harris Center for Conservation Education to issue decals for multi-use decal plates.

SB 6-FN-A-L, relative to child protection staffing and making an appropriation therefor.

SB 129, relative to misdemeanor cases filed in superior court.

SB 139, establishing a committee to study options for lowering student debt.

SB 29, establishing a commission to study incidents of workplace violence against state employees.

SB 233, relative to the classification of certain state employee positions.

SB 11-FN-A, relative to mental health services and making appropriations therefor.

SB 99-FN, relative to gainful employment and partial disability in workers' compensation.

SB 151-FN, establishing an administrative hearing procedure and penalty for an employer who fails to make payment of wages or who fails to secure workers' compensation coverage.

SB 216-FN, establishing an autonomous vehicle advisory commission, establishing an autonomous vehicle testing pilot program, and providing requirements for automated vehicle deployment.

SB 298-FN, relative to summoning out-of-state witnesses in criminal cases.

UNANIMOUS CONSENT

Rep. Rogers requested Unanimous Consent of the House regarding memorial remarks for the former member from Durham, the Honorable Brendon Browne, and addressed the House.

MOTION TO PRINT REMARKS

Rep. Baldasaro moved that the remarks made by Rep. Rogers during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

REMARKS

Rep. Rogers: Thank you, Mister Speaker. I rise today to remember the Honorable Brendon Browne who left this earth at the age of 40 last week. Brendon served in this house from 2006 thru 2012 representing Dover and served on the Judiciary and Legislative Administration Committees. Brendon was not only a former Representative, he was a fellow attorney, the former Director of Government Relations for the National Education Association - NH, he was my constituent, and most importantly he was my friend. Brendon grew up in Bedford, graduated from West High School and UNH, he gained a law degree from The University of NH Law School while serving in this House and worked for many political campaigns. He was also an avid sports fan rooting on the Patriots and Red Sox and had an incredible understanding of world soccer that baffled me. He even had a soccer blog called "More than Just the EPL." His close friendship with Mabel, the family dog, enabled him to counsel me on how to best adapt to the antics of my energetic puppy, and his buddy, Romeo T. Pug. During his time as a member of the majority on the Judiciary Committee he fought for and helped bring marriage equality to the state of New Hampshire. While serving in his last term in the minority on the Legislative Administration Committee, Brendon cast the only vote in support of making the state color purple, a bill brought forward by school children. He did this because he thought that it was important for kids to be engaged in the political process and thought it was brave of them to bring this idea before state lawmakers. Plus, he really liked purple. Brendon was one of the gentlest and kindest souls I have ever known. And while having a quick wit he never had a bad word for anyone. Last spring, he traveled to Hawaii to attend the wedding of friends. Brendon immediately fell in love with the islands. The spirit of Aloha, or treating people with love, compassion and respect was something that Brendon appreciated. For Hawaiians the spirit of Aloha means to live in harmony with your real self, with other humans and with nature. It means to be honest, truthful, patient, respectful and kind to all living things. Maybe the best way to honor his memory is to try and emulate his attempt to live in that spirit. I found a post Brendan made on his social media account not long ago that read, "At 30 you feel old because you say "that guy is a manager now?! I had his baseball card as a kid!" At 40 you feel old because you say "that guy is retiring as a manager?! I had his baseball card as a kid!" Brendon we will always remember you as young and gentle and happy. Aloha, my friend. Rest in Peace. I will miss you.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the former member from Dover, the Honorable Brendon Browne.

UNANIMOUS CONSENT

Rep. Cushing requested Unanimous Consent of the House regarding the State House Bicentennial Celebration and addressed the House.

UNANIMOUS CONSENT

Rep. Levesque requested Unanimous Consent of the House regarding the passing of her grandmother and addressed the House.

MOTION TO PRINT REMARKS

Rep. Porter moved that the remarks made by Rep. Levesque during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

REMARKS

Rep. Levesque: Thank you, Mister Speaker. So many of you don't know that my grandmother passed away at the age of 92 on April 8, 2019. I have lived with her since I was 3 months old after my parents couldn't find a place to live after I was born so my grandparents took us in with our dogs and cats and allowed us to live on their couch and eventually into a room. I have grown up with her. She helped raise me with my parents.

She has given me so much. She taught me so many different things and I am very glad to have known her and grown up just down the hall from her. I am very upset that she passed away before she could see how much amazing things I can do but I am glad that she saw me getting elected. She was so proud of me. She passed away due to an infection that spread to her brain and she just got worse and worse. She lived a somewhat good life. It was hard for her growing up, but then towards the end she got to experience things and let me know that it's okay to have hardships in your life. You just have to keep moving and this is just one of the hardships in my life right now. I hope that I see some of you at her memorial on May 18th. Thank you.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of the grandmother of the member from Barrington, the Honorable Cassandra Levesque.

RECESS MOTION

Rep. Ley 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 3:45 p.m.

RECESS

(Rep. Suzanne Smith in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 111, 123, 139, 148, 223, 225, 252, 285, 310, 321, 337, 357, 369, 389, 406, 475, 488, 540, 548, 634, 649, 668, 701 and 714.

Rep. Wall, Sen. Soucy for the Committee

ENROLLED BILL AMENDMENTS

HB 648-FN, defining and regulating service entities.

Amendment 2019-1758EBA

Amend RSA 383-A:2-201(a)(48-a) as inserted by section 2 of the bill by replacing line 4 with the following: organization” and “service corporation.”

Motion adopted.

HB 700, relative to valuation of utility company assets for local property taxation.

Amendment 2019-1779EBA

Amend RSA 72:8-d, VI(a)(5) as inserted by section 2 of the bill by replacing line 1 with the following:

(5) For each of the years in subparagraphs (a)(1) through (4), all utility company

Amend RSA 72:8-d, VI(a)(5) as inserted by section 2 of the bill by replacing line 4 with the following: property tax year. For each of the years in subparagraphs (a)(1) through (4), all utility company

Motion adopted.

SENATE MESSAGES

CONCURRENCE

HB 119, relative to training requirements for electrologists.

HB 256-FN, establishing reciprocity for notaries in abutting states.

HB 268, relative to real estate commissions paid to unlicensed entities.

HB 297, relative to political advertisements on behalf of political committees or advocacy organizations.

HB 301-FN-L, relative to funeral and burial or cremation expenses for assisted persons.

HB 312, establishing a committee to study tiny houses.

HB 324, relative to operation of personal water craft around the marsh lands or flats in the Hampton/Seabrook estuary.

HB 325, relative to control of marine pollution and aquatic growth.

HB 328, repealing the New Hampshire film and television commission.

HB 370, relative to membership on city and town planning boards.

HB 382, relative to private practice by the Carroll county attorney.

HB 402, relative to required notice of mortgage funding at a construction jobsite.

HB 448, making technical corrections in the department of education.

HB 450, relative to examinations conducted by the banking department.

HB 458-FN, repealing certain inactive dedicated funds.

HB 474, relative to principal offices of trust companies and banking and trusts insurance.

HB 598, establishing a commission to study beer, wine, and liquor tourism.

HB 654, relative to surety required on construction loans.

HB 670-FN, relative to the cost of prescription drugs.

HB 730-FN-A, relative to funding for the CART program.

HB 740, exempting certain mortgages from the law regarding licensing of nondepository mortgage bankers, brokers, and servicers.

REREFERRED TO COMMITTEE

HB 130-L, relative to property tax relief for totally and permanently disabled veterans.

HB 381, repealing requirements for transfer of appropriations in Carroll county.

HB 383, relative to the prohibition on unlawful discrimination in public and nonpublic schools.

NONCONCURRENCE

HB 145, relative to the counting of secret ballots.

HB 624, establishing a commission to study management systems and customer service of New Hampshire government agencies.

LAIID ON THE TABLE

HB 334-L, relative to disposition of certain municipal records.

HB 719-FN-A, establishing the position of school nurse coordinator in the department of education and making an appropriation therefor.

RECESS