HB 1545, relative to the statewide interoperability executive committee.
HB 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes.
HB 1565-FN, relative to requiring the secure psychiatric unit to be accredited as a psychiatric hospital and making an appropriation therefor.
HB 1593, authorizing a school district meeting to adopt an article authorizing the trustees of the trust fund to charge certain expenses against capital reserve funds.
HB 1598-LOCAL, relative to the vote to withdraw from a cooperative school district.
HB 1622, relative to organization of the department of information technology.
HB 1637, requiring school districts to establish policies relating to suspensions and expulsions.
HB 1638, declaring April 7, 2018 as tabletop gaming day in New Hampshire.
HB 1664, relative to terms of appointment of members of governing boards for allied health professionals.
HB 1673-FN-LOCAL, relative to the interest charged on late and delinquent property tax payments.
HB 1674, relative to computer science and digital skills required for an adequate education.
HB 1676-FN, repealing the licensing requirement for open-air shows and repealing the laws related to the keeping of billiard tables.
HB 1738, transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs.
HB 1740, relative to costs of blood testing orders.
HB 1791-FN, allowing pharmacists to disclose information relative to lower cost drugs under the managed care law.
HB 1808, repealing certain inactive dedicated funds.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

March 8, 2018

The Senate reconvened at 1:00 p.m., a quorum being present.

Senator Birdsell offered the following prayer:

O God, from whom all power comes, by whose divine will all must abide. We pray to keep everyone safe in the aftermath of yet another New England Northeaster. We thank you for our civil liberties and freedom for our opportunities and our privileges. We beg of you to bless, assist and enlighten the Senators in this body today and always. May they prove worthy of the confidence placed in them by their fellow citizens. May they be just and upright in their thinking, honest in all their actions and ever be guided by a true conscience of the legislation they propose or vote on. Hold in your protective hands our military and first responders. Forgive us all our mistakes and selfish tendencies and help prepare us by our good deeds for an eternal union with you. Dear Christ Our Lord, Amen.

Senator Gray led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: I'm not sure they're here Mister President. I'm very proud to have the White Mountain School in Bethlehem, New Hampshire, a great preparatory school. They're down for two days visiting Concord and our state government. Welcome to the Statehouse.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: I would be introducing my daughter who's somewhere in the building, but not here, because she's studying for AP Physics and Calculus. So, Katie wherever you are keep studying.

INTRODUCTION OF PAGES

Senator Birdsell introduced Catherine McCarthy and Cole Fournier from Pinkerton Academy, serving as Senate Pages for the day.

FN REPORT FOR MARCH 8, 2018

Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills with a fiscal note or an appropriation of funds:

CONSENT CALENDAR:

HEALTH AND HUMAN SERVICES
SB 581-FN, relative to pharmacy benefit managers under the managed care law.

JUDICIARY
SB 391-FN, relative to sexual assault survivors' rights.
SB 497-FN, relative to breast-feeding.
SB 498-FN, relative to information on property seized pursuant to a criminal proceeding.
SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.
SB 584-FN, prohibiting electroconvulsive therapy on children 16 years of age or under.

REGULAR CALENDAR:

COMMERCE
SB 317-FN, relative to veterans' preference in public employment.
SB 566-FN, relative to unemployment compensation for school bus drivers and monitors.

ELECTION LAW AND INTERNAL AFFAIRS
SB 527-FN-L, relative to absentee voting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.
SB 462-FN, relative to occupational licensure, certification, or registration for persons with criminal records, and relative to license applicants for barbering, cosmetology, esthetics, and manicuring.
SB 570-FN, relative to the work requirement for the child care scholarship program.
SB 588-FN, relative to inspections of laboratories.
SB 589-FN, relative to regulation of certified recovery support workers.

HEALTH AND HUMAN SERVICES
SB 546-FN, relative to purchasing alliances.

TRANSPORTATION
SB 559-FN-A, making an appropriation for a sound barrier on the Everett Turnpike in Bedford.
SB 585-FN, authorizing the New Hampshire Breast Cancer Coalition to issue decals for multi-use decal plates.

WAYS AND MEANS
SB 410-FN, establishing a registration fee for canoes and kayaks.
SB 411-FN-A, eliminating the cap on the research and development tax credit.
Senator Daniels recommends the following bills be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

CONSENT CALENDAR:

EDUCATION
SB 525-FN, prohibiting the distribution of higher education and adult education financial assistance to any student who is not a legal resident—if Inexpedient to Legislate recommendation is overturned.

HEALTH AND HUMAN SERVICES
SB 548-FN, relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome (NAS).
SB 572-FN, relative to the individual health insurance market—if Interim Study recommendation is overturned.
SB 583-FN, establishing a pilot program to eliminate employment barriers for certain parents.

JUDICIARY
SB 555-FN-A, establishing a citizens' right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.
SB 557-FN, establishing a board of housing development appeals.

REGULAR CALENDAR:

COMMERCE
SB 553-FN, relative to mental health parity for workers' compensation—if Interim Study recommendation is overturned.
SB 567-FN, relative to workforce development and job training.

EDUCATION
SB 526-FN, relative to school breakfast programs.
SB 568-FN, relative to criminal history record checks for school employees and certain volunteers.

ENERGY AND NATURAL RESOURCES
SB 309-FN, relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.
SB 530-FN, relative to high voltage electric transmission lines in highway rights-of-ways—if Interim Study recommendation is overturned.
SB 569-FN, relative to animal cruelty.
SB 577, requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 463-FN, establishing an architectural paint can recycling program—if Inexpedient to Legislate recommendation is overturned.
SB 532-FN, relative to group II status of certain department of corrections officials.

SB 571-FN, requiring the department of health and human services to perform an efficiency audit—if Inexpedient to Legislate recommendation is overturned.

HEALTH AND HUMAN SERVICES
SB 582-FN, relative to caseload standards for child protective service workers in the department of health and human services.
SB 590-FN-A, making a supplemental appropriation to the state loan repayment program, relative to emergency involuntary admissions, and relative to the child protection act and making appropriations therefor.
SB 592-FN-A, relative to the child welfare system.

TRANSPORTATION
SB 562-FN, allowing the waiver of fees for reinstatement of a driver's license and registration in cases of demonstrated financial hardship—if Inexpedient to Legislate recommendation is overturned.

WAYS AND MEANS
SB 563-FN, establishing a recovery friendly workplace initiatives tax credit against business taxes administered by the community development finance authority.
SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.
SB 587-L, relative to the collection of fees for public parking facilities—if Inexpedient to Legislate recommendation is overturned.

Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bill which is still in its respective committee:

JUDICIARY
SB 593-FN, relative to the penalty for capital murder.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

EDUCATION
SB 525-FN, by Senator Sanborn

ENERGY AND NATURAL RESOURCES
SB 446, by Senator Bradley

HEALTH AND HUMAN SERVICES
SB 581-FN, by Senator Bradley

JUDICIARY
SB 388, by Senator Woodburn

TRANSPORTATION
HB 1278, by Senator Gray

CONSENT CALENDAR

Senator Bradley moved that the Consent Calendars, with the relevant amendments as printed in the day's Calendars be adopted and that all such bills found Ought-to-Pass be ordered as follows:

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN report, to the Committee on Finance; and all other bills, to Third Reading.

EDUCATION
HB 1370, relative to a school's emergency management plan.

Ought to Pass with Amendment, Vote 5-0. Senator Giuda for the committee.

This bill requires the department of education to provide a copy of a school's emergency management plan, as updated, to the director of homeland security and emergency management, department of safety. This bill makes an important change based on legislation passed last year to ensure that these emergency plans are given to all who may need them. These emergency plans include those that deal with active shooters. The committee amended the bill to clarify language that these plans will also be provided to local emergency authorities.

Senate Education
March 6, 2018
2018-0963s
06/05

Amendment to HB 1370

Amend RSA 189:64, II as inserted by section 1 of the bill by replacing it with the following:

II. ***Each school shall provide*** the plan ***to, and coordinate the plan [***~~shall be coordinated~~] with***,*** local emergency authorities and with the emergency operations plan in the municipality in which the school is located. Each school shall review its plan at least annually and update the plan, as necessary, and shall submit the updated plan to the department of education by September 1. If after review, the plan is unchanged, the school shall notify the department by September 1 that the plan is unchanged. ***The department shall provide a copy of any updated plan to the director of homeland security and emergency management, department of safely.*** The director of homeland security and emergency management, department of safety shall assist school districts in conducting training for and providing support to school districts in the development, implementation, and review of an emergency response plan, as may be needed.

2018-0963s

AMENDED ANALYSIS

This bill requires the department of education to provide a copy of a school's emergency management plan, as updated, to the director of homeland security and emergency management, department of safety.

This bill also requires a school to provide its emergency management plan to, and coordinate it with, local emergency authorities.

HEALTH AND HUMAN SERVICES
SB 478, establishing an advisory council on lactation.
Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

This bill would amend and reauthorize the advisory council on pregnancy and lactation. This council has made large strides in providing information and services to pregnant and lactating women as well as employers. It is important that the work of the council continues in order to ensure that our state becomes a more welcoming place for young people to start and raise a family.

Health and Human Services
March 6, 2018
2018-0977s
08/03

Amendment to SB 478

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

1 New Section; Advisory Council on Lactation. Amend RSA 275 by inserting after section 76 the following new section:

275:77 Advisory Council on Lactation.

I. There is hereby established an advisory council on pregnancy and lactation. The advisory council shall be comprised of:

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

(b) Two members of the house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of labor, or designee.

(d) The commissioner of the department of transportation, or a designee from the division of aeronautics, rail, and transit.

(e) Two members from the business community, one from a business with 50 or more employees and one from a business with less than 50 employees, both appointed by the governor.

(f) A member of the New Hampshire Business and Industry Association, appointed by the president of that association.

(g) One individual representing women of color regarding health equity, appointed by the president of the New Hampshire chapter of the American Civil Liberties Union.

(h) One member from the New Hampshire Medical Society representing obstetrics and gynecology, appointed by the president of that association.

(i) The executive director of the human rights commission, or a member of the commission's board.

(j) One member from National Education Association for New Hampshire, appointed by the president of that association

(k) One member from the department of health and human services, division of public health, appointed by the director of that division.

(l) A representative from the Women, Infants, and Children program (WIC), appointed by the commissioner of the department of health and human services.

(m) A certified midwife, appointed by the midwifery council established in RSA 326-D:3.

(n) The president of the New Hampshire Breastfeeding Rights Coalition and the Rustik Baby Project, or designee.

(o) The chairperson of the New Hampshire breastfeeding task force, or designee.

(p) A hospital administrator from a certified baby-friendly hospital, appointed by the governor.

(q) A mother who is breastfeeding a child or children, appointed by the governor.

(r) An attorney with experience in human rights issues, appointed by the New Hampshire commission for human rights.

II. The advisory council shall:

(a) Examine best practices on behalf of pregnant women and lactating mothers in New Hampshire.

(b) Research availability of accommodations and support for lactating mothers in the public arena, including but not limited to transportation hubs, educational institutions, government buildings, and courts and correctional facilities.

(c) Review definition of sex discrimination and disparate treatment related to pregnancy and lactation on federal and state levels in order to consider amendments to existing statutes.

(d) Review federal and state definitions of reasonable accommodations and clarify definitions for state laws as it related to pregnancy and lactation accommodations.

(e) Clarify that lactation is a medical condition related to pregnancy.

(f) Review the history of pregnancy and lactation legislation in New Hampshire.

III. Legislative members shall receive mileage at the legislative rate while attending to the duties of the advisory council.

IV. The advisory council may meet as often as necessary to accomplish its goals and meetings may be held by conference call. A minimum of 3 meetings per year shall be open to the public.

V. The advisory council shall submit an interim report on November 1, 2018, and a final report on November 1, 2019, detailing its activities and findings, together with any recommendations for proposed legislation, to the president of the senate, the speaker of the house of representatives, and the governor.

2 Transition. The advisory council on pregnancy and lactation established in RSA 275:77 shall continue the work of the advisory council on lactation established in RSA 275:76, but repealed by 2016, 232:3, I.

SB 548-FN, relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome (NAS).
Ought to Pass with Amendment, Vote 5-0. Senator Hennessey for the committee.

> This bill as amended would create a pilot program in four geographically dispersed locations to help in creating services for Neonatal Abstinence Syndrome. This is a debilitating condition that infants born to mothers with substance use disorders suffer from. This problem is on the rise in New Hampshire and we need to make sure there are services available for some of the most vulnerable people in our society.

Health and Human Services
March 6, 2018
2018-0987s
01/04

Amendment to SB 548-FN

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

AN ACT relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome and making an appropriation therefor.

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

I. The commissioner of the department of health and human services shall establish a 3-year pilot program in 4 geographically dispersed areas in New Hampshire that provides therapeutic intervention to infants diagnosed with neonatal abstinence syndrome (NAS) and their families and caregivers. The program shall:

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

V. The commissioner shall make an interim report relative to the progression of the program on or before November 1, 2019 and a final report on or before November 1, 2020, together with any recommendations for legislation, to the president of the senate, the speaker of the house of representatives, and the governor.

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

3 Appropriation. The sum of $589,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of health and human services for the purposes of this act. This appropriation shall be in addition to any other moneys appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date.

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

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

2018-0987s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to establish a 3-year pilot program that provides therapeutic intervention to infants diagnosed with neonatal abstinence syndrome.

This bill makes an appropriation for the purposes of the bill.

SB 572-FN, relative to the individual health insurance market.
Interim Study, Vote 5-0. Senator Bradley for the committee.

This bill would have sought to remove the Medicaid expansion population out of the individual market and into their own risk pool. Currently there is legislation in the process that would remove the Medicaid expansion population from the individual market and into the managed care population making this bill no longer necessary.

SB 583-FN, establishing a pilot program to eliminate employment barriers for certain parents.
Ought to Pass, Vote 5-0. Senator Bradley for the committee.

This bill establishes a 2-year pilot program for case management and employment counseling for certain parents enrolled in the New Hampshire employment program or otherwise eligible for TANF. Having a criminal record is a clearly identified barrier to employment. This pilot program would provide services to individuals, eligible for TANF, to help annul their criminal record with the goal of them obtaining full time employment. This bill does not change the annulment statutes or process but simply helps individuals get the services needed to work through the annulment process. This program would be funded completely with TANF reserve dollars.

JUDICIARY
SB 391-FN, relative to sexual assault survivors' rights.
Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

This bill will establish a sexual assault survivors' commission tasked with consulting on policy with law enforcement, prosecution, forensic examiners, health care providers, and representatives of sexual assault survivor advocacy organizations. The commission will work with stakeholders to disseminate and implement best practices in dealing with cases of sexual assault and work in development, outreach, engagement, and training associated with victim-centered care for sexual-assault survivors.

Senate Judiciary
March 6, 2018
2018-0956s
04/10

Amendment to SB 391-FN

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

AN ACT establishing a sexual assault survivors' rights commission.

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

1 New Subdivision; Department of Justice; Sexual Assault Survivors' Rights Commission. Amend RSA 21-M by inserting after section 17 the following new subdivision:

Sexual Assault Survivors' Rights Commission

21-M:18 Sexual Assault Survivors' Commission.

I. There is established a sexual assault survivors' rights commission to develop, coordinate, and disseminate best practices regarding the care and treatment of sexual assault survivors and the preservation of forensic evidence. The commission shall consist of the following members:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One senator, appointed by the president of the senate.

(c) The attorney general, or designee.

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

II. The commission shall consult with and solicit advice and testimony from law enforcement personnel, prosecution, forensic laboratory personnel, counseling, forensic examiners, health care providers and representatives from not less than 3 national organizations and state coalitions with demonstrated expertise in sexual assault prevention, sexual assault advocacy, or representation of sexual assault victims, particularly representatives of underserved or ethnic minority communities.

III. The commission shall:

(a) Improve the coordination of the dissemination and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence to hospital administrators, physicians, forensic examiners, medical associations, and health care professionals.

(b) Develop and implement, where appropriate, clinical guidelines and other incentives to encourage the adoption and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence among hospital administrators, physicians, forensic examiners, and other medical associations and health care professionals.

(c) Improve the coordination of the dissemination and implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence to state and county attorneys, state and local law enforcement agencies, health care facilities, and forensic laboratory directors and managers.

(d) Develop and implement, where appropriate, incentives to encourage the adoption or implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence among state and county attorneys, state and local law enforcement agencies, health care facilities, and forensic laboratory directors and managers.

(e) Collect feedback from state and local law enforcement agencies, victim services, forensic science practitioners, and health care professionals to inform development of future best practices clinical guidelines regarding the care and treatment of sexual assault survivors.

(f) Perform other activities, such as activities relating to development, dissemination, outreach, engagement, or training associated with advancing victim-centered care for sexual assault survivors.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. The commission shall meet not fewer than 2 times and not more than 5 times each year. Four members of the commission shall constitute a quorum.

V. Not later than one year after the effective date of this section, and annually thereafter, the commission shall submit a 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.

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

2018-0956s

AMENDED ANALYSIS

This bill establishes a sexual assault survivors' right commission.

SB 497-FN, relative to breast-feeding.
Ought to Pass with Amendment, Vote 5-0. Senator Gannon for the committee.

> This bill will allow an individual who has been discriminated against in employment or housing due to pregnancy or a medical condition which results from pregnancy to file a discrimination claim with the State Commission for Human Rights or seek an immediate injunction in superior court. Under this bill, individuals will have an avenue to pursue discrimination claims through superior court, as a claim with the State Commission for Human Rights can take an extended amount of time.

Senate Judiciary
February 13, 2018
2018-0586s
08/04

Amendment to SB 497-FN

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

132:10-d Breast-feeding. Breast-feeding a child does not constitute an act of indecent exposure and to restrict or limit the right of a mother to breast-feed her child is discriminatory. ***A person who has been discriminated against in employment or housing due to pregnancy or a medical condition which results from pregnancy may file a***

discrimination claim with the state commission for human rights under RSA 354-A or may seek immediate injunctive relief in superior court.

2018-0586s

AMENDED ANALYSIS

This bill creates a cause of action for a person who has been discriminated against in employment or housing due to pregnancy or a medical condition which results from pregnancy.

SB 498-FN, relative to information on property seized pursuant to a criminal proceeding.
Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

> This bill requires the Attorney General to post an annual report on the Department of Justice's website detailing forfeiture activity in the state. The information required is already compiled by the Attorney General's Office and this bill will simply adjust the manner of posting to create improved transparency within the State.

Senate Judiciary
March 2, 2018
2018-0899s
04/06

Amendment to SB 498-FN

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

AN ACT requiring an annual report detailing activity related to forfeiture of personal property.

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

1 New Section; Forfeitures of Personal Property; Report. Amend RSA 617 by inserting after section 11 the following new section:
617:12 Report.
I. The attorney general, no later than 120 days after the close of the fiscal year, shall post a report on the department of justice website detailing forfeiture activity in the state, for the preceding fiscal year, including the type, approximate value, and disposition of the property seized, and the amount of any proceeds received or expended at the state and local levels. The report shall provide a categorized accounting of all proceeds expended. Summary data on seizures, forfeitures, and expenditures of forfeiture proceeds shall be provided by the law enforcement agency in disaggregated form to the attorney general.
II. The attorney general may include proposed legislative recommendations to improve policies to ensure that seizures and forfeitures are undertaken and reported in a manner that is fair to crime victims, innocent property owners, secured interest holders, citizens, and law enforcement officers.
2 Effective Date. This act shall take effect 60 days after its passage.

2018-0899s

AMENDED ANALYSIS

This bill requires the attorney general to post an annual report on the department's website detailing activity related to forfeiture of personal property.

SB 500, amending references to firearms terminology.
Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

This bill will amend current state statutes by condensing and clarifying firearm terminology and the Fish and Game statute. The bill further removes the prohibition of carrying a loaded rifle or shotgun in or on a stationary motor vehicle, OHRV, snowmobile, or aircraft for the purposes of protecting livestock and crops.

Senate Judiciary
March 6, 2018
2018-0966s
04/10

Amendment to SB 500

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

1 Pistols and Revolvers. Amend RSA 159:12, II(a) to read as follows:

(a) Fathers, mothers, grandparents, guardians, administrators or executors who give a ***pistol or*** revolver to their children or wards or to heirs to an estate.

2 Protection of Persons From Domestic Violence; Definitions. Amend RSA 173-B:1, XI to read as follows:

XI. "Firearm" means any weapon, including a starter gun, which will [~~or~~]***,*** is designed to***,*** or may readily be converted to expel a projectile by [~~force of gunpowder~~] ***the action of an explosive***.

3 General Provisions as to Fish and Game; Definitions. Amend RSA 207:1, I to read as follows:

I. ***Air Rifle: A gun operated by a compressed air or nonflammable gas cylinder by which a projectile of any size or kind can be discharged or propelled.***

I-a. Angling: The taking of fish by line in hand, or rod in hand to which is attached a cast of artificial flies, or an artificial bait, or hooks or other devices for the attachment of bait. A person may have in use not more than 2 such lines at one time. Nothing in this title shall prohibit the use of a rod-holder in a boat.

4 New Paragraph; General Provisions as to Fish and Game; Definitions. Amend RSA 207:1 by inserting after paragraph V the following new paragraph:

V-a. "Firearm" means any weapon, including a starter gun, which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.

5 New Paragraph; General Provisions as to Fish and Game; Definitions. Amend RSA 207:1 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Loaded" shall mean a round in the chamber fully dischargeable by pulling the trigger.

6 General Provisions as to Fish and Game; Lawful Methods of Taking. Amend RSA 207:3, I to read as follows:

I. Wildlife shall be taken in the daytime between 1/2 hour before sunrise and 1/2 hour after sunset with a gun***, firearm, muzzleloader, or air rifle,*** fired at arm's length***,*** or bow and arrow ***or crossbow***, unless otherwise specifically permitted.

7 Hunting From Motor Vehicle, OHRV, Snowmobile, Boat, or Aircraft. Amend RSA 207:7, II-IV to read as follows:

II. No person shall [~~have or~~] carry, in or on a motor vehicle, OHRV, snowmobile, or aircraft, [~~whether~~] ***when*** moving [~~or stationary~~], a cocked crossbow, a loaded rifle or loaded shotgun, [~~or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun~~] ***except a person or a person's agent while in the act of protecting his or her interest in their livestock or crops. Such person or the person's agent may carry a loaded rifle or shotgun while traveling through or between farming or agricultural areas while in the course of protecting his or her interest in their livestock or crops***.

III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, a cocked crossbow, a loaded rifle or loaded shotgun[~~, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun~~].

IV. The provisions of this section shall not apply to law enforcement officers carrying guns ***or firearms*** in the line of duty.

8 Game Animals; Bow and Arrow. Amend RSA 208:5, V to read as follows:

V. The licensee shall [~~not~~] be entitled to carry [~~any~~] firearms while hunting under the provisions of this section, unless such licensee [~~also possesses a valid firearms hunting license or a valid license to carry firearms issued pursuant to RSA 159~~] ***is prohibited by state or federal law from carrying a firearm***.

9 Hunting, Fishing, Trapping; Refusing Licenses. Amend RSA 214:17 to read as follows:

214:17 Refusing Licenses; Appeal. The executive director and his agents shall refuse to issue any license to hunt if it appears that the applicant is [~~not a suitable person to carry firearms~~] ***prohibited by state or federal law from carrying a firearm***. Any person who has been refused a license by an agent shall have the right of appeal to the executive director, whose decision, given after hearing, shall [~~be final~~] ***not be reviewable for a period of one year from the date of the refusal***. Any attempt to secure a license from another agency, after having been refused by an agency and before appealing to the executive director, and any attempt to secure a license from any source in the same year that the executive director, on appeal, has decided that the applicant is [~~not a suitable person to carry firearms~~] ***prohibited by state or federal law from carrying a firearm***, shall be a violation of the provisions of this chapter.

10 Obstructing Governmental Operations; Taking a Firearm From a Law Enforcement Officer. Amend RSA 642:3-a, V(a) to read as follows:

(a) "Firearm" [~~has the meaning given that term in section 921 of Title 18 of the United States Code~~] ***means any weapon, including a starter gun, which will, is designed to, or may be readily converted to expel a projectile by the action of an explosive***.

11 Repeal. RSA 214:18, relative to the executive director's authority to suspend or revoke the license of a physically or mentally improper or incompetent person, is repealed.

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

2018-0966s

AMENDED ANALYSIS

This bill amends the definition of firearm in certain statutes. The bill also removes the prohibition on carrying a loaded rifle or shotgun in or on a stationary motor vehicle, OHRV, snowmobile, or aircraft. The bill also defines air rifle for the purpose of the fish and game laws.

The bill also allows the taking of wildlife with a muzzleloader, crossbow, or air rifle.

SB 555-FN-A, establishing a citizens' right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.
Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

This bill establishes procedures to streamline the resolution of complaints under RSA 91-A, establishes the citizens' right-to-know appeals commission and the office of the right-to-know ombudsman, and establishes an alternative process to resolve right-to-know complaints. The Committee amended the bill in order to clarify appropriate oversight parameters for the Commission and to implement workable deadlines for public bodies to respond to complaints.

Senate Judiciary
March 6, 2018
2018-0971s
01/04

Amendment to SB 555-FN-A

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

3 New Sections; Citizens' Right-to-Know Appeals Commission; Office of the Ombudsman; Complaint Process; Appeals. Amend RSA 91-A by inserting after section 7 the following new sections:

91-A:7-a Citizens' Right-to-Know Appeals Commission Established. There is established a commission to provide oversight for an alternative right-to-know complaint resolution process.

I. The members of the commission 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, appointed by the speaker of the house of representatives.

(c) A member, appointed by the chief justice of the supreme court.

(d) The secretary of state, or designee.

(e) A representative of Right to Know NH, appointed by that organization.

(f) Ten citizen members, one from each county, no more than 4 of whom shall be current, local, county, state or federal employees or currently serving in any elected or appointed capacity with any political subdivision, public agency or public institution; and 10 alternate members, one from each county, no more than 4 of whom shall be current local, county, state, or federal employees or currently serving in any elected or appointed capacity with any political subdivision public agency or public institution; all appointed by the governor with advice and consent of the council.

II. The members of the commission shall serve without compensation, but shall be reimbursed for necessary travel and other necessary expenses. Legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

III. Legislative members of the commission shall serve a term coterminous with their term in office. The members appointed under subparagraph I(g) shall serve for a term of 3 years, except that the initial appointment of such members shall be for staggered terms of one, 2, and 3 years. No member shall serve more than 3 consecutive terms. No member under subparagraph I(g) shall be a current lobbyist or an attorney for any entity subject to this chapter, or an attorney for any organization representing the interests of such entity. Nor shall any such member be employed by any such lobbyist or attorney. The member appointed under subparagraph I(d) shall recuse himself or herself from any court proceedings involving appeals under this chapter. The members appointed under subparagraphs I (c)-(f) shall be advisory only members who shall advise the voting members on questions of law and existing policy governing RSA 91-A.

IV. The commission shall:

(a) Establish rules of procedure, pursuant to RSA 541-A, to accomplish the mission of the commission to make resolution of complaints under this chapter fast, easy, and inexpensive.

(b) Make recommendations to the legislature concerning proposed changes to this chapter.

(c) Create, and update annually, educational materials relative to this chapter.

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

VI. The commission shall be administratively attached to the department of state.

VII. Beginning November 1, 2019, and each November 1 thereafter, the commission shall submit an annual report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, and the governor. The report shall also include the total number of complaints received, the number of complaints received concerning public records and public meetings, the number of complaints received concerning state and county agencies, municipalities, school administrative units, and other public entities, the number of complaints in which a ruling was rendered by the ombudsman, the number of violations of each provision of this chapter found by the ombudsman, and the number of ombudsman rulings that were appealed to the superior court, including whether the appeal was from a complainant or a public agency or official, and whether the ombudsman's ruling was sustained before the superior court.

91-A:7-b Office Established. There is hereby established the office of the right-to-know ombudsman to be administratively attached to the department of state under RSA 21-G:10. The ombudsman shall be appointed by the governor and council, after consultation with the commission, and shall have the following minimum qualifications:

I. Be a member of the New Hampshire bar.

II. Have a minimum of 10 years full-time practice of law in any jurisdiction.

III. Be experienced with and knowledgeable of the provisions of this chapter, the federal Freedom of Information Act, and other states laws regarding right-to-know.

IV. Complete a minimum of 3 hours of continuing legal education courses or other training relevant to the provisions of this chapter.

91-A:7-c Complaint Process.

I. Any party aggrieved by a violation of this chapter shall have the option to either petition the superior court or file a signed, written complaint with the office of the ombudsman, established under RSA 91-A:7-b. Any signed, written complaint filed with the ombudsman shall attach, if applicable, the request served on the public agency or official and the written response of the public agency or official. The complaint shall be deemed sufficient if it states facts constituting a violation of this chapter.

II. Once a complaint has been filed and provided by the ombudsman to the public body or public agency, the public body or public agency shall have 20 calendar days to submit an acknowledgment of the complaint and an answer to the complaint, which shall include applicable law and, if applicable, a justification for any refusal to or delay in producing the requested information. This 20-day deadline may be extended to a reasonable time frame by the ombudsman for good cause.

III. In reviewing complaints filed with the ombudsman, the ombudsman shall be authorized to:

(a) Compel timely delivery of records within a reasonable time, regardless of medium, and conduct a confidential in-camera review of records where the ombudsman concludes that it is necessary and appropriate under the law.

(b) Compel interviews with the parties.

(c) Order attendance at hearings within a reasonable time if the ombudsman determines that a hearing is necessary.

(d) Issue findings in writing to all parties.

(e) Order a public body or public agency to disclose requested records within a reasonable time, provide access to meetings, or otherwise comply with the provisions of this chapter, subject to appeal.

(f) Make any finding and order any other remedy to the same extent as provided by the court under RSA 91-A:8.

IV. The ombudsman may draw negative inferences from a party's failure to participate and comply with orders during the review process.

V. In implementing the provisions of this section, the ombudsman shall follow the procedures established by the commission.

VI. The ombudsman shall determine whether there have been any violations of this chapter and issue a ruling within 30 calendar days following receipt of the parties' submissions. This 30-day deadline may be extended to a reasonable time frame by the ombudsman for good cause. The ombudsman may also expedite resolution of the complaint upon a showing of good cause. Rulings on expedited complaints shall be issued within 10 business days, or sooner where necessary.

VII. The ombudsman shall, where necessary and appropriate under the law, access governmental records in camera that a public body or public agency believes are exempt in order to make a ruling concerning whether the public body or public agency shall release the records or portions thereof to the public. The ombudsman shall maintain the confidentiality of records provided to the ombudsman by a public body or public agency under this section and shall return the records to the public body or public agency when the ombudsman's review is complete. All records submitted to the ombudsman for in camera review shall be exempt from the public disclosure provisions of RSA 91-A.

VIII. Nothing in this section shall affect the ability of a person to seek relief in superior court under RSA 91-A:7, I in lieu of this process.

91-A:7-d Appeal and Enforcement.

I. Any party may appeal the ombudsman's final ruling to the superior court by filing a notice of appeal in superior court no more than 30 calendar days after the ombudsman's ruling is issued. The ombudsman's ruling shall be attached to the document initiating the appeal, admitted as a full exhibit by the superior court, considered by the judge during deliberations, and specifically addressed in the court's written order. Citizen-initiated appeals shall have no filing fee or surcharge. The public body or public agency shall pay the sheriff's service costs if the public body or public agency, or its attorney, declines to accept service. Nothing in this section shall prevent a superior court from staying an ombudsman's decision pending appeal to the superior court.

II. A superior court appeal of the ombudsman's ruling shall review the ruling de novo.

III. If the ombudsman's final ruling is not appealed, the ombudsman shall, after the deadline has passed, follow up with all parties, as required, to verify compliance with rulings issued.

IV. The ombudsman's final rulings which are not appealed may be registered in the superior court as judgments and enforceable through contempt of court. If such action is necessary to enforce compliance, all costs and fees, including reasonable attorney fees, shall be paid by the noncompliant public body or public agency.

91-A:7-e Rulemaking. The commission, in consultation with the secretary of state, shall adopt rules pursuant to RSA 541-A relative to:

I. Establishing procedures to streamline the process of resolving complaints under this chapter.

II. Content of educational materials under RSA 91-A:7-a.

III. Other matters necessary to the proper administration of RSA 91-A:7-a through RSA 91-A:7-d.

4 Appropriation. The sum of $48,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of state for the purpose of compensating the position of ombudsman established in RSA 91-A:7-b as inserted by section 3 of this act. This appropriation is in addition to any other funds appropriated to the department of state. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Sections 1 and 4 of this act and, RSA 91-A:7-a and RSA 91-A:7-e as inserted by section 3 of this act shall take effect July 1, 2018.

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

SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.
Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

> This bill revises the procedures for the granting of bail, amends the procedure for annulment of violations and class B misdemeanors depending on the date of conviction, and amends the requirements for demonstrating indigency for the purpose of annulment of a criminal record. The Committee amended the bill to clarify the language and to ensure that the appropriate procedures are in place.

Senate Judiciary
March 6, 2018
2018-0958s
04/01

Amendment to SB 556-FN

Amend RSA 597:2, III(a) and the introductory paragraph of RSA 597:2, III(b) as inserted by section 2 of the bill by replacing them with the following:

III.(a) The court shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, or cash or corporate surety bail, subject to the condition that the person not commit a crime during the period of his or her release, and subject to such further condition or combination of conditions that the court may require unless the court determines by a preponderance of the evidence that such release will not reasonably assure the appearance of the person as required. A person who the court determines to be a danger to the safety of that person or the public shall be governed by the provisions of paragraph IV, except that such dangerousness determination shall not be based solely on evidence of drug or alcohol addiction or homelessness.

(b) In determining the amount of the unsecured appearance bond or cash or corporate surety bail under subparagraph II(a), if any, the court:

Amend RSA 597:2, IX as inserted by section 2 of the bill by replacing it with the following:

IX. Upon the appearance of a person charged with a class A or class B misdemeanor, the court shall issue an order that, pending arraignment, the person be released on his or her personal recognizance, unless the court determines pursuant to paragraph IV that such release will endanger the safety of the person or the public. The court shall appoint an attorney to represent any indigent person charged with a class B misdemeanor denied release for the purpose of representing such person at any detention hearing.

Amend the bill by replacing section 6 with the following:

6 Annulment of Criminal Records. Amend RSA 651:5, III(a) and (b) to read as follows:

(a)***(1)*** For a violation ***with a conviction date prior to January 1, 2019 or a violation with a conviction date on or after January 1, 2019 that was not the highest offense of conviction***, one year, unless the underlying conviction was for an offense specified under RSA 259:39.

(2) For a violation with a conviction date on or after January 1, 2019 where the violation was the highest offense of conviction, unless the underlying conviction was for an offense specified under RSA 259:39, or another violation for which there is an enhanced penalty for a subsequent conviction, after the person has completed all the terms and conditions of the sentence. If the court determines the conviction is eligible for annulment, the court shall submit a notice of its determination to the person convicted of the offense and to the prosecutor. The prosecutor shall have 20 days from the date of receipt of the notice to object to the annulment on the ground that the offense is not eligible for annulment or that the person has not completed all the terms and conditions of the sentence. If the prosecutor fails to timely object or the court denies the prosecutor's objection, the court shall annul the conviction.

(b)***(1)*** For a class B misdemeanor ***with a conviction date prior to January 1, 2019 or a class B misdemeanor with a conviction date on or after January 1, 2019 that was not the highest offense of conviction,*** except as provided in subparagraphs (f) and (h), 2 years.

(2) For a class B misdemeanor with a conviction date on or after January 1, 2019 where the class B misdemeanor was the highest offense of conviction, except as provided in subparagraphs (f) and (h), 2 years after the person has completed all the terms

and conditions of the sentence. If the court determines that a class B misdemeanor is eligible for annulment after 2 years, the court shall submit a notice of its determination to the person convicted of the offense and to the prosecutor. The prosecutor shall have 20 days from the date of receipt of the notice to object to the annulment on the ground that the offense is not eligible for annulment or that the person has not completed all the terms and conditions of the sentence. If the prosecutor fails to timely object or the court denies the prosecutor's objection, the court shall annul the conviction.

Amend the bill by inserting after section 8 the following and renumbering the original section 9 to read as 11:

9 Annulment of Criminal Records. Amend RSA 651:5, III(d)-(e) to read as follows:

(d) For a class B felony except as provided in [~~subparagraph~~] ***subparagraphs*** (g) ***and (i)***, 5 years.

(e) For a class A felony, ***except as provided in subparagraph (i),*** 10 years.

10 Annulment of Criminal Records. Amend RSA 651:5, III(i) to read as follows:

(i) For a class A misdemeanor ***or felony offense*** under RSA 318-B:26, II[~~(d) or (e)~~], 2 years.

SB 557-FN, establishing a board of housing development appeals. Ought to Pass with Amendment, Vote 5-0. Senator Gannon for the committee.

This bill establishes a board with concurrent, appellate jurisdiction with the superior court regarding municipal decisions on housing and housing developments. This will give housing developers the opportunity to challenge adverse local land use decisions outside of costly trial court. The Committee amended the bill to clarify the jurisdiction.

Senate Judiciary
March 6, 2018
2018-0967s
03/04

Amendment to SB 557-FN

Amend RSA 679:7 as inserted by section 1 of the bill by replacing it with the following:

679:7 Jurisdiction; Court Appeals.

I. In matters within its authority the board shall have concurrent, appellate jurisdiction with the superior court. An election by an applicant to bring an action before the board shall be deemed a waiver of any right to bring an action in the superior court; as such, the board shall retain jurisdiction of any matter originally brought before it.

II. In an appeal of a local decision on housing or housing development, any claim that is within the board's authority under RSA 679:5 and that has previously been or is subsequently included in an appeal in superior court by abutters or any other aggrieved or injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15 shall automatically be stayed by the court to provide the party with standing the opportunity to intervene in the matter before the board. If intervenor status is granted, the stay of the court action regarding those claims shall continue during the pendency of the appeal to the board. After the board has decided the appeal, the court shall dismiss the matter before it to the extent the matter has been resolved by the board. Any claim included in an appeal to superior court that is not within the board's authority shall not be subject to automatic stay by the court.

Amend the bill by replacing section 2 with the following:

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

SB 584-FN, prohibiting electroconvulsive therapy on children 16 years of age or under.
Inexpedient to Legislate, Vote 5-0. Senator Hennessey for the committee.

This bill would have prohibited children under the age of 16 from receiving electroconvulsive therapy as treatment for medical conditions. The Committee heard testimony that this treatment is rarely used on children and only in situations where the individual has not responded to other neurological treatments. Electroconvulsive therapy is widely accepted evidence based practice and it should continue to be allowed in medically necessary cases.

PUBLIC AND MUNICIPAL AFFAIRS
SB 340, relative to department of revenue administration guidelines for municipal audits.
Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

This bill as amended limits an audit of municipal accounts to events and transactions that occurred subsequent to the last completed audit. It also will categorize compliance into three separate sections of the final audit report. The first will categorize findings testing current assessing practices, the second will examine the permanent records and the third section will summarize compliance in a single conclusion statement.

Public and Municipal Affairs
February 21, 2018
2018-0803s
03/05

Amendment to SB 340

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

AN ACT relative to the commissioner of revenue administration's assessment report.

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

1 New Paragraph; Revenue Administration; Assessment Report. Amend RSA 21-J:11-a by inserting after paragraph III the following new paragraph:

IV. The report shall separately categorize compliance with findings that test current assessing practices since the year of the prior assessment report, examine permanent records, and summarize compliance in a single conclusion statement.

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

2018-0803s

AMENDED ANALYSIS

This bill establishes additional requirements for the commissioner of revenue administration's assessment report.

TRANSPORTATION
SB 346, relative to requiring enhanced technology ignition interlock devices. Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

As amended, this bill requires that all ignition interlock devices required to be installed after the effective date of the legislation be enhanced technology interlock devices. This bill also eliminates the authority of the department of safety to order installation of an ignition interlock device in DWI cases not involving alcohol. Further, the bill requires that the interlock device, equipped with a camera, will transmit data as events occur. This bill is important in order to ensure that these devices are being used properly and by those for whom they were intended.

Senate Transportation
February 20, 2018
2018-0739s
03/04

Amendment to SB 346

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

1 Words and Phrases Defined; Enhanced Technology Interlock Device. Amend RSA 259:28-b to read as follows:

259:28-b Enhanced Technology Ignition Interlock Device. "Enhanced technology ignition interlock device" shall mean an ignition interlock device equipped with a camera and which [~~is capable of transmitting data as events occur~~] ***will transmit data as events occur and is capable of capturing and encoding as events occur a digital or photographic image of the vehicle driver including the time, date, and breath alcohol level of all breath attempts. Images and data shall be stored by the manufacturer for 3 years***.

2 New Paragraph; Alcohol Ignition Interlock Program. Amend RSA 265-A:36 by inserting after paragraph IV the following new paragraph:

IV-a. Wherever the term "alcohol ignition interlock device" or "ignition interlock device" is referred to in this chapter or in department administrative rules, it shall mean an enhanced technology ignition interlock device, as defined in RSA 259:28-b. A device installed on or before January 1, 2019 that is not an enhanced technology ignition interlock device may, if it is recalibrated within 30 days of installation and every 60 days thereafter, continue to be operated in the vehicle in which it was installed until January 1, 2022 or such time as the vehicle is replaced with a different vehicle, whichever occurs first, at which time it shall be replaced with an enhanced technology ignition interlock device.

Amend the bill by replacing all after section 3 with the following:

4 Alcohol Ignition Interlock Device; Recalibration. RSA 265-A:36, VI(a) is repealed and reenacted to read as follows:

(a) Provide recalibration of each enhanced technology ignition interlock device no less frequently than every 180 days unless otherwise ordered by the court;

5 Alcohol Ignition Interlock Device; Recalibration. Amend RSA 265-A:36, VI(g) to read as follows:

(g) Provide reports to the department when data specified in department rules becomes available. ***The reports shall be provided no less frequently than every 60 days.*** The department shall make data from the reports available to the director of the division of motor vehicles, appropriate prosecutor, prosecuting agency, treatment provider, probation officer, and defense attorney by means of authorizing the interlock provider to provide these entities with secure electronic access to the data via the interlock provider's web-based portal.

6 Effective Date.

I. Section 4 of this act shall take effect January 1, 2022.

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

2018-0739s

AMENDED ANALYSIS

This bill requires that all ignition interlock devices required to be installed after the effective date of the bill be enhanced technology ignition interlock devices. This bill also eliminates the authority of the department of safety to order installation of an ignition interlock device in DWI cases not involving alcohol.

SB 401, relative to repair of roads not maintained by a municipality.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

This bill requires an owner of land that abuts a road that is not maintained by a municipality to repair and maintain his or her share of such road. The committee amended the bill in order to use similar language from the state of Vermont, to add a residential-only provision, and to make an exemption for class VI roads.

Senate Transportation
February 21, 2018
2018-0810s
03/06

Amendment to SB 401

Amend RSA 231:89-a, II as inserted by section 1 of the bill by replacing it with the following:

II. In the absence of an express agreement or requirement governing maintenance of a private road, when more than one residential owner enjoys a common benefit from a private road, each residential owner shall contribute rateably to the cost of maintaining the private road, and shall have the right to bring a civil action to enforce the requirement of this paragraph. This paragraph shall not apply to any highway defined in RSA 229:5.

SB 522, relative to alteration of speed limits.
Ought to Pass with Amendment, Vote 5-0. Senator Cavanaugh for the committee.

This bill eliminates certain restrictions on local authorities' power to decrease speed limits. The committee amended the bill to modify the authorization for local authorities to alter these speed limits, at the request of the prime sponsor. As other modes of transportation, such as bicycling, become more common, it is appropriate to allow municipalities to control the speed limits to be able to lower them to lesser limits as they deem appropriate in certain areas.

Senate Transportation
February 21, 2018
2018-0759s
03/08

Amendment to SB 522

Amend the bill by replacing section 1 with the following:

1 Alteration of Speed Limits. RSA 265:63 is repealed and reenacted to read as follows:

265:63 Alteration of Limits.

I. Notwithstanding the provisions of RSA 265:60, or any other law to the contrary, whenever local authorities in their respective jurisdictions determine on the basis of an engineering or traffic investigation that the prima facie speed permitted under this chapter is greater or less than is reasonable and safe under the conditions found to exist upon any way or part of a way, the local authority may determine and declare a reasonable and safe prima facie limit thereon which:

(a) Decreases the limit within any city or within any business or urban residence district or compact section of any city or town.

(b) Decreases the limit within a rural residential district.

(c) Increases the limit within an urban district but not to more than 60 miles per hour.

(d) Decreases the limit at intersections.

II. Local authorities in their respective jurisdictions shall determine by an engineering or traffic investigation the proper prima facie speed for all streets and shall declare a reasonable and safe prima facie limit thereon.

III. Local authorities shall not be required to hire outside consultants to determine the proper prima facie speed limits as provided in paragraphs I and II if the local community has sufficient staff to conduct the required engineering or traffic investigation.

IV. Local authorities shall not be required to conduct any additional investigation or study of a limit that, prior to the effective date of this paragraph, has been determined to be a reasonable and safe prima facie limit and appropriate signs giving notice thereof have been erected.

V. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or way.

VI. Except for any way located in a compact section of any city or town designated pursuant to RSA 229:5, V, any alteration of limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the commissioner of transportation.

VII. Notwithstanding the other provisions of this section, local authorities shall modify the speed limits authorized herein so that said speed limits shall not exceed the temporary prima facie speed limits established for the state highway system under RSA 265:62, II, so long as the same are in effect.

2018-0759s

AMENDED ANALYSIS

This bill modifies the authorization for local authorities to alter speed limits.

HB 1334, establishing a commission to review the structure of motor vehicle laws.

Ought to Pass, Vote 5-0. Senator Gannon for the committee.

> At the request of the Department of Safety, this bill establishes a commission to review the structure of motor vehicle laws. Since these laws have not been reviewed or updated since 1980, this commission is important in order to ensure that laws are up to date and as effective as possible.

The question is on the adoption of the Consent Calendar. Adopted.

REGULAR CALENDAR

EDUCATION

SB 431, relative to non-academic surveys required to be filed by school districts to maintain federal funding.

Inexpedient to Legislate, Vote 3-2. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 431 Inexpedient to Legislate. This bill would exempt certain surveys from the consent requirement for non-academic surveys and provide an opt-out for certain surveys. In 2017 the legislature dealt with the same issue in Senate Bill 43. At that time Senate Bill 43 created an opt-in structure, where no student would be required to volunteer or submit to a non-academic survey or questionnaire without written consent of a parent or legal guardian. The majority of the committee believes that the opt-in survey is still the best option and that parents and students should not be responsible for collecting various organizations data for them. Therefore, I ask your support in the motion of Inexpedient to Legislate on Senate Bill 431. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President, and colleagues. I rise in opposition to the motion of Inexpedient to Legislate. As the chair of Senate Education has mentioned, this is a kind of a follow on to a discussion we've had last year, and other times as well. It has to deal with non-academic surveys that are often in our schools. You're probably most familiar with the student risk behavior survey which is done every two years over a wide range of topics and issues, and is very useful. That survey, we decided last year should be an opt-out. Parents are informed that it's going to occur and it was recognized as such great value, and also recognized the principle of opt-out instead of opt-in, that if you have opt-out you might be in the 80 percent or even higher of students who take it so you get a good data set, if you have opt-in you're down to 20's or low 30's and you get junk data, basically. We were told that last year and we considered that and I think it was important that the Chair of Senate Education and all this body recognized that really opt-out made a lot of sense and the case had been made for opt-out. During that time of hearings last year, we were told by many folks working at schools, working for Health and Human Services, school board members and so on that if we lost the opt-out provision on other kinds of surveys related to grants for example about student health or about sex abuse prevention, education and referrals about mental health issues, that we would be apt to lose those grants. And now we're a year later and Senator Gray I think understanding the issue that was raised, introduced this bill. I mean he knew in his own district that Rochester schools lose $1.2 million in essential grants, as a tax cap community they're not likely to find that money elsewhere to provide services dealing with student health.

Now what happens in these programs; grants are written, grant money is received from various federal and other kinds of and state and other agencies or through university research, and they want to know whether or not their grant proposals are effective. Are students actually getting, seeing better behaviors or are they reaching students or are there good results from that research? And it is quite clear because of these folks that provide these services are dealing with forty, fifty, sixty, seventy years of how to do this work and the scientists know that if you don't have good data, you really cannot evaluate the success of your programs.

So, here's what we heard in the testimony. We heard from New Futures, we heard from New Hampshire Health Collaborative and we heard particularly from the Concord schools, and the totals are hard to kind of calculate which is which category but I thought we immediately heard about $30.6 million worth of grants would be lost and particularly heard from HEART, from Concord, the second start program that says you know one of four children in the school system in Concord had parents who had a substance use, behavioral health, a problem and that meant the 1,475 students would not get help through that program if they didn't have it and they said that they made a referral of about fifty students a month to get additional health services because of what we reported to them and the service that they conducted. We also heard from Laconia School District about what it would lose as well. Now since the time of the hearing I happened to have some conversation with members of the Governor's Commission on Alcohol and Drugs and I've also talked to members of the Governor's Drug Task Force and they said, you know maybe $10.2 million we might lose. And I would say in those areas in particular, we had heard a lot of talk on the floor in the last few weeks about how much money we've put in in the budgets to try to do something about substance abuse disorders and I would say here we are about to throw away $40 million. Now I don't know where we're going to find to replace that but there it is.

And then also a couple of weeks ago I was at that event One Billion Rising which is for survivors of sex abuse, particularly child sex abuse, Haven is an organization that you may know in Rockingham County and Strafford County area. They serve about 10,000 of the 40,000 students there for child sexual abuse prevention, education and other groups all across the state do this kind of work in our schools. And I asked them about this and they say well if anything, we really need to show and to demonstrate to the funders that give us money to do this work in your schools, because the state's not providing that money, even though the state passed the law requiring that we do child sex abuse prevention education, we passed that law, we didn't put any money to it, so the schools go out and they get these kinds of grants, they said well we think we'd lose that. And I heard a story about you know one fourth grader who you know they go back two or three times and a fourth grader went up to one of the providers and said, you know there was a boy who was doing something that he shouldn't be doing, made me uncomfortable touching me and I went to a trusted adult just like you said and asked them to make him stop and it stopped. Now I know it's an anecdote, one child but that's what these programs are about and the surveys they have to do to demonstrate that they're having an impact there. And I'm just, you know the frustration I feel is that we're all going to vote most of us for Marsy's Law, right? It has more to do with the victims of child sex abuse. Well I'm glad we're going to help the victims because we're going to create more victims if we don't fund this kind of services for our children.

Now what is the opposition to this? As I said before, there's been a recognition in Senate Education and in this body that opt-out is a good way to go on a really important survey. So why do these have to be opt-in? Well what do we hear from? We hear from a small group of parents. You know I get the emails from Senate Education; it's about twenty emails I get, say we shouldn't have these things forced upon our kids, it's intrusion, they don't like maybe they don't like because certain topics like drugs or sex abuse are being talked about, you know you get various things there. It's a relatively small group. And what gets me about it is that right now if they don't want their student to be the class and they get informed about these, they can say just my kid doesn't take it, but they don't want anybody else's kid to take it either. So, what's the point here, twenty or thirty people are telling us that the hundreds of thousands of students in our communities who are being benefitted by these grants, these programs, that they don't want them to get it either. Why can't they just be happy opting out when they want to opt-out instead of saying everybody has to lose these kinds of services?

Well, we have an option here, there was discussion in the hearings about well okay if we're going to have opt-out, let's say the local school boards can make that decision about to do an opt-out instead of an opt-in and what they have to do and I have a Floor Amendment that would say and we discussed this in the hearings, okay if they're going to do the opt-out route, they've got to have a public hearing, the survey has to be available, the grant that they're going to apply for before they can accept the plan has a public hearing about it, parents can come in at, you know we hear a lot of talk here about how the local school board and our constitution says that education's supposed to be local for the most part, right? So why not let the school board sufficiently notice things? Here's the survey, here's what the programming is, here's what the grant is, have a public hearing and decide. And I think that makes a lot of sense particularly because what I've heard from local school boards is that we're not even applying for grants, some of these grants anymore because this is what might happen. It's really discouraging that we might deny these services.

And finally, I'd like to say this who might say, well why can't these researchers get 90 percent return on opt-in? Well they had forty, fifty, sixty years of experience trying to do that you even try to get students to you know get a note from their parents to go on a field trip for example and you can see what happens with that. And the other part of it too, is that do you really want all that grant money going to some elaborate incredible procedure trying to contact every parent or guardian in the school district and have all the money go to that instead of the money going to provide services to the students? Well we can vote down the ITL, I can give you my Floor Amendment, we can let our students get behavioral help with drug and sex abuse prevention education that they need. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: I'll be brief Mister President, thank you. You know I argued last year that this is important data that we gather about high school students and as an academic researcher and someone who uses data like this, I have a deep understanding of its importance. And when I look at some of the things that the surveys measure; social behavior, family life, sexual orientation, drug use I can imagine being able to build a statistical case that tells us the likelihood that a young person will become a drug addict later in life or an alcoholic, or perhaps an abuser of other people. If we don't gather this information, we're missing opportunities to shape our future, to build better public policy and to build a better life for the people of New Hampshire. We need this data. It's important data to have.

I know from doing surveys where people opted in, if you got 40 percent you were gold. Forty percent is not enough with this population, it does not give you the level of statistical significance and confidence that you need to draw firm conclusions. This is something that really needs to happen. So, we want to use this research to build the case, based on risk exposures at a young age and help to avoid serious situations at a later age. I think we need to overturn the ITL because supporting the ITL to me is saying we don't need information, we don't want information, we'll just go with anecdotal evidence the rest of our lives and we'll throw money at things as they come at us even though we might have been able to prevent them ten years prior had we had the data. Thank you, Mister President.

(The Chair recognized Senator Cavanaugh for a question of Senator Watters.)

SENATOR CAVANAUGH: Thank you for taking my question. The total was $40 million?

SENATOR WATTERS: Thank you for the question. And counting. From what I understood and sometimes hard to categorize, it was about 30.2 million that we were hearing through Health and Human Services and maybe another 10.2 that I was hearing about from the Governor's Council and the Drug Task Force and then you know I'm not exactly sure, of course I know the Haven group and they have you know $7 million of grants, but I assume across the state there's many, many things and there's the 1.2 million in Senator Gray's district so I think there's so much more than we even know until this hits the brick wall.

SENATOR CAVANAUGH: If those programs aren't funded with that, whatever that total amount is, would the local property taxpayers have to pick that up, then. If they wanted to keep those programs going?

SENATOR WATTERS: Well thank you for the question, and a good question. I can't imagine corporate property tax payers maybe in Manchester, property taxpayers under a tax cap in Rochester or in Somersworth and Dover or you know over in my district could possibly even hit another million or two under the cap.

SENATOR CAVANAUGH: Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise against the ITL. We had a bipartisan discussion here by two distinguished colleagues, who gave you a wonderful iteration as to why this should be overturned. But I think the key for us we're a data driven society. We need this data to make significant decisions as we move forward. We're all pressed. I live in a tax cap community. That tax cap affects education. It affects education in a very, very significant way. So, I ask my colleagues, heed the information that was brought forward by the Senator from Dover and the Senator from Newcastle as to why overturning this is so important. It's important to all of us and the communities that we represent. We're a data driven society. We all know that because we make decisions in this body based on the data that's provided to us without that data, those decisions are not going to be as solid or as qualified as they should be. Thank you, Mister President.

(The Chair recognized Senator Sanborn for a question of Senator Reagan.)

SENATOR SANBORN: Senator, thank you for taking the question. It was my understanding if I heard the Senator from District 4 correct about his concern about federal money coming in if this bill were to go along the lines being recommended, that the Commissioner of Education had actually come back with a letter to indicate there would be no loss of federal funds or grants. Is that correct?

SENATOR REAGAN: I believe that the Senator from Senate District 3 has that letter.

SENATOR SANBORN: Thank you.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I rise in support of the ITL and basically, we have federal law that says if you're going to ask your kids about their sexual orientation, if you're going to ask them about their drug use, if you're going to ask them about anything personal like that, all we're asking is that you go through the gate keeper. And who's the gate keeper? It's the parents. The state right now supports parental rights. If we do not support the ITL we will again attack parental rights. If a stranger comes up to your child and says what is your sexual preference? What is your use of illegal drugs? Or and on and on, you'd be upset. What we're saying is the parents have to give written notice; yes, you can ask these questions. If the surveys aren't complete it's because the parents said no. Why is the state usurping the rights of parents, and assuming their yes? If a person goes to any place of employment and these questions are asked, such as your sexual preference, any type of medical, are you depressed and on and on and on, you're going to have a legal fight. Why is it okay for strangers to ask these questions to your children in school? By the way Mister President, nobody's saying they can't ask these questions. All we're saying is you need written permission from the parents, which lines up with federal law, and we just passed this last year. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. I rise only to talk to one particular issue and that was brought up by the good Senator from District 4 that some remarks that were attributed to me. After this bill was filed and came out of committee, there was a lot of discussion about losing money. And I asked the proponents of the bill, I asked my school district, I asked many, many, many people to come and show me the regulation requirement that identifies what participation rate or what other law there is out there that says I'm going to lose money. No one to this date has shown me that. The best argument that I have gotten which goes along with the good Senator from District 24 is the quality of the data. But again, I got up here only to speak about the money. I have not been shown and I have tried to get the actual wording in the federal laws that would say I would lose money and it has not been provided to me.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in opposition to the ITL and to ask that the body vote against the ITL and give an opportunity to think about another way of getting parental input and allowing for some local control by school boards in exercising the determination of the receipt of federal funds. We're a state that is in the bottom ten among the fifty, relative to our receipt of federal dollars per capita. We're only going to see ourselves even in a deeper hole, deficit to our subsidy of all the other states. I think there is another way to do it and I appreciate the Senator from District 4 trying to find where is that niche to try to make sure that their parental rights and input on the seeking and administration of federal grants that that voice will be heard and yet we can proceed with receipt of these funds and judging whether programs work. And here's where I think to my colleague from

District 6, this is what is going to put the gates on the federal funds. Granting agencies ask for the evidence that the program worked. It is the efficacy of our efforts that we're trying to demonstrate through some post grant effort, a collection of information that's going to provide evidence back to those agencies that funded it for a specific purpose. How do we collect that information with any reliability if the participation rates are down in the 20 and 30 percent, and that's not made up information, that's known information? Researchers know that the difference between an opt-in response rate and an opt-out response rate, and it's extreme. Grantors know the difference. We will lose those dollars. It's our race to the bottom as far as seeking federal dollars per capita and I think there is a local choice here to be made and we ought to vote down this ITL, give us a chance to have a discussion of an amendment that would provide for that local choice. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. You know I find myself as I usually do appreciating both sides of a debate, because there's usually a lot of merit on both sides of a debate. And I have to say I spent a lot of quality time with our colleague from District 6 talking about this issue, as he is the prime sponsor, I wanted to better understand it. And when I first started discussing it with him, I was inclined to agree with him that we should vote for the bill and change our policy. But as I listened to what his research, which he just talked about, indicated there may be a fear that we're going to lose grants, but nobody can point to the fact that we're absolutely going to. It's at this point, supposition. And I think we need to be clear in this room that none of us want to lose these grants whether they're federal funds or other funds. None of us in this room want to create more victims, there's no race to the bottom here. But what we have is a policy that we just adopted last year and I'm always a firm believer that we ought to let things, we ought to let things work, and see where it goes. If we've adopted a policy and yes, it's very difficult in this building and that policy that Brother Avard fought long and hard for last year has now been in effect for only several months. Let's let it work. And so, after our conversation with our colleague from District 6, I did reach out to the Commissioner of Education and I posed the question; okay there's a fear about losing grants, do we have a strategy in place to minimize that risk and make sure we don't lose those grants and I do have a letter, I'm not going to read the entire letter. I'll make it available to anybody that wants it. I should have done that previously, I've had a few other things on my mind today. We'll get to them shortly. But I think that the commissioner has a strategy in place to minimize that risk and therefore given the fact of the emotional debate we had last year about Senate Bill 43, the desire to make sure that parents are as involved as the should be in their children's education while at the same time understanding the validity of these surveys. I think that we can safely forego this legislation at this point in time, with the assurance that the commissioner I think has provided in this letter that the Education Department is going to do everything possible to maximize the participation in these surveys so that we will be able to achieve the necessary threshold so that New Hampshire is open for receiving these grants. So therefore, I ask the body to stay with the recommendation of the Education Committee and vote yes on the ITL motion. Thank you.

(The Chair recognized Senator Watters for a question of Senator Bradley.)

SENATOR WATTERS: Thank you Senator, for taking my question. Does the commissioner's letter speak to the $30.6 million that are not coming through Education but are coming through Health and Human Services, New Futures, New Hampshire's Behavioral Collaborative?

SENATOR BRADLEY: The commissioner talks about the fact that he has a strategy in place to ensure that there's better relationships between parents and the administration of schools so that there, as he says in his letter, is a trusting and respectful relationship. Once, I think in his view and I think we should let this work, those trusting relationships are fostered through a contract that he has, a three year, $1 million contract with scholastic, I believe that we will be able to achieve what you want Senator Watters, which is access to these grants but at the same time what our friend from District 12 wants which is respecting the rights of parents.

SENATOR WATTERS: Does his letter speak to the, what I heard from the Governor's Commission of Alcohol and for the Drug Task Force about its 10.2 million or the 18.5 million immediate loss which we heard about from Kim Haley of Second Start?

SENATOR BRADLEY: I'm not going to answer the same question that I did on the previous grants, I think he has a strategy in place and I go back to what our friend from District 6 said about all the research that he did, not being able to point to any specific federal law or requirement that would absolutely preclude these kind of grants in New Hampshire. I would agree with you though, we need to monitor this carefully. And I think we need to let the policy of opt-in work, because I think it better protects parents and their kids from some of these surveys that some parents find objectionable, and monitor. See how it works, and make sure that we follow up and have the kind of oversight of the Education Department that I think the commissioner relishes to make sure that he's doing his job, to make sure that the strategy that he has in place actually works.

SENATOR WATTERS: So, you know, as your answers have indicated the letter has nothing to do with where the majority of grants are coming from so I guess my question is if we lose say 30 to 40 or plus million dollars of grants over the next year will you commit to finding that funding in the next budget to replace it?

SENATOR BRADLEY: I think what I would commit to is taking a second look at the legislation that we're voting on today. If I'm wrong and the commissioner's wrong that the strategy in place doesn't work, like anything else on life, you have to adjust to changing circumstances. I hope I've proven that I have the ability to do that.

SENATOR WATTERS: Thank you.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark, Innis.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

ELECTION LAW AND INTERNAL AFFAIRS
SB 438, relative to the postponement of local elections.
Ought to Pass with Amendment, Vote 4-0. Senator Birdsell for the committee.

Election Law and Internal Affairs
February 13, 2018
2018-0591s
06/03

Amendment to SB 438

Amend RSA 669:1, V(b)(1) as inserted by section 2 of the bill by replacing it with the following:

(b)(1) The moderator, or if the moderator is unavailable, the clerk, notifies the secretary of state that an extreme weather emergency or an imminent serious threat to public health or safety makes conducting the election when and where scheduled impossible. Prior to deciding to notify the secretary of state, to the extent practical, the moderator shall consult, with the jurisdiction's governing body, clerk, and as appropriate for the circumstances the fire chief, police chief, and emergency management director. If the consultation with the governing body includes a quorum of that body, the consultation shall be exempt from the notice and public meeting requirements of RSA 91-A.

Amend RSA 669:1, VI(b) as inserted by section 2 of the bill by replacing it with the following:

(b) All other statutory provisions associated with a postponed election under this section shall also be extended the same 2 weeks, except that supervisors of the checklist shall not be required to meet again until the postponed town election day. If the election is postponed to a date that follows the date of the business meeting, the end of the term of the moderator established in RSA 40:1 shall be extended through the completion of all election day duties or until the qualification of a successor, whichever is later. Any school district election coordinated with a town under RSA 671:26-a or otherwise held in conjunction with the town election shall also be subject to the provisions of this section.

Amend the bill by replacing all after section 3 with the following:

4 New Section; Town Meetings; Elections; Definitions. Amend RSA 39 by inserting after section 1-c the following new section:

39:1-d Definitions. Notwithstanding any other provision of law, for the purposes of all statutes pertaining to annual and special meetings of towns, school districts, and village districts:

I. "Election" means the choosing of officers by official ballot and in towns, school districts, and village districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13, voting on warrant articles by use of official ballot. "Election" shall include any voting where a voter has a right to vote by absentee ballot as established by part I, article 11 of the New Hampshire constitution and RSA 669, RSA 670, and RSA 671. Elections are governed by RSA 669, RSA 670, and RSA 671 and the election provisions of RSA 40:13.

II. "Meeting" means the discussion of business of the towns, school districts, or village districts and voting on warrant articles only by voice, division, or secret "yes-no" ballot vote. Meeting shall include the deliberative session of an annual meeting in towns, school districts, and village districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13. Meetings are governed by RSA 39 and RSA 40.

5 New Section; Town Elections and Meetings; Definitions. Amend RSA 669 by inserting after section 1 the following new section:

669:1-a Definitions. Notwithstanding any other provision of law, for the purposes of all statutes pertaining to town elections:

I. "Election" means the choosing of officers by official ballot and in towns that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13, voting on warrant articles by use of official ballot. "Election" shall include any voting where a voter has a right to vote by absentee ballot as established by part I, article 11 of the New Hampshire constitution and RSA 669. Town elections are governed by RSA 669 and the election provisions of RSA 40:13.

II. "Meeting" means the discussion of business of the town and voting on warrant articles only by voice, division, or secret "yes-no" ballot vote. "Meeting" shall include the deliberative session of an annual meeting in towns that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13. Meetings are governed by RSA 39 and RSA 40.

6 New Sections; Elections and Meetings; Definitions; Emergency Postponement. Amend RSA 670 by inserting after section 1 the following new sections:

670:1-a Definitions. Notwithstanding any other provision of law, for the purposes of all statutes pertaining to village district elections:

I. "Election" means the choosing of officers by official ballot and in village districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13, voting on warrant articles by use of official ballot. "Election" shall include any voting where a voter has a right to vote by absentee ballot as established by part I, article 11 of the New Hampshire constitution and RSA 670. Elections are governed by RSA 670 and the election provisions of RSA 40:13.

II. "Meeting" means the discussion of business of the village district and voting on warrant articles only by voice, division, or secret "yes-no" ballot vote. "Meeting" shall include the deliberative session of an annual meeting in village districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13. Meetings are governed by RSA 39 and RSA 40.

670:1-b Postponing a Village District Election When There is a State of Emergency. A village district election that is held in conjunction with a town election shall be postponed when the town election is postponed as authorized by RSA 669:1, V. A village district election that is not held in conjunction with town elections, may be postponed in the same manner as provided for a town election in RSA 669:1, V and VI.

7 New Sections; Definitions; Emergency Postponement. Amend RSA 671 by inserting after section 1 the following new sections:

671:1-a Elections and Meetings; Definitions. Notwithstanding any other provision of law, for the purposes of all statutes pertaining to school district elections:

I. "Election" means the choosing of officers by official ballot and in school districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13, voting on warrant articles by use of official ballot. "Election" shall include any voting where a voter has a right to vote by absentee ballot as established by part I, article 11 of the New Hampshire constitution and RSA 671. School district elections are governed by RSA 671 and the election provisions of RSA 40:13.

II. "Meeting" means the discussion of business of the school district and voting on warrant articles only by voice, division, or secret "yes-no" ballot vote. "Meeting" shall include the deliberative session of an annual meeting in school districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13. Meetings are governed by RSA 39 and RSA 40.

671:1-b Postponing a School District Election When There is a State of Emergency. A school district election that is held in conjunction with a town election shall be postponed when the town election is postponed as authorized by RSA 669:1, V. A school district election that is not held in conjunction with town elections, may be postponed in the same manner as provided for a town election in RSA 669:1, V and VI.

8 Town Meeting; Moderator; Duties. Amend RSA 40:4, II to read as follows:

II. In the event a weather emergency occurs on or before the date of a deliberative session or [~~voting day of a~~] meeting in a town, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours***, but not more than 24 hours,*** prior to the scheduled session, postpone and reschedule the deliberative session [~~or voting day of the~~] meeting to another reasonable date, place, and time certain. The date originally scheduled shall continue to be deemed the ***date of the*** deliberative session or [~~voting day of the~~] meeting for purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours. The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled deliberative session or [~~voting day~~] ***meeting***.

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

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 438 Ought to Pass with Amendment. This bill as amended provides for the postponement of local elections. It is the result of a study committee established to address issues brought on last year when municipalities had to postpone elections due to a snow emergency. At that time there was confusion about the process of postponement, what type of notice has to be given, how to handle absentee ballots and the legitimacy of the votes cast. This legislation creates a uniform process that will provide clarity for the municipalities, should they need to postpone in the future. It gives the moderator clear authority to postpone an election and outlines the procedure to do that. To eliminate confusion, it clarifies the process of postponing and rescheduling for those in multi-town districts as well as those, for those who are not. It also addresses what notice has to be given and to whom. The bill will mitigate confusion for moderators in bringing uniformity between towns across the state. The Election Law and Internal Affairs Committee asks for your support in the motion of Ought to Pass with Amendment on Senate Bill 438. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise in opposition to the Committee Amendment and I would ask you to vote down that Committee Amendment so that I may bring forth an amendment that will allow for criteria of local elections to remain at the local level and at the same time will clarify certain concerns that could arise with such postponement and puts in place a uniform process for all municipalities, but leaves the ultimate decision to the moderator and in consultation with other local officials and departments. And I would like to speak to why I believe the bill as amended before you should not go forward.

There are several key issues related to this legislation. The first one is that there is the language in the amendment that ends up providing separate definitions for elections and for meetings, and yet in reality the way local municipalities function, that their local elections are part of their meetings. So, this is going to cause great confusion going forward, not only with regard to the elections of individuals but also with regard to other items that may be on the ballot that particular day.

Secondly, there is confusion whether or not this amendment actually is simply notification or is it asking permission of the secretary of state, which then leaves the power in the hands of the secretary of state. In the amendment there is clarification on section regarding, let me just refer this to you, section on line 25 and 20 in the original bill, which was clarified where they broke out that it would continue to include two separate types of events; one is weather events and one also are issues around natural disasters and other safety events. But what happens is they left in the statement that's in the original bill on line 37 that says if the secretary of state fails to respond to a request to postpone within four hours of notification, the moderator may postpone the election. Well there's real conflict between request to the secretary of state and notifying the secretary of state which says in the end for those first four hours, the secretary of state is the authority to make the decision of whether or not a local election should be postponed.

In addition, there's a challenge about uniformity. It's possible to preside, which the amendment I'm bringing before you would do, is uniformity in terms of the procedures that would be followed but not uniformity in terms of leaving that decision up to someone at the state level, when we know that local conditions can vary from one community to another and that the best entities to make those decisions are local officials. And in addition to that, there is a history where over two-hundred years local authorities have had control over local elections; they print the ballots, they handle the total of the ballots, they handle letting the community know the results of those ballots. None of those areas involve the secretary of state because these are local elections. If we allow this amendment to go forward it really flies in the face of a tradition in our state that has allowed town meetings, which includes local elections, deliberative sessions to continue as they have always been understood rather than breaking them out and creating enormous chaos and confusion going forward. So, I would ask you to vote down this amendment, let me bring forth another amendment that will address many of the issues that were raised by the committee and the commission and provide answers to those concerns. Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in support of Senate Bill 438 and the compromise that really started a year ago with the big storm that hit us. I have fifty-eight communities in my district. I have a lot of local officials. We elect everything in the North Country. In the town of Jefferson, they elect a Hog Reeve, which is the man whom is marrying a Jefferson woman and they put everybody on the ballot and elect those people and you don't have to be from the town.

And since I am marrying a Jefferson woman, I could be Hog Reeve in the town of Jefferson while I live in Whitefield which is an amazing thing. I love local control and I love local government. As a former supervisor of the checklist, assistant town moderator, Harold Burns who sat in this seat, former Speaker, former Senator from District 1, town moderator school district moderator and I fought the fight to retain local control that towns could do what they want to do. It was one of the most contentious issues. Senate President had the wisdom and I had the unfortunate responsibility of accepting his appointment on this study commission and we did what we're supposed to do. We sat down and we tried to iron out a compromise. The Senator from District 3 knows, everyone hates you when you're done at the end of a compromise. They don't like different pieces of it, but we did good work. We did great work.

This compromise I think meets the needs of our modern community and respects the heritage of our local control in our communities around New Hampshire. It balances local control with state mandate, feudalism with state control. And I want to just address, because I think this is the critical point that brought me to this compromise; we were having discussions as the spectrum between notice and permission. Two different places and if we shorten that notice period it would put the pressure on the secretary of state's office to not be able to control this. I believe we were able to make this decision, much closer to notice and far from permission. This is not asking for permission. It sets that four hour to make it practically impossible unless there is some suspicion that there is an issue. It's a beautiful day and a town decides to cancel their elections and we're like what happened? We can't even ask the question. We can't even ask the question. So, I think we hit the balance and then it went to Senate Elections. Now I ask you, any one of you, let's find some things where we're able to compromise on Senate Elections, it's been a contentious issue, okay? We all have very strong opinions, but 4-0, we did the work for a year. Why do we serve on these committees when we hammer out these compromises and then the last minute we're in these situations where the work that we did didn't quite do enough and I appreciate everyone's opinion and I love, we all want the same thing, but let's support the work of the committee, let's support the work of the people that tried to find a balance and let's try to move this process forward and give that consistency that we think our state needs to be able to move forward respecting local control and our traditions, but also having some degree of uniformity in the state of New Hampshire. Thank you, Mister President.

(The Chair recognized Senator Sanborn for a question of Senator Woodburn.)

SENATOR SANBORN: My good friend, thank you for taking my question although my first thought was I was going to rise to see if I could vote to have you hog tied, but more to the point would be, my understanding is that the attorney general issued a letter that I think many people in the body got relative to the point of declaring that allowing municipalities to actually determine the date of elections would actually be illegal and that right is in the sole responsibility of the secretary of state himself. Have you seen that letter and can you confirm that?

SENATOR WOODBURN: Thank you Senator, I have seen it and I do think it requires us to do something to be able to give that clarification and again I think that the solution that we came through, this hard-earned compromise is the best way to go.

SENATOR SANBORN: Thank you, Senator. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Sanborn.)

SENATOR FULLER CLARK: I wonder Senator Sanborn, if you are aware in that letter that we received from the attorney general that he very conveniently left out a section of the statute that he cited. He cited that RSA 40:4 authorized the moderator in the event of a weather emergency under the conditions described in the statute to postpone the business meeting or the judicial former town meeting or deliberative session or the voting day. That language or the voting day is not included in his memo so he doesn't really address, you know, if you were to keep that language it's clear that in the statute, local communities, the moderators in local communities do have that authority and I would like to know why the attorney general left out the end of that phrase?

SENATOR SANBORN: Senator, thank you so much for the question. I must say for the record, the attorney general's a personal friend of mine and I think one of the most highest and fair persons our state as ever seen, so to suggest that he would conveniently leave something out would be something I would respectfully disagree with you with. Now all that being said, I believe clearly this continues to be a challenge as we hear from both sides today. And at the end of the day, there is a question between who has the right to move town meetings and who has the right to make the decision on elections. And it's clear to me in my reading of the letter and the conversations I've had, although so you know I have up until very recently been on your side of this issue, having had conversations, having read the letter, it leads me to believe that the clarification that we need today would dictate that the secretary of state should have full control over this.

SENATOR FULLER CLARK: Thank you very much for your answer.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. Briefly, I think that the work that has been done in this body over the last year gets us to the place of talking about tipping one way or the other. I think there's a lot of credibility and a lot of good work that's gone into this. It's unusual that I would hear from thirteen of fifteen towns that I represent in District 10. All thirteen have communicated with me either through a moderator, through the chair of the selectman's board or the city manager, or town administrator, their opposition to the current amendment. And in favor of an amendment that I believe Senator Fuller Clark is intending to bring forward. For that reason, I'm going to vote against the current amendment in the hopes that we will bring forth another that is similar but tips that balance just a little bit closer as Senator Woodburn was saying, a little bit closer towards that notification route, and I think that that is in keeping with our fidelity to those who are elected to administer the elections in our towns. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Fuller Clark, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Gray, French, Sanborn, Avard, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Morse.

The following Senators voted No: Watters, Hennessey, Ward, Kahn, Daniels, Lasky, Cavanaugh, Fuller Clark, Innis.

Roll Call, Yeas: 15 - Nays: 9. Adopted.

Senator Fuller Clark offered a Floor Amendment.

Sen. Fuller Clark, Dist 21
February 22, 2018
2018-0822s
06/01

Floor Amendment to SB 438

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

1 Statement of Purpose. The general court recognizes that existing law prescribes the dates for annual town meetings, but also gives town moderators the authority to postpone a meeting in the event of a weather emergency. The general court further recognizes that in most towns, the annual meeting consists of 2 sessions — a voting session for the election of officers and voting on certain other matters by official ballot, and a session often referred to as the deliberative session or business session, at which items to be voted on are debated and amended, and at which final votes may or may not be taken, depending on the form of town meeting the town has adopted. The general court recognizes that the official ballot voting session includes the election of officers and that it is an integral, long-standing part of the town meeting, not a separate event. Because of questions that were raised about the process of postponing town meeting during the severe snowstorm on town meeting day in March 2017, this act is intended to clarify and improve the existing process for postponing either or both sessions of the annual town meeting.

2 Duties of Moderator; Postponement of Town Meeting; Date for Rescheduled Meeting; Absentee Ballots. Amend RSA 40:4 to read as follows:

40:4 Duties.

I. The moderator shall preside in the town meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed, and may prescribe rules of proceeding; but such rules may be altered by the town.

II.***(a)*** In the event a weather emergency occurs on or before the date of [~~a~~] ***the*** deliberative session***, business session,*** or ***official ballot*** voting [~~day~~] ***session*** of a ***town*** meeting [~~in a town~~], which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours***, but not more than 24 hours,*** prior to the scheduled session, postpone and reschedule the [~~deliberative~~] session [~~or voting day of the meeting~~] to [~~another reasonable~~] ***a*** date, place, and time certain***, as provided in subparagraph II(c). To the extent practical, prior to making a decision to postpone, the moderator shall consult with the governing body, the clerk, and as appropriate for the circumstances, the police chief, the fire chief, and the local emergency management director.***

(b) In the event an accident, natural disaster, or other emergency occurs which the moderator reasonably believes may render use of the meeting location unsafe or which destroys the ballots or makes them unusable, the moderator may, at any time prior to the scheduled session, postpone and reschedule the session to a date, place, and time certain, as provided in subparagraph II(c). To the extent practical, prior to making a decision to postpone the moderator shall consult with the governing body, the clerk, and as appropriate for the circumstances, the police chief, the fire chief, and the local emergency management director.

(c) The rescheduled date for an official ballot voting session shall be the second Tuesday following the date originally scheduled. The moderator shall reschedule the business session or deliberative session of a meeting to a reasonable date, place, and time certain, subject to subparagraph II(d). The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled date or dates, as well as information on obtaining absentee ballots for the rescheduled dates. The rescheduling of school district elections in multi-town school districts shall be governed by RSA 671:22-a.

(d) The date originally scheduled shall continue to be deemed the deliberative session***, business session,*** or ***official ballot*** voting [~~day~~] ***session*** of the meeting for purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours. [~~The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled deliberative session or voting day.~~]

III. If the official ballot voting session is rescheduled as provided in paragraph II, any absentee ballots that have been issued based on a voter's absence or inability to appear at the polls on the original election date shall remain valid and shall be accepted if properly executed and received by the clerk no later than 5:00 p.m. on the rescheduled election date, regardless of whether the voter is absent or unable to appear at the polls on the rescheduled election date. In addition, voters who satisfy the requirements for voting by absentee ballot on the rescheduled election date may vote by absentee ballot, and all references to the day of the election in the provisions of RSA 657 and RSA 659 related to absentee ballots shall be deemed to refer to the day of the rescheduled election.

IV. For purposes of this section:

(a) "Business session" means, in a town that has not adopted the provisions of RSA 40:13, the session of a town meeting at which voters discuss, deliberate, and vote on matters other than the election of officers by official ballot and other questions that are placed on the official ballot.

(b) "Deliberative session" means the first session of a meeting in a town that has adopted the provisions of RSA 40:13.

(c) "Official ballot voting session" means the session of a town meeting at which voters vote on the election of officers and other matters by official ballot.

3 City Elections; Postponement for Emergency. Amend RSA 44:11 to read as follows:

44:11 Times.

I. The meeting of the voters of each ward for the election of city and ward officers shall be held on such day as may be fixed by law or by ordinance of the city council but in no event shall it be held in conjunction with a biennial election; and all ward and city officers who are chosen by the people shall hold their respective offices for the term and from the day fixed by law or ordinance, and until others are appointed in their stead. The prohibitions in this section shall not apply to a special election held to fill a vacancy for the office of a city or a ward officer.

II. In the event of a weather or other emergency as described in RSA 40:4, II, the election may be postponed and rescheduled

in the manner provided in that section for the rescheduling of a town meeting official ballot voting session, except that all references to the moderator shall be deemed to refer to the city clerk.

4 Town Elections; Date Subject to Postponement. Amend RSA 669:1, I to read as follows:

I. ***Subject to RSA 40:4,*** all towns shall hold an election annually for the election of town officers on the second Tuesday in March, except those towns which have adopted an alternative date under RSA 40:14 or those towns which have adopted the provisions of RSA 31:94-a and have, by majority vote at a previous town meeting, decided to elect officers on the second Tuesday in May.

5 New Section; School District Elections; Rescheduling. Amend RSA 671 by inserting after section 22 the following new section:

671:22-a Rescheduling Elections. In the case of a school district that comprises one or more preexisting districts and holds its elections in conjunction with the town elections in the component towns as provided in this subdivision, the town moderators in each town shall, in the event of an emergency described in RSA 40:4, II, use their best efforts to agree on rescheduling the town and school district elections. Unless the moderators from all towns in the district agree to reschedule their elections, all town and school district elections shall proceed on the date originally scheduled.

6 Effective Date. This act shall take effect January 1, 2019.

2018-0822s

AMENDED ANALYSIS

This bill provides for the postponement of local elections.

SENATOR FULLER CLARK: As you will see, this amendment includes a statement of purpose that makes it clear that the authority rests with moderators to postpone a meeting in the event of weather emergency other event. It recognizes that the annual meeting consists of two sessions; a voting session for the election of officers and voting on certain other matters of the official ballot and a session often referred to as the deliberative session or business meeting, depending on the form of the town meeting the town has adopted.

If you move to under the duties and if you look at line 21 in the amendment it clarifies that in the event of a weather emergency on or before the date the deliberative session, business session or official ballot voting session which is replacing the voting day of a town meeting which the moderator reasonably has made the roads to be hazardous or unsafe says that he may up to two hours but not more than twenty-four hours prior to the scheduled session, postpone or reschedule the session to another date, place and time certain as provided in the following paragraph 2C. This language is language that is also existing in the amendment that you've just passed, as well as the following phrase, to the extent practical and prior to making a decision to postpone the moderator shall consult with a governing body, the clerk and as appropriate for circumstances the police chief, the fire chief and the local emergency management director. It also goes on to set apart the same is true for the event of an accident, natural disaster or other emergency, over which the moderator reasonably believes may render use of the meeting location unsafe or that destroys the ballot or makes them unusable. On page 2 this language continues and it makes it clear again that the moderator shall seek, shall consult with a government body the clerk and as appropriate circumstances the police chief, the fire chief and the emergency management director.

Going further it specifies that this meeting shall take place two weeks to the same Tuesday following the day originally scheduled. This is part of creating the uniformity of how that postponement will be handled by each community. Secondly it goes on to say that if the official ballot session is rescheduled, any absentee ballots that have been issued based on a voter's absence or inability to appear at the polls on the original election date shall remain valid. That was one of the questions that was posed; what would happen to those absentee ballots that had been cast for the original election day?

It further goes on to clarify what a business session is, what a deliberative session is and what an official ballot voting session is, that it is a session of a town meeting. It is not separate from the town meeting which is one of the statutory confusions in the amendment that you've just passed. Finally, you will see that it answers another question on line 9 on page 3 that has to do with how this should be handled with regard to cities and in addition to that, above that on line 3 it makes it clear that if you have problems with– but that it also makes it clear, it's down here further, under the school districts in section 18 that if you have school district elections that you have to have all of those communities agree on rescheduling the town and school district elections unless the moderators from all the towns in the district agree to reschedule their elections all towns and school district elections shall proceed on the date originally scheduled. That answered another major concern; what was going to happen between school elections and local municipal elections.

So I believe that this is the appropriate way to go forward that it is important that we do have a uniform system in place but that we shouldn't be taking away local control over local elections and one of the issues that's been talked about with regard to this issue of having uniformity is that you may have just as we had last night, a variety of weather conditions in different parts of the state. Why would you want to have all those communities being treated the same way or if they're not being treated the same way, why would the secretary of state be expected to respond to those many communities within a four hour period? And we heard from Senator Woodburn that while you know that was just a gesture, he didn't think they possibly could respond in four hours so that ultimately the authority would divest to the moderators. Let's leave it with the moderators, let's not have this confusion between notification and then having the secretary of state having to respond to a request it makes no sense from a procedural point of view and it makes no sense from the history of how we have handled local elections up to this point. It does resolve some of the questions if in a very rare instance we would have a repetition of what happened last year on March 14th, or some other concerns such as a safety issue where you might have to lock down a school where elections are taking place and you're going to need to do that immediately, you're not going to be able to wait to notify the secretary of state and then wait four hours for him to respond to your request before he fails to respond to your request, you now have the authority. Let's leave that authority where it belongs, it's clearly defined in state statute, regardless of what we heard from the attorney general's office and it is the appropriate and proper way to move forward. So, I urge you to vote for this amendment. Thank you.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. I ask the body to vote down this amendment. While it has a lot in common with the committee amendment, I believe and there are some things that are left out. One the rescheduling of an election as a result of a state of emergency, the committee amendment addresses that. This current amendment doesn't address it in full. Informing voters on how to obtain absentee ballots for rescheduled elections, the committee amendment addresses that. This current amendment does not address that.

Rescheduling of multi-town school districts, we go into detail on our committee amendment on how to do that, this allows a moderator, moderators are required to be unanimous in order to reschedule the elections, so if you have a town that has decided to reschedule and it's a multi-town school district and they don't agree, now you've got discrepancy in what school districts are going to be rescheduling their elections.

The committee amendment also addresses rescheduling of village districts. All of these municipal associations have asked us in sub-committee to put these in, and that's why we made sure that we addressed these. Rescheduling due to emergency that renders polling locations unstable, unusable or unsafe prior to election, we do address that in our committee amendment. One of the things in our amendment was brought up, the public meetings, there was concern that when the moderators were working with the public officials that it would be considered a public meeting and required a 91-A, we addressed that in our amendment. This does not. So, I ask you this amendment we have here is deficient, and I ask you to vote this down and continue with the bill. Thank you.

(The Chair recognized Senator Kahn for a question of Senator Fuller Clark.)

SENATOR KAHN: Relative to the rescheduling of a school district's meeting or election as you described the three different forms in which balloting might take place, is it as clear as what I read on page 3 in line 24 that all the school districts need to agree on a rescheduling, otherwise they need to proceed with the previously scheduled date?

SENATOR FULLER CLARK: The language is unless the moderators from all towns in the district agree to reschedule their elections all town and school district elections shall proceed on the day originally scheduled. So, you're not going to see that one community is still going to continue by postponing its election and another is not if it also involves the school districts. There has to be agreement across the board either to not postpone or to postpone.

SENATOR KAHN: Thank you. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Fuller Clark, seconded by Senator Birdsell.

The following Senators voted Yes: Watters, Hennessey, Kahn, Daniels, Lasky, Feltes, Cavanaugh, Fuller Clark.

The following Senators voted No: Woodburn, Giuda, Bradley, Gray, French, Ward, Sanborn, Avard, Carson, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

Roll Call, Yeas: 8 - Nays: 16. Failed.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 527-FN-L, relative to absentee voting.
Ought to Pass with Amendment, Vote 2-0. Senator Birdsell for the committee.

Election Law and Internal Affairs
February 20, 2018
2018-0717s
03/05

Amendment to SB 527-FN-LOCAL

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

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

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

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

I hereby declare that (check one):

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

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

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

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

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

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

_____ I am unable to vote in person due to a disability.

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

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

_____ Presidential Primary to be held on ____________________
(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

_____ State Primary to be held on ____________________
(MM/DD/YYYY)

_____ General Election

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

_____ Republican Party

_____ Democratic Party

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

____

(Last) (First) (Middle) (Sr., Jr., II., III)

Applicant's Voting Domicile (home address):

____

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Mail the ballot to me at this address (if different than the home address):

____

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Applicant's Phone Number [~~(optional)~~]: ____________________

Applicant's Email Address [~~(optional)~~]: ____________________

Applicant's Signature: ____________________

Date Signed: ____________________

(MM/DD/YYYY)

I attest that I assisted the applicant in executing this form because he or she has a disability.

Signature ____________________

Print Name ____________________

If your absentee ballot affidavit envelope does not have the printed name and signature of a person who assisted you with voting, your signature will be compared to your signature on the absentee ballot affidavit to verify your identity. If your signatures do not appear to be made by the same person, your absentee ballot may not be counted.

The applicant must sign this form to receive an absentee ballot. [~~The signature on this form must match the signature on the affidavit envelope in which the absentee ballot is returned, or the ballot may be rejected.~~] Any person who ***witnesses and*** assists a voter with a disability in executing this form shall [~~make a statement acknowledging the assistance on~~] ***print and sign his or her name in the space provided on*** the application form [~~to assist the moderator when comparing signatures on election day~~]. ***The clerk and moderator will not compare the voter's signature on the application with the signature on the absentee ballot affidavit when a person assisting the voter has signed the statement that assistance was provided.***

2 New Section; Verification of In-Person Absentee Voter. Amend RSA 657 by inserting after section 17 the following new section:

657:17-a Verification of In-Person Absentee Voter.

I. An absentee voter who returns his or her completed absentee ballot to the clerk's office in person shall be treated as a verified voter provided:

(a) The voter voluntarily shows the clerk a photo identification that meets the requirements of RSA 659:13; or

(b) The voter voluntarily completes a challenged voter affidavit in the same manner as is required for an election day voter who does not present a qualified voter identification.

II. The clerk shall mark the absentee ballot affidavit enveloped "voter verified" and note on the clerk's list of absentee voters that the voter has been verified. The verified voter's signatures on the application for an absentee ballot shall not be compared to the voter's signature on the absentee ballot affidavit on election day.

III. A voter who does not present a qualified photo identification and who does not complete a challenged voter affidavit shall not be treated as a verified voter, and his or her signatures on the application for an absentee ballot shall be compared to his or her signature on the absentee ballot affidavit on election day in the same manner as other absentee voters.

3 Announcement by Moderator. Amend RSA 659:50 to read as follows:

659:50 Announcement by Moderator.

I. The moderator shall begin processing absentee ballots by clearly announcing that he or she is about to open the envelopes which were delivered to him or her. The moderator shall then remove the envelope containing the ballots of each absentee voter and***, for those absentee ballots where the absentee voter has not been verified by the clerk as provided in RSA 657:17-a,*** shall compare the signature on the affidavit with the signature on the application for the ballot. If:

[~~I.~~] ***(a)*** The name of the voter is on the checklist; and

[~~II.~~] ***(b)*** The affidavit appears to be properly executed; and

[~~III.~~] ***(c)*** [~~The signature~~] ***If the affidavit shows that the voter received assistance, the absentee voter shall be processed as verified. Otherwise, the signatures*** on the affidavit ***shall be examined to determine if it*** appears to be executed by the same person who signed the application[~~, unless the voter received assistance because the voter is blind or has a disability; and~~]***.***

[~~IV~~] ***II. For the absentee ballots processed in accordance with paragraph I and those where the clerk has previously verified the absentee voter in accordance with RSA 657:17-a, if*** the signatures appear to be the signatures of a duly qualified voter who has not voted at the election; then the moderator shall publicly announce the name of the absentee voter, except that with respect to any voter who has been included in the address confidentiality program under RSA 7:43 or who has been granted a protective order under RSA 173-B, the moderator shall identify such voters as "confidential voter number 1" and "confidential voter number 2," and so forth. If these conditions are not met, the moderator shall follow the procedure provided in RSA 659:53.

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

2018-0717s

AMENDED ANALYSIS

This bill establishes additional procedures for verification of absentee voters.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 527-FN Ought to Pass with Amendment. This bill as amended establishes procedures for verification of absentee voter documents before Election Day. The new procedures will allow the town clerk to accept and verify an absentee ballot when assistance is given to the disabled voter. Also, the clerk may verify the absentee ballot of a voter who shows photo ID when handing in the ballot or when the voter completes a challenged voter affidavit. The committee felt that creating a way to verify a portion of the absentee ballots before an election would help moderators and election officials process votes more efficiently and ensure a greater number of absentee ballots will be counted. I ask that you please support the committee's recommendation of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

ENERGY AND NATURAL RESOURCES
SB 443, relative to the jurisdiction of counties concerning retail electric supply.
Ought to Pass, Vote 4-0. Senator Feltes for the committee.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 443 Ought to Pass. This bill permits certain county governments to access certified competitive retail electric supply markets. Currently county governments that are located within the service territory of the municipal electric utility are not allowed to access competitive electric suppliers. Senate Bill 443 will permit these county governments who access third party energy suppliers. In doing so it may help reduce taxpayer costs on electricity as well improve market competition for retail rates. The Senate Energy and Natural Resources Committee asks for your support of the motion of Ought to Pass on Senate Bill 443. Thank you.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 451, relative to wildlife trafficking.
Ought to Pass with Amendment, Vote 4-0. Senator Feltes for the committee.

Energy and Natural Resources
February 20, 2018
2018-0718s
04/10

Amendment to SB 451

Amend RSA 212-C:1, I as inserted by section 1 of the bill by replacing it with the following:

I. "Covered animal species" means any species of:
(a) Elephant (superfamily Elephantidae).
(b) Rhinoceros (family Rhinocerotidae).
(c) Tiger (species Panthera tigris).
(d) Lion (species Panthera leo).
(e) Leopard (species Panthera pardus).
(f) Cheetah (species Acinonyx jubatus).
(g) Jaguar (species Panthera onca).
(h) Pangolin (family Manidae).
(i) Endangered shark, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
(j) Endangered ray, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
(k) Endangered sea turtle, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
(l) Endangered whale, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Amend RSA 212-C:2, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) When the activity, and any sport-hunted item that is legally obtained in accordance with federal law, are authorized by federal law.
Amend RSA 212-C:2, III as inserted by section 1 of the bill by replacing it with the following:

III. There is a presumption of possession with intent to sell a covered animal species part or product when the part or product is possessed by a retail or wholesale establishment or other forum engaged in the business of buying or selling of similar items, and a finding of intent to sell is supported by any other evidence which independently establishes such intent.

Amend RSA 212-C:2, IV-VI as inserted by section 1 of the bill by replacing them with the following:

IV. A person who violates this section shall be guilty of a violation and may be fined not more than $1,000, or an amount equal to 2 times the total value of the covered animal species part or product that is the subject of the violation, whichever is greater. The circuit court and the superior court shall have concurrent jurisdiction to hear matters brought under this chapter. If the appraised value of the covered animal species part or product exceeds $25,000 or if the prosecuting entity seeks relief unavailable in the circuit court, the matter shall be transferred to the superior court for adjudication.

V. Any covered animal species part or product that has been seized by a law enforcement officer pursuant to this chapter shall be appraised to determine its value. During the pendency of any criminal matter, the court shall provide an opportunity for a hearing to determine who shall maintain custody of the items, how the items shall be preserved, liability for any costs incurred to preserve the items, and such other matters as may be required to protect the property until a final dispositional order has been entered.

VI. If the owner of the covered animal species part or product is found not guilty, the property shall be returned to the owner. If the owner is found guilty, the covered items shall be forfeited to the fish and game department. Any fines assessed by the court shall be used first to reimburse the entity ordered to preserve the property prior to adjudication, and thereafter, to the fish and game department to reimburse for any costs incurred in final disposition of the items, and finally to the entity which successfully prosecuted the matter.

VII. The executive director of the fish and game department may adopt rules pursuant to RSA 541-A relative to:

(a) The purchase, sale, offer for sale, or possession with intent to sell, of parts or products of any animal species that so closely resemble in appearance parts or products of a covered animal species that law enforcement personnel would have substantial difficulty in attempting to differentiate between the species.

(b) The method and manner to be used in appraising the value of any covered animal species part or product seized by law enforcement or abandoned into the care or custody of the department.

(c) A prohibition against commercial sale of any covered animal species part or product in its custody or ownership.

(d) The method and manner used to determine ownership of any covered animal species part or product abandoned to its care or custody other than by order of a court of competent jurisdiction.

(e) The noncommercial disposition of covered animal species parts or products to:

(1) A legal beneficiary of an estate, trust, or other inheritance;

(2) A bona fide scientific or educational institution for scientific or educational purposes; or

(3) Any enrolled member of a federally-recognized Indian tribe.

(f) The destruction of covered animal species parts or products not otherwise disposed of in accordance with this chapter.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 451 Ought to Pass with Amendment. This bill establishes a prohibition of wildlife trafficking. This bill as amended bans the importation of items from endangered species and regulates the intrastate sale of these items. The bill expands a list of covered animals that are protected, the legislation outlines exceptions to the prohibition such as non-commercial transfers like family heirlooms, possession of a firearm or a knife that contains an animal part of donations of an item to a scientific or educational institute. Senate Bill 451 will emulate what other states around the country have started to do; ban the intrastate sale of items connected to wildlife trafficking. The Senate Energy and Natural Resources Committee asks for your support of the motion of Ought to Pass with Amendment on Senate Bill 451. Thank you.

(The Chair recognized Senator Gannon for a question of Senator Feltes.)

SENATOR GANNON: Just a small question, I don't mean to waste the body's time at all. I go to Florida a lot. I saw sharks were on the thing. They often have sharks in little bottles, they sell tails, they sell tons of shark things in Florida. Are we going to be, is there going to be an intrastate commerce clause problem, we're going to prohibit this in every tourist town in Florida?

SENATOR FELTES: Well, thank you very much for the question, Senator Gannon. The answer is no problem.

SENATOR GANNON: That's all? Thank you, then. Thank you.

(The Chair recognized Senator Giuda for a question of Senator Feltes.)

SENATOR GIUDA: Thank you, Mister President. Thank you, Senator, for taking my question. Very quickly; old pianos have keys that are ivory keys. Would this bill impact that and the interstate sale of those?

SENATOR FELTES: Thank you very much for that question Senator Giuda. In response to your question as in response to Senator Gannon's question, no problem.

SENATOR GIUDA: Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.
SB 569-FN, relative to animal cruelty.
Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Energy and Natural Resources
February 20, 2018
2018-0720s
08/04

Amendment to SB 569-FN

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

AN ACT relative to animal cruelty and establishing a commission to study certain language applicable to the transfer of animals.

Amend RSA 437:1 as inserted by section 2 of the bill by replacing it with the following:

437:1 Definitions. In this subdivision:

I. "Animal rescue facility" means any non-profit organization which is tax exempt under Section 501(c)(3) of the United States Internal Revenue

Code or is licensed or registered as an animal rescue facility or similar entity with a state regulatory agency, and whose mission and practice is, in whole or in significant part, the rescue of homeless or abandoned animals and the placement of those animals in permanent homes. "Animal rescue facility" shall not include any person which is, or is housed on the premises of, a breeder or broker, obtains dogs, cats, or ferrets from a breeder or broker in exchange for payment or compensation, or resells dogs, cats, or ferrets obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

II. "Animal shelter facility" means a facility, including the building and the immediate surrounding area, which is used to house or contain animals and which is owned, operated, and maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals, and also a public pound for the housing of strays or a pound operated by any person, excluding veterinarians, who contracts with a municipality to serve that function.

III. "Breeding female" means an unspayed female dog, 12 months of age or older kept or maintained for the purpose of breeding and selling the dog's offspring.

IV. "Broker" means a person acting as an agent or intermediary in negotiating or transferring dogs, cats, or ferrets when transfer to the final owner occurs in New Hampshire.

V. "Commercial kennel" means a person that keeps, maintains, or owns 7 or more breeding female dogs or transfers 10 or more litters or 50 or more puppies in any 12-month period. "Commercial kennel" includes a person that keeps, maintains, or owns dogs on the same property as another person who also keeps, maintains, or owns dogs and the total number of breeding female dogs on the property is 7 or more. The term "commercial" shall not be taken into consideration for any zoning purposes.

VI. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

VII. "Person" means any person, firm, business, corporation, or other entity.

VIII. "Pet store" means any person licensed to keep, maintain, and transfer certain live animals, birds, and fish at retail to the public.

IX. "Pet vendor" means any person engaged in the business of transferring live animals or birds customarily used as household pets to the public, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire, when transfer to the final owner occurs within New Hampshire. Pet vendor includes animal rescue facilities, animal shelter facilities, brokers, commercial kennels, and pet stores.

X. "Transfer" means transfer of ownership of live animals or birds from any person to a member of the public.

Amend the introductory paragraph of RSA 437:3 as inserted by section 3 of the bill by replacing it with the following:

437:3 Requirements. No pet vendor shall transfer animals or birds without a license. A pet vendor shall apply to the commissioner for a license giving such information as the commissioner shall require. The application shall include proof that the zoning enforcement official of the municipality wherein any facility is to be maintained has certified that the facility conforms to the municipal zoning regulations. The application shall be accompanied by a non-refundable $200 fee. ***A license shall be***

issued if, after inspection, the department or a person appointed by the department finds that all premises, buildings, and other enclosures comply with the requirements of paragraph I. If the premises, buildings, and other enclosures do not comply, the applicant may reapply within 30 days of the initial inspection. If, after a second application and inspection, the premises, buildings, and other enclosures still do not comply with the requirements of paragraph I, no license shall be issued. All licenses shall expire on June 30 of each year and be subject to renewal upon submission of a new application. No licenses shall be transferable. ***The department may suspend or revoke a license at any time, if in the judgment of the department the conditions under which the license was issued are not being maintained. Upon receipt of a written complaint from a person or agency alleging violation of this subdivision, the department shall investigate said complaint within a reasonable time.*** A pet vendor licensed under this subdivision shall:

Amend RSA 437:4, I(d) and (e) as inserted by section 4 of the bill by replacing them with the following:

[~~IV.~~] ***(d)*** The licensee ceased to operate the business for which the license was issued; or

[~~V.~~] ***(e)*** The applicant or licensee held any similar license issued in another jurisdiction ***or by the United States Department of Agriculture*** which was revoked or suspended by that jurisdiction as a result of engaging in conduct prohibited by RSA 437 during the preceding 5 years.

Amend RSA 644:8, IV-b(d) as inserted by section 10 of the bill by replacing it with the following:

(d) If the court determines by a preponderance of the evidence that the animal or animals has been or is being abused or neglected in violation of paragraph III or III-a or when there is a clear and imminent danger to the animal's health or life and there is not sufficient time to obtain a court order, then the court shall set a renewable bond or other security in an amount sufficient to cover the reasonable costs of providing the confiscated animal with humane care and adequate and necessary veterinary services for a period of 30 days. When determining the reasonable costs of providing humane care, the court shall consider the income of the animal's owner.

Amend RSA 644:8, IV-b(e)(1) as inserted by section 10 of the bill by replacing it with the following:

(e)(1) If the court orders a bond or other security to be posted, then the amount of funds necessary for 30 days of the animal's care, as determined by the court, shall be posted with the municipal or county treasurer. The owner shall be ordered to deposit the same amount every 30 days thereafter until the final disposition of the criminal matter, unless he or she requests a hearing no less than 5 business days prior to the expiration of a 30-day period. If the required funds are not deposited within 5 business days of the issuance of the order setting the amount of funds, or 5 business days after the expiration of a 30-day period, then the animal is forfeited to the petitioner by operation of law. If the owner is unable to pay the bond, the court shall not fine the owner for nonpayment.

Amend the bill by replacing section 11 with the following:

11 Appropriation. In addition to any sums appropriated in the state operating budget, the sum of $200,000 for the fiscal year ending June

30, 2019 is hereby appropriated to the commissioner of the department of agriculture, markets, and food, to support the increase in oversight and inspections of pet vendors. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

12 Group Licenses. Amend RSA 466:6, I to read as follows:

I. The owner or keeper of [~~5~~] **7** or more dogs shall annually by April 30 pay the required fee and obtain a license authorizing the owner or keeper to keep the dogs upon the premises described in the license, or off the premises while under such owner's or keeper's control. Such owner or keeper shall not be required to obtain a "commercial kennel" license under RSA 466:4, III unless such person has a commercial kennel as defined under RSA 466:4, III.

13 New Paragraph; Group Licenses. Amend RSA 466:6 by inserting after paragraph V the following new paragraph:

VI. On June 1st of each year, the municipality shall, to the extent practicable, notify the department of agriculture, markets, and food of the number of group licenses issued in the previous year.

14 New Subdivision; Animal Transfer Study Commission. Amend RSA 437 by inserting after section 22 the following new subdivision:

Animal Transfer Study Commission

437:23 Animal Transfer Study Commission.

I. There is established a commission to study RSA 437:1 as it pertains to the definition of "in the business of transferring live animals or birds customarily used as household pets to the public."

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

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

(b) One member of the house of representatives who is a member of the environment and agriculture committee, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of agriculture, markets, and food, or designee.

(d) One member representing dog owner and breeder interests, appointed by the governor.

(e) One member representing a humane organization, appointed by the governor.

(f) One member representing an animal rescue organization subject to RSA 437:1, appointed by the governor.

(g) One member representing pet stores, appointed by the governor.

(h) The attorney general, or designee.

(i) One member from the New Hampshire Veterinary Medical Association, appointed by that organization.

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

IV. The commission shall study and make clarifying recommendations for the phrase "in the business of transferring animals" as it applies to licensed pet vendors under RSA 437:1.

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

VI. The commission shall report its findings and any recommendations for proposed legislation to the chairperson of the senate energy and natural resources committee, the chairperson of the house environment and agriculture committee, the senate clerk, the house clerk, and the state library on or before November 1, 2018.

15 Repeal. RSA 437:23, relative to the animal transfer study commission, is repealed.

16 Effective Date.

I. Sections 1-13 of this act shall take effect January 1, 2019.

II. Section 15 of this act shall take effect November 1, 2018.

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

2018-0720s

AMENDED ANALYSIS

This bill:

I. Defines “breeding female” for dogs.

II. Requires inspection of premises before issuance of a license to transfer animals or birds.

III. Allows the suspension or revocation of a license to transfer animals or birds if conditions under which the license was issued are not maintained.

IV. Allows for a person caring for an animal confiscated during an animal cruelty trial to petition the town for a bond to cover the cost of animal care.

V. Makes an appropriation to the department of agriculture, markets, and food to increase oversight of pet vendors.

VI. Establishes a commission to study certain language applicable to the transfer of animals.

SENATOR BRADLEY: Thank you, Mister President. I move Senate Bill 569 Ought to Pass with Amendment. This bill defines a breeding female dog, it requires inspections of premises before issue of a license to transfer animals or birds and allows the suspension or revocation of a license to transfer animals or birds of conditions under which the license was issued was not maintained. The bill also allows for a person caring for an animal confiscated during an animal cruelty trial to petition the town for a bond to cover the cost of animal care. The bill also makes an appropriation to the Department of Agriculture to increase oversight of pet vendors and establishes a commission to study certain language applicable to the transfer of animals.

Now let me just say this; I think probably everybody has read some of the stories about the incident that happened in my town. And when that occurred, I spoke with our Wolfeboro Police Chief and others and offered to try to bring in legislation that would bring people together on ways to minimize animal cruelty and unfortunately, it’s not just what happened in my town, it’s what’s happened in a number of your towns too. Very problematic. And I have to admit, I didn’t realize or know all that much about animal husbandry issues, agricultural issues associated with animals. I know a little bit about hiking above tree line with dogs, but beyond that maybe not too much about the breeding of dogs. So, the first thing I did in the Senate Conference Room was get a large group of people to talk through the issues. There were veterinarians, there were representatives from the Governor’s Commission on Animal

Cruelty, there were dog breeders, there were people from the Municipal Association, law enforcement was there, the Department of Agriculture participated, folks from the Farm Bureau and others I'm sure that I've forgotten. We went through the points, oh and the Humane Society and Animal Rescue shelters, how could I possibly forget. We went through the various points of the draft amendment, paragraph by paragraph, sentence by sentence trying to find common ground and compromise, which I think most of you know is what I try to do. And then we had the hearing, and there were an awful lot of people there, people that supported the bill, flat out, people that supported it in concept but didn't like all the details and there were some people the just could not support the bill.

And so, there was a long hearing, thank you, Senator for conducting a good hearing. We listened carefully in the committee and we came up with I think further compromises that make this a good bill that preserves the rights of hobby breeders that breed a certain species of dog. We came up with rights that, or compromises, excuse me, that protect the accused if there is an animal cruelty case. We exempted all agricultural husbandry practices from this. The compromise for the dog breeders, we went from five breeding females to seven and we defined a breeding female as a female that breeds but it has to be at least twelve months old. We put reasonability language in the cost of care provisions, an income determinant for a judge to look at and we said inspections should be every two years. These were some of the compromises that went into this bill. What we're left with is something that should not be a problem for responsible dog breeders but gives the state and local officials better opportunity to prevent the animal cruelty cases that we're seeing happen with way too much frequency in our state.

One of the things I've learned is that because our regulations are different and quite frankly more lax than our neighboring states around us, people are actually coming to New Hampshire. And that certainly from what I've been told, the situation in my town. And the police chief in Wolfeboro's told me that the current law would not have allowed any inspections to try to head off problems. And I understand, and I think we all understand, that we want to protect the rights of law abiding and responsible citizens. We have those debates all the time, and yet at the same time we do have problems. And the problem that happened in my town or the problem that happened in Bristol or Alexandria or Berlin or Croydon, they're pretty significant. This bill allows us to do it and protect animals from cruelty, from abuse, protect the rights of people that have had their animals confiscated in a pending situation before trial. If they pay for cost of care, they can maintain control of their animals with due process. This is a reasonable compromise that I would hope that everybody can live with and I would ask for your vote for the committee amendment and then Ought to Pass on the bill. Thank you.

(The Chair recognized Senator Avard for a question of Senator Bradley.)

SENATOR AVARD: Thank you Senator, for taking my question, there might be a couple. First of all, in our testimony that we heard is it true that one person moved from one state to basically your area because our state was actually lax?

SENATOR BRADLEY: That is what I have been told, in the situation in my town by the police chief and local authorities.

SENATOR AVARD: Would this affect anybody who is breeding six female dogs?

SENATOR BRADLEY: No, it wouldn't affect anybody breeding seven or less dogs and the definition of a breeding female, that dog has to be at least twelve months of age so that's a new provision. And kept or maintained for the purpose of breeding and selling the dogs offspring. That's an important consideration here because I'd probably never do it, but some people like to have a lot of pets. And so, you could have more as I understand this language and I think we worked on it long and hard. More than seven females that are un-spayed but you're not breeding them. So, you're not a commercial kennel therefore you're not subject to the inspections.

SENATOR AVARD: Thank you for taking my question. With regards to the police officers that came to testify. This bill basically protects especially some of the small towns and small police departments that actually have to go in, such as in Croydon, where the police officer actually testified, he cried after, after he saw the abuses. But not only was it emotionally draining it drains their budgets as well.

SENATOR BRADLEY: So, we certainly heard that testimony from the police chief in the town of Croydon and I can assure you that the cost of care situation for taxpayers in my town would have decimated the budget of the police department in the town of Wolfeboro. Now look, there is some controversy about how much the cost of care should be. That's why we put the word reasonable in this amendment to make sure that a judge has control over what the reasonable cost of care should be as well as at the suggestion of our friend from Concord, language that says, you know you have to take into consideration the income level of somebody. In my town situation the police department would have been decimated and to get back to the question that you raised the police chief in my town, Chief Rondeau, who I've known for a long, long time, testified recently in the trial and when asked said that the situation he faced when he went into that home was worse than anything he had seen in Iraq. And that's pretty telling, and so I think for all of us we need to recognize what's happening, not by responsible dog breeders but by irresponsible. And unfortunately, I don't think we can sweep this under the rug or ignore it. And I thank you for your support and for the support of others on the committee because I think this is something we do need to fix.

SENATOR AVARD: Because it's a concern and this went on for a couple of days, and we wanted to cover a number of bases but with regards to funds and due process and the concerns that people have with regards to that more or less the due process, people just walking in and accusing you, could you talk a little bit more about the due process and the protections of the individual civil rights?

SENATOR BRADLEY: Well, first of all we exempted all livestock, slaughter, that kind of thing. That's not where the problem is. The farmers in our state to the best of my knowledge, really run great operations, and why in another bill that we'll be debating on the floor next week there were so many of them that turned out talking about inspections of a different nature. They should be exempted. We exempted them. And so, we built protections in with the standard of preponderance of the evidence to protect those I think better that are accused of animal cruelty and give them an opportunity if they post a bond to maintain ownership of their animals during the trial. Animals are seen as evidence. That's you know, the fact of the matter in a trial and unlike a computer or confiscated contraband or something like that that can just be stored on a shelf, animals can't be stored on a shelf and it's very expensive. In the situation that is near and dear to me in my town, the costs so far are over a million dollars. And even if you think those costs are excessive, discount it by two thirds. You still have over $300,000. For most of our towns I think all of you would understand how devastating that would be to a budget.

SENATOR AVARD: Thank you.

(The Chair recognized Senator Hennessey for a question of Senator Bradley.)

SENATOR HENNESSEY: I got some mail about gaming animals and you know for hunting or for I don't know what else they do to gaming with animals that's legal. But can you explain to me how this affects those people?

SENATOR BRADLEY: So, there was testimony at the hearing about what are known as hobby breeders or specialty breeders which may breed huskies for instance for sled dog racing, and that would be one kind. And that's why I suggested that we move the definition of breeding female from five breeding females to seven to better protect those hobby breeders and why we put the definition of a breeding female in that there's an actual breeding female not a pet. And it's interesting, I don't know if I can find it but I had a letter here somewhere. Somebody who I think had attended the hearing and wrote a letter and suggested that we move it for five to six. We moved it from five to seven. And I think that's an appropriate compromise.

SENATOR HENNESSEY: Thank you.

(The Chair recognized Senator Giuda for a question of Senator Bradley.)

SENATOR GIUDA: Thank you Senator, for taking my question. Suppose someone has six breeding females, and they're in a deplorable state. Does this bill authorize any action to be taken in that case?

SENATOR BRADLEY: Existing law would have to be followed. The new law would say seven and so it would be much harder to define. They would not be defined as a commercial kennel subject to inspection but they'd still be subject to all the animal cruelty laws. So, in an effort to find a compromise to protect, you know responsible breeders, I chose seven. Started at five, Maine is five, Vermont is three. I think that that's a reasonable compromise.

SENATOR GIUDA: Thank you, Mister President and thank you Senator, for taking my question. How do we determine if a person has seven or more or five or six whether there's an intent to breed or to sell?

SENATOR BRADLEY: So, there is paperwork that goes with transferring of animals, okay? And the current law says that a commercial kennel is defined by ten or more litters or fifty or more puppies in any twelve month period. So that is retained, okay? But the paperwork supervision to determine that is very difficult for the Department of Agriculture. And so other states have done well with the term breeding females and a number. Now we're, under this compromise that I believe is acceptable, we'll be slightly higher than Maine or Vermont but still give either the Department of Agriculture or local official's better opportunity to actually inspect. And I think that in the situations I've talked about, whether it was the Chihuahuas in Croydon, in Senator Ward's district or the Great Danes in my district or the Shepherds I think that were in a fire and perished, inspections would lead to minimizing problems in the first instance and I don't think would undermine responsible breeders in what they're doing.

SENATOR GIUDA: Thank you, Mister President. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
March 7, 2018
2018-1020s
01/03

Floor Amendment to SB 569-FN

Amend RSA 437:1, III as inserted by section 2 of the bill by replacing it with the following:

III. “Breeding female” means an unspayed female dog, 24 months of age or older kept or maintained for the purpose of breeding and selling the dog’s offspring.

SENATOR BIRDSELL: Thank you, Mister President. This comes at an interesting time because when we were talking about this yesterday and I looked at the description of a breeding female, I asked the question only because my sister recently bought a German Shepherd dog from a New Skete Monastery in New York last summer and when she picked her up, and I found out just recently when I went down to visit them that they recommend now, at least with German Shepherds, I don’t know about other dogs but I’m sure it is, that they recommend anywhere from between one and four heat cycles before they get the dog fixed. And where a heat cycle is can a dog and my sister’s dog just went into hers at eight months, so now the current language is twelve months. So, this amendment I’m presenting gives the age of twenty-four months just so that if there are breeds out there that recommend, like the German Shepherds and some of the hunting dogs, that they push out a little bit to see if they’re worthy of breeding for hunting purposes. I’m asking you to vote in the affirmative for increasing the age of unspayed female to extending it out to twenty-four months. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Birdsell.)

SENATOR GIUDA: Thank you for taking my question. If a person were to be a commercial breeder and were to breed an animal in that first heat cycle, instead of following the recommendation of the vets and breeders that are professional and accredited, would that be cruelty, if they did it at twelve months?

SENATOR BIRDSELL: Well, the dog has to be in the heat cycle in order to be bred. I don’t know, I don’t think so. But still in order for a maturity value, the at least the New Skete Monastery and the new recommendations are having the females go anywhere from one heat cycle to four heat cycles and I think it has, I believe it has a lot to do with the cancer in their later years.

SENATOR GIUDA: Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, I think this is, while I’m not thrilled with this, I think it’s an acceptable compromise and I can live with it.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
March 5, 2018
2018-0938s
08/10

Floor Amendment to SB 569-FN

Amend RSA 437:4, I as inserted by section 4 of the bill by deleting subparagraph (f).

Amend the bill by replacing sections 11 and 12 with the following:

11 Appropriation. In addition to any sums appropriated in the state operating budget, the sum of $200,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the commissioner of the department of agriculture, markets, and food. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

12 Inspectors; Authorization. The commissioner of the department of agriculture, markets and food is authorized to hire 2 inspectors to support the increase in oversight and inspections of pet vendors.

2018-0938s

AMENDED ANALYSIS

This bill:

I. Defines “breeding female” for dogs.

II. Requires inspection of premises before issuance of a license to transfer animals or birds.

III. Allows the suspension or revocation of a license to transfer animals or birds if conditions under which the license was issued are not maintained.

IV. Allows for a person caring for an animal confiscated during an animal cruelty trial to petition the town for a bond to cover the cost of animal care.

V. Makes an appropriation to the department of agriculture, markets, and food, and authorizes the commissioner to hire 2 inspectors to increase oversight of pet vendors.

VI. Establishes a commission to study certain language applicable to the transfer of animals.

SENATOR BRADLEY: I neglected, it must be because I haven’t studied under the tutelage of you Mister President, on the Finance Committee. I put an appropriation in the bill but not an authorization to create the two inspectors that the appropriation is supposed to cover. This was brought to my attention by our former colleague, now Commissioner Jasper, so I would ask; this is consistent with the intent of the bill. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Feltes, seconded by Senator French.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, D’Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda, French, Sanborn, Daniels, Birdsell.

Roll Call, Yeas: 19 - Nays: 5. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 577, requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin.
Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Energy and Natural Resources
February 20, 2018
2018-0721s
10/08

Amendment to SB 577

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

AN ACT requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy.

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

1 Findings. The general court finds that the continued operation of the Burgess BioPower plant in Berlin is important to the economy of the north country and the city of Berlin, as well as the forest products industry, and important for the attainment of renewable energy portfolio standard goals and the environment, and is therefore in the public interest.

2 Public Utilities Commission; Proceedings. Within 30 days after the effective date of this act, the public utilities commission shall initiate a proceeding in order to consider how it is in the public interest to revise its Order 25,213 (Docket DE 10-195). The commission shall consider whether it is in the public interest to increase the amount of the cap on the level of the cumulative reduction factor, or to make other adjustments or revisions to the order, so that the Burgess BioPower plant can continue to operate. When considering the best way to meet the public interest the commission shall consider the impact the potential closing of, or the reduced capacity at, Burgess BioPower could have upon jobs at the plant and in the forest products industry, property tax and other impacts on the city of Berlin, renewable energy resources in New Hampshire, the impact on Eversource ratepayers, and other such factors the commission deems appropriate.

3 Sulphur Limits; Import Prohibited. Amend RSA 125-C:10-d to read as follows:

125-C:10-d Sulfur Limits of Certain Liquid Fuels.

I. ***No person shall import into the state any of the following liquid fuels:***

(a) No. 2 oil, also referred to as distillate oil, with a sulfur content greater than 0.0015 percent by weight;

(b) No. 4 oil with a sulfur content greater than 0.25 percent by weight; or

(c) Nos. 5 or 6 oil, also referred to as residual oil, with a sulfur content greater than 0.5 percent by weight.

II. Beginning on February 1, 2019 and continuing thereafter, no person shall sell, offer for sale, supply, distribute for sale or use, except for fuel remaining in storage for a device not requiring a permit pursuant to RSA 125-C:11, any of the following liquid fuels:

(a) No. 2 oil, also referred to as distillate oil, with a sulfur content greater than 0.0015 percent by weight;

(b) No. 4 oil with a sulfur content greater than 0.25 percent by weight; or

(c) Nos. 5 or 6 oil, also referred to as residual oil, with a sulfur content greater than 0.5 percent by weight.

[~~II~~] ***III***. The commissioner may temporarily allow the use of non-conforming fuels with respect to paragraph [~~I~~] ***II*** if there is a demonstrated need to do so based on an acute shortage of supply.

4 Electric Renewable Energy Classes; Useful Thermal Energy. Amend the introductory paragraph of RSA 362-F:4, I to read as follows:

I. Class I (New) shall include the production of electricity [~~or useful thermal energy~~] from any of the following, provided the source began operation after January 1, 2006, except as noted below***, or the production of useful thermal energy as noted below***:

5 Electric Renewable Energy Classes; Useful Thermal Energy. Amend RSA 362-F:4, I(e) to read as follows:

(e) Methane gas ***if the methane gas energy output is in the form of useful thermal energy provided that the unit began operation after January 1, 2013***.

6 Effective Date.

I. Section 3 of this act shall take effect 12:01 a.m. July 1, 2018.

II. Sections 4 and 5 of this act shall take effect 60 days after its passage.

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

2018-0721s

AMENDED ANALYSIS

This bill:

I. Requires the public utilities commission to initiate a proceeding to consider changes to its order affecting the Burgess BioPower plant in Berlin.

II. Prohibits the import of certain liquid fuels and prohibits the sale of such fuels in 2019.

III. Changes the inclusion in electric renewable energy class I for methane gas.

SENATOR BRADLEY: Thank you again, Mister President. I move Senate Bill 577 Ought to Pass with Amendment. The bill requires the Public Utilities Commission to initiate a proceeding to consider changes to its order affecting the Burgess Biomass Plant in Berlin. The Burgess plant currently has a power purchase agreement from Eversource, subject to a PUC order that placed a cap on subsidies from ratepayers to the plant. This bill would ask that the Public Utilities Commission open a proceeding to consider if it's in the public interest to revise or alter the subsidy. The Public Utilities Commission will consider the impact of potential closing of, or the reduced capacity at the Burgess Power Plant that it could have on jobs at the plant and in the forest products industry, the property tax base of Berlin, renewable energy sources in New Hampshire and the impact on the ratepayers. During the committee process there was an amendment to Senate Bill 577 that extends the time frame for complying with the prohibition on the importation of certain liquid fuels or oil in particular. This was legislation that we considered a couple of years ago, was adopted unanimously, it was asked for by the oil dealers. What's happened is that there hasn't been a quick enough turnover of the oil in one of the tanks and so the Department of Environmental Services asked me to file this amendment in order to ensure that this tank is in compliance with the law by extending out the time frame. I think that's a reasonable thing to do. The second amendment that's in the committee amendment changes the inclusion in electric renewable rates for Class 1 methane gas. The amendment clarifies legislative intent and allows landfill gas to be considered as thermal energy, making it eligible for Class 1 thermal renewable energy certificates under the renewable portfolio standard. Thank you, Mister President. I hope we can vote for the committee amendment and the bill.

The Chair ruled sections of the Committee Amendment non-germane.

Without objection, Senate Rule 3-17 is suspended to allow consideration of the non-germane Committee Amendment. Adopted by the necessary 2/3 vote.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
Sen. Avard, Dist 12
February 28, 2018
2018-0884s
10/04

Floor Amendment to SB 577

Amend the bill by deleting section 4 and renumbering the original sections 5 and 6 to read as 4 and 5, respectively.

Amend paragraph II of section 5 of the bill by replacing it with the following:

II. Section 4 of this act shall take effect 60 days after its passage.

SENATOR FELTES: Thank you very much, Mister President. The chair of Senate Energy and I also serve on JLCAR together. This is an issue that we have worked on in terms of allowing methane to be a qualifying thermal energy underneath the RPS in Class 1. This is a technical amendment. When we did the amendment in committee some of the language got a little messed up. This cleans up the language to make sure that we're just applying this authorization to methane and not affecting any of the other fuels as they're currently treated under existing law. So, I'd encourage passage of this amendment and thank the chair of the committee for his work on this and thank you very much, Mister President.

Recess. Out of recess.

PRESIDENT MORSE: I just want to remind the Senate that this bill's going to Finance.

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: I apologize Mister President. Where are we at this point? Ought to Pass as Amended?

PRESIDENT MORSE: Ought to Pass as Amended.

SENATOR SANBORN: Yes, thank you for allowing me to speak, I apologize. To my colleagues, I rise in a very global perspective, acknowledging that I have a proven record of supporting competitively produced and brought renewable energy that if you vote for this you can't say you're unhappy with high electric cost. Time and time again in this body and we all know how complicated electrical energy is and I support people having that right to make their own electricity and I support renewable energy but this is a case where we are sending a docket or telling the PUC to go consider and investigate whether or not they want to extend an above market rate for a longer period of time. When this power plant was created there were lots of reasons, economic, political that a lot of people supported it. It helps jobs in the North Country. It helps bring some economic revitalization to my good friend's districts, and I have an appreciation for that. But in an environment today where people are producing power for three cents a kilowatt, making a government induced program that's eight and a half cents a kilowatt for a long period of time makes it very difficult for people to argue against our high electric rates. If we want lower electric rates, we need to actually start focusing on using the free market and competition to actually allow it to work and not inject our government into requiring or looking or asking or considering for long term specific deals for specific companies that are specifically above high market rates. So, my struggle with this Mister President, is more about the fact that I hear every single day among the top four complaints people have in our state is the cost of electricity. Every single discussion; cost of health care, cost of electricity, not enough employees. For this body to consider asking the PUC to extend an above-market rate is hard for us, should be hard for us to swallow. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of the OTPA motion. I too am in favor of removing subsidies however, this is a unique situation. First, the actual cost of production is in most cases less than the cost of transmission and distribution. So, while this is a factor it is not the major factor in the high cost of electricity in our state. Secondly, this is an issue about jobs in the North Country. In my district I have two biomass plants, one has already closed, the second is hanging on for dear life and it is not this particular biomass plant. And so, the one thing that we don't understand fully and that we need to understand is that these biomass plants, the source of fuel for the plant is in New Hampshire. The revenue delivered is to New Hampshire. The families that earn livings whether logging in the woods or driving on the trucks or working in the mills or working in the power plants are all New Hampshire families, and that these plants provide those families with the ability to pay mortgages, health insurance, etcetera. And so, this is more than just an issue isolated only on one of the factors involved in the high cost of electricity. In this instance and with all biomass plants, this is an actual, if you will, an economic ecosystem within itself and for those reasons I will support this amendment. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise also in support of this adjustment to the purchase of power agreement for the Burgess Biomass Plant in Berlin. It is crucial to the North Country, our loggers, our chippers, our haulers and those dollars that circulate are lifting all folks. In the North Country wood is good, and burning wood sometimes called wood burn, is even better. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

Recess. Out of recess.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark, Innis.

The following Senators voted No: Sanborn, Reagan, Gannon, Morse.

Roll Call, Yeas: 20 - Nays: 4. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 570-FN, relative to the work requirement for the child care scholarship program.
Ought to Pass, Vote 4-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 570-FN Ought to Pass. This legislation will direct the Department of Health and Human Services to adopt rules which will modify the work requirement for the child care scholarship program. The adoptions of rules will include for the participation in a mental health or substance abuse treatment program. This creates an exception for the non-financial eligibility condition for child care scholarships for participation in mental health or substance use treatment programs. A step the state can take which will assist in recovery efforts. The ED&A Committee voted Ought to Pass and asks for your support in their recommendation. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. I rise in support of the ED&A Committee's recommendation and thank the chair of ED&A and the committee for the bipartisan vote. Right now, parents of children who need to get into treatment are having to choose between taking care of their children and treatment. That's not fair to the parents, that's not fair to the children and right now we have an opportunity to correct it. This is a significant step forward to help our families Mister President, in the opioid epidemic and I would encourage us to vote yes on Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Gannon for a question of Senator Feltes.)

SENATOR GANNON: Just another brief question, you can give me a brief answer again. How many are we talking about here as a total? How many people? Do you have a rough idea how many this encompasses?

SENATOR FELTES: Thank you very much, Senator Gannon. I don't know exactly the number. I think the fiscal note says indeterminable. But whatever the number is, each person that is falling through the cracks and their children is too many. Thank you, Senator.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Feltes, seconded by Senator Fuller Clark.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS
SB 506, limiting amendments to warrant articles.
Ought to Pass with Amendment, Vote 4-1. Senator Woodburn for the committee.

Public and Municipal Affairs
February 21, 2018
2018-0818s
06/08

Amendment to SB 506

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

1 Town Meetings; Petitioned Warrant Articles. Amend RSA 39:3 to read as follows:

39:3 Articles. Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the selectmen or one of them not later than the fifth Tuesday before the day prescribed for an annual meeting, the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. ***Such corrections shall not in any way change the intent of the article as presented in the original language of the petition.*** For the purposes of this section, the number of registered voters in a town shall be the number of voters registered prior to the last state general election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32. In towns with fewer than 10,000 inhabitants upon the written application of 50 or more voters or 1/4 of the voters in town, whichever is fewer, and in towns with 10,000 or more inhabitants upon the written application of 5 percent of the registered voters in the town, so presented not less than 60 days before the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such application. The checklist for an annual or special town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed town meeting shall be used at any reconvened session of the same town meeting. In no event shall a special town meeting be held on the biennial election day.

2 School Meetings; Warrant and Articles. Amend RSA 197:6 to read as follows:

197:6 Warrant and Articles. Upon the written application of 25 or more voters or 2 percent of the voters of the school district, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the school board or one of them not later than 30 days before the date prescribed for the school district meeting or the second Tuesday in March, whichever is earlier, the school board shall insert in the school district warrant for such meeting the petitioned article with only such minor textual changes as may be required. No article may be inserted after posting of said warrant. ***Petitioned articles shall not be amended except for minor textual corrections. Such corrections shall not in any way change the intent of the article as presented***

in the original petition. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32.

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

2018-0818s

AMENDED ANALYSIS

This bill limits amendments to petitioned warrant articles to minor textual corrections.

SENATOR WOODBURN: Thank you, Mister President. I move that Senate Bill 506 Ought to Pass with Amendment. This bill prohibits the amendments to be petition articles by select board members or town officials except for minor textual corrections. This would apply to town meeting warrant articles or school meeting warrant articles. The committee felt that the petitioner's original intent should be protected from town officials changing the meaning from what was presented in the original language of the petition. Once the warrant article is introduced at the deliberative session, changes can be made in the acceptance of a majority of voters as per standard practice. I ask you to support the committee's recommendation of Ought to Pass as Amended. Thank you, Mister President.

(The Chair recognized Senator Daniels for a question of Senator Woodburn.)

SENATOR DANIELS: Just a question, if a petition were put in that was not constitutional, how are we to leave the unconstitutional wording in?

SENATOR WOODBURN: That's a very good question and I think we should, I think I should divert to someone who may be able to answer that better. I don't have a good answer.

SENATOR DANIELS: Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister Chairman. I would think it would be incumbent on the select board to inform the legislative body when the article is presented that it is unconstitutional, but I think we run the risk if we start letting select boards decide what's constitutional or not before it has a viewing in front of both legal counsel and the legislative body that we run a risk of truncating first amendment or other fundamental rights.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

TRANSPORTATION
SB 400, relative to traveler information signs on highways.
Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

Senate Transportation
February 21, 2018
2018-0755s
01/04

Amendment to SB 400

Amend RSA 230:52, III as inserted by section 1 of the bill by replacing it with the following:

III. The fee charged under paragraph II to a registered nonprofit organization that maintains a museum or heritage tourism site which is open to the public and listed in the National Register of Historic Places or the New Hampshire register of historic places under RSA 227-C:33, shall be limited to the cost of the initial creation and placement of the sign, or its replacement.

2018-0755s

AMENDED ANALYSIS

This bill provides that the fee charged to certain nonprofit organizations for advertising space on a limited access highway shall be limited to the initial cost of the sign or its replacement.

SENATOR WATTERS: Thank you, Mister President. I move Senate Bill 400 Ought to Pass with Amendment. This bill provides that the fee charged to certain nonprofit organizations for advertising space on a limited access highway shall be limited to the initial cost of the sign or its replacement. The fee structures set up for these types of signs have made it difficult for non-profits to afford to advertise. I think we wisely under the leadership of Senator from District 19 a couple of years back, passed a statute that asked the Department of Transportation to make sure that these signs that have the informational placards on them were paid for by those folks who wanted the information on them. I think the unintended consequence of that was that we found that even these little non-profits and museums that we have in our districts were asked to pay not only $500 for the initial construction of the sign, but $500 a year just to keep their placard up there. So, the non-profits could no longer afford to have their signage on the highway. This legislation then would help ensure that those sites that are open to the public will not have to pay for signs done initial cost of the sign or its replacement. The committee amended the legislation in order to ensure that the non-profits, which are eligible under this legislation will include only those places which maintain a museum or heritage tours on site and are open to the public and listed in the national register or state register of historic places. The Transportation Committee asks for your support in the motion of Ought to Pass with Amendment on Senate Bill 400. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 464, relative to the procedure for driveway permits.
Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

Senate Transportation
February 21, 2018
2018-0758s
01/10

Amendment to SB 464

Amend RSA 236:13-a, III(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Extend the time for rendering a decision on the application for good cause.

SENATOR WATTERS: Thank you, Mister President. I move Senate Bill 464 Ought to Pass with Amendment. This bill establishes a procedure for processing applications for certain excavation and driveway permits. Some developers have experienced a lack of predictability with the Department of Transportation regarding this permit process which leads to a delay in the process for months if not a whole year, and we all know for developers time is money. This can be detrimental to developers because one of the last components that will hold up the site plan from being signed is a driveway permit being issued. This legislation would seek to bring some predictability to the timing of the permit process. The Transportation Committee ask for your support in the motion of Ought to Pass with Amendment on Senate Bill 464.

(The Chair recognized Senator Giuda for a question of Senator Watters.)

SENATOR GIUDA: Thank you, Mister President. Senator, thank you for taking my question. My question is I see in the amendment in the schedule of the extending the time for rendering a decision on the application for request. What is exactly this amendment doing? I mean is it so defining a specific period of time that they need to have it done by, or I'm not sure exactly what we're doing here.

SENATOR WATTERS: Thanks for your question. So, there's basically two periods we're talking about. One is when the initial application comes in and the Department of Transportation is supposed to respond to the initial application within a certain amount of time. And then they also can ask for additional information. And so, what we were concerned about is that in both cases that that period be definable and shortened. I think it was important there to have the good cause mentioned because what we heard is that sometimes they put out the request for the additional information, they don't hear back and they try a request again and so there might be an occasion where the department says look, we really do have these reasons but they would have to specify that.

SENATOR GIUDA: Okay, thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 559-FN-A, making an appropriation for a sound barrier on the Everett Turnpike in Bedford.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Senate Transportation
February 21, 2018
2018-0788s
04/05

Amendment to SB 559-FN-A

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

AN ACT establishing a committee to study the construction of sound barriers on type I and type II highways.

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

1 Committee Established. There is established a committee to study the construction of sound barriers on type I and type II highways.
2 Membership and Compensation.
I. The members of the committee shall be as follows:

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

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

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

3 Duties. The committee shall study the construction of sound barriers on type I and type II highways. The committee shall also study:

I. The formula for cost-effectiveness.

II. Type I and type II projects and potential costs for each type.

III. The town's role in determining the costs associated with type I and type II projects.

IV. Alternate methods for funding type I and type II projects.

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

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

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

2018-0788s

AMENDED ANALYSIS

This bill establishes a committee to study the construction of sound barriers on type I and type II highways.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 559-FN Ought to Pass with Amendment. As introduced this bill would have made an appropriation to the Department of Transportation for the construction of a sound barrier on the F.E. Everett Turnpike in Bedford. The committee heard ample testimony for individuals who live and have lived in this neighborhood in Bedford for years. It is clear that the highway expansion on the Everett Turnpike has caused an increase in noise for residents in this area. However, the Department of Transportation conducted a test in this area in 2011 and found that the number of houses impacted was too low to justify the cost of building a sound barrier. Further there are so many other neighborhoods and areas throughout the state that are in the same or worse predicament that have also not received funding for such sound barriers. The committee therefore amended the language of the bill to establish a study committee that would specifically study the construction of sound barriers on type 1 and type 2 highways throughout the state, not just at this particular location in Bedford but others. This study committee would examine the formula for cost effectiveness and potential cost for sound barriers on each type of highway. Further it would examine the town's role in determining the cost associated with these projects and alternate methods for funding them. Transportation Committee believes that this is the best way to move forward with getting these types of projects addressed fairly. Therefore, I ask for your support in the motion of Ought to Pass with Amendment on Senate Bill 559-FN. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and ask the body to turn down the amendment and allow a vote on the passage of the bill before the amendment. While I appreciate the work that the Transportation Committee did, but at the end of the day they came back and said, hey, let's study this. Wow, let's study this. I think this is the eleventh year in a row we're going to study this. Now you're talking about a small blue collar family that's owned houses ever since the fifties when the state of New Hampshire came in and wiped out a hundred yards of the wood buffer between their houses and the interstate. They spent years dealing with the state of New Hampshire as it considered whether or not it needed to save a habitat for bald eagles. Four and a half million dollars I think they spent studying whether or not they needed to save the habitat for bald eagles. The bald eagles flew away, they're not even there anymore. The state of New Hampshire came in, wiped out their land, built the road, conversation after conversation that we'll build the sound wall, don't you guys worry about it, we'll be there. State of New Hampshire will take care of it. Back then it was under $300,000. State didn't do it. Year after year after year after year, these families came up to this body, came up to the House and just said a simple thing; deliver on your promise. Why are we penalizing people because they happen to have bought houses in 1950 or built them in the fifties on two acres of land which is the only excuse that the state is giving them today? Not enough density of real estate.

You know I hear and I can appreciate the fact that today there are several of us in this room who say we'd like to have a sound wall, I hear my good friend from District 21 has said it as often as I say it. I've been saying it for years in this room. Now today we're realizing that there's plenty of people that are being subjected to excessive sound. And let's talk about excessive sound. These are people that based upon the fact that the state came in and blasted away the mountain, so they have granite facing that's fifty feet high across the street from them, put in cement Jersey barriers the entire length then have doubled the width of interstate. These are people who inside their house, inside their house the sound levels are higher than the state of New Hampshire says should be recorded outside of their house. They can't open their windows, they can't open their doors, they can't enjoy their yards, they're prisoners in their homes from what the state of New Hampshire did to them. And back when this thing could have been solved for a couple hundred grand or $300,000 the state chose not to do it. And then it was 400, 500, 600, 700, 800, 900. At one point they came in and said it would cost them a million four, even though today we know that the cost is realistic around 900,000. These people have even asked to do the work to go find competitive private bids to get the price down, and yet the state of New Hampshire will not allow them to do that.

So, when are we going to solve this problem? When are we going to solve this problem? We have a transportation fund that has money in it. Has money in it, it's not like we're broke. We have no plan. I've even suggested time and time again, what does it take for us to start this? What does it take to go to either the first neighborhood, which would be this neighborhood in full disclosure, to allocate something? We have a ten year highway plan, we spend money on roads. Earlier this year we, you know we had a nice long debate about a roundabout up in the Lakes Region. But yet these people are just getting pounded with the sound of cars and motorcycles and trucks twenty-four hours a day. We're not doing anything for them. We're not doing anything for them, and I suggest that maybe it's time that we do. So, I ask this body to join me and vote down the amendment and let's actually start the process of doing something. And with the ten year highway plan we can look at other projects and find ways that we can fund it and actually help our constituents. So please vote down the amendment and let's pass the bill as introduced. Thank you so very much, Mister President.

(The Chair recognized Senator French for a question of Senator Sanborn.)

SENATOR FRENCH: Senator, is this the exact same neighborhood that you took me down to last year where we could not even hold a conversation in the backyard?

SENATOR SANBORN: Senator, thank you so much. I've actually invited many Senators to come down. And that's all I've asked for people; come down and listen and thankfully you were one that actually did and I appreciate the fact that you did and you're right. We had to yell, we actually had to raise our voices to even be heard, it is that kind of loud for these people.

SENATOR FRENCH: Thank you.

(The Chair recognized Senator Giuda for a question of Senator Sanborn.)

SENATOR GIUDA: Senator, did I hear you say that the state of New Hampshire DOT had pledged to put up a sound barrier when this improvement to the state highway system was made?

SENATOR SANBORN: Senator, thank you so much for the question. I appreciate it. I have been told that they were by past commissioners; the present commissioner today says they did not. So, I'll leave that as it is. Thank you.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I was one of the ones who voted with the 5-0 majority. Since then I have visited the neighborhood and I have found those sounds to be just unlivable. But when I voted that way, I thought we can't just help this one neighborhood there's others in the same situation. But this neighborhood is so bad it's gone on for eleven years. And then I was just thinking, the Senator from Concord, District 15 mentioned earlier, when we were doing SB 570 on the work requirement and I asked him how many people is this helping and he said Senator if it's one person. This is dozens and dozens of families that we've ignored for a decade. So, I feel at this time we should put them to the forefront and actually help someone today. So, I would go from my good Senator from District 9 and vote we override the Ought to Pass. Thank you.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. And I really appreciate what the Senator from District 9 has said. I could give exactly the same speech about a neighborhood on Dover Point. Here's the situation we're in and I think that frankly I think the case was made and you know this kind of bill has been rejected in the past but we thought, okay we've got to try to do something about this, and that's why we brought forward this committee amendment. And just to explain briefly about this that there are type 1 projects which have federal funding in the highway fund, that have a formula that says we will pay for the sound barriers when construction is initially done with federal funds if it meets certain criteria; there's a decibel level, and then there's a number of houses and the cost per house. Now whether that is justifiable in certain cases I think that's open to debate but that is the federal standard and that is the standard across all projects and why one may be done and one may not. Now if we accept that perhaps traffic's gotten worse or decibel level's gotten worse or something has changed or that we really just think we ought to do something for a neighborhood.

Then we have proposed a type 2 program which would say we will try to find state money to take care of these ones that hadn't been done before or if in the future they're projects under the federal highways but they wouldn't qualify so can we find some state money for it. And I think that's an important thing and that's why we have the committee established here. We were told by DOT that they, I think the figure was something like $200 million that could be potentially spent on these type 2s and I wonder where we're going to find $200 million in the ten year highway plan but I voted for this because I felt we ought to get started on it. But that's the situation we're in and there's one other thing to say too, that if we cherry pick a project right now and you know, Senator from District 9 wants his to be number one, the neighborhood in my district has more people, worse noise so you know which one's going to be first, right? But the problem is that if we do it for one and have violated the principles under which we provide funding we are open to suits by anybody else who wants one and it says well you gave it to them, you violated your criteria, so you no longer have a principle of not funding us and I think that's a problem. So, I really thought this was a terrific way to move forward that the Senator from District 19 proposed and I take it seriously. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise opposed to the pending motion. Three years ago, I put in the same bill. I was on Transportation at the time and I was told, well this should really go into the ten year plan. So, the second year we tried to get it into the ten year plan and I was told well it should really should go into the budget. We've got this runaround and we just keep going around in circles when the major problem here is the metrics that are being used are not the right metrics. The metrics should be based on the volume, the sound, not how many houses within a certain density so I would ask the body to overturn the pending motion so an alternate motion can be brought forward. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. I too represent Windham and I also have constituents who are affected by the 93 expansion. And I would say in looking over this information, one of the criteria that the Department of Transportation is using is the number of homes on a certain piece of property. Now many areas, and Windham is responsible as well, they have two acres or two and a half acres per lot. So, one of the criteria is that, one of the problems is that, DOT has determined that there are not enough homes impacted. Why? Because the towns have a limited amount, have space that they mandated acreage. So, the town is also part of the issue. So, this is why we want the study committee so we can look at the criteria and see if there's any changes that we can make to it. So I'd like the body to move ahead with the study committee so that we can make some improvements in the criteria that DOT has set forth and as the Senator from District 4 said, there's limited things that we can do with the stage 1, because it is mandated by the feds but we can certainly work with the type 2 and try and make some changes for these people that are affected. I did visit Windham and it's loud, so I understand that we have an issue and I intend to bring it forth and try and make some changes so please pass the amendment and let's move forward with trying to make some change.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you, Mister President. I feel compelled to add the neighborhood adjacent to I-95 in Portsmouth as a community that has been waiting for a sound barrier for close to thirty years. This is a critical issue that exists for a number of communities around the state and I think what's important is to make sure that what comes out of this study finds a way to address this problem, and recognizing that we have neighborhoods everywhere that have been impacted by the expansion of our major highways. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President I rise again and I appreciate to just remind my good friend from Senate District number 4 that we are talking of two different transportation funds, yours is on a state highway this is on a road that has a toll so it is a different funding mechanism. And again, in this account the money exists. The money's in the account we just need to make the decision to spend it. We need to make the decision that we're going to finally stand up and start fighting for all of our constituents as Senator from District 23 had commented to the Senator from District 15, if it helps one person, if it helps one person let's do this. I will make a commitment to this body Senator Watters, Senator Fuller Clark. I ask this body to make the same commitment today. Vote down this amendment, help these people who have been up here for year after year after year, and let's make a decision that we do not approve the ten year highway plan until there is a funding mechanism in there that generates some sort of a solution to these people. Every year I've come here we have voted for the ten year highway plan. We've never had it in. So why don't we come together as a body and say let's make sure that any plan we have that all of us can get together, we don't need some fancy commission, not that this isn't a fancy commission, Senator. But we can come together and we can solve it. And in conclusion I am remiss and I need to thank my good friend from District 11, Senator Daniels who has put this bill in for me and others several times as he has continued to chase the process. Because every debate we've had on this every year, put in the highway plan, put in Transportation, put it in the budget. We've just been chasing it. When do we stop and just start helping people? This is what we're here for. So, I ask people again, turn down the amendment, let's pass this forward and I will commit Senator Watters, Senator Fuller Clark, let's get together and come up with a funding mechanism and work with the Chair of Transportation and not support that ten year plan until we get something in. Let's solve a problem today. It would be great. Thank you, Mister President.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Sanborn for a parliamentary inquiry.)

SENATOR SANBORN: Thank you, Mister President. Mister President, if I believe the time is right to come together and actually start delivering on promises that we would make, with the intent that we will further come together and come up with a plan for the ten year highway plan that comes over here, would I vote no on the amendment?

PRESIDENT MORSE: If you're in favor of the amendment you're going to say aye, if you're opposed, you're going to say no.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Innis, Morse.

The following Senators voted No: Giuda, French, Sanborn, Daniels, Avard, Gannon.

Roll Call, Yeas: 18 - Nays: 6. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 562-FN, allowing the waiver of fees for reinstatement of a driver's license and registration in cases of demonstrated financial hardship.
Inexpedient to Legislate, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 562-FN Inexpedient to Legislate. At the request of JLCAR, this bill would allow the waiver of fees for reinstatement of a driver's license and registration in cases of a demonstrated financial hardship. Although the committee is sympathetic to this idea it became evident at the public hearing and afterwards that there's no clear language as to what would actually constitute a financial hardship. The committee has not received any information on this matter since the time of the public hearing. The Transportation Committee asks for your support on the motion Inexpedient to Legislate on Senate Bill 562-FN. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

SPECIAL ORDER

Without objection, the following bill is special ordered to 5 o'clock. Adopted.

FINANCE
SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program.

SB 585-FN, authorizing the New Hampshire Breast Cancer Coalition to issue decals for multi-use decal plates.
Ought to Pass, Vote 4-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move Senate Bill 585 Ought to Pass. This bill authorizes the New Hampshire Breast Cancer Coalition to issue decals for multi-use decal plates. It is likely that nearly everyone here knows someone whose life has been affected by breast cancer. The mission of the New Hampshire Breast Cancer Coalition is to support patients here in New Hampshire who are being treated for breast cancer. This legislation would help to provide income for the coalition to provide services and assistance to women in the state, stemming from the breast cancer diagnosis. Since there are several pieces of legislation this session that deal with decals for multi-use decal plates, some of which need amendments in order to be passed into law properly. A subsequent motion will be offered that I hope each of you can support. All members of the Transportation Committee asks for your support in the motion of Ought to Pass on Senate Bill 585-FN. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted.

Senator Birdsell moved to Lay on the Table SB 585-FN. Adopted.

WAYS AND MEANS
SB 563-FN, establishing a recovery friendly workplace initiatives tax credit against business taxes administered by the community development finance authority.
Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Senate Ways and Means
February 21, 2018
2018-0787s
05/04

Amendment to SB 563-FN

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

1 New Paragraph; Community Development Finance Authority; Recovery Friendly Workplace Initiatives Tax Credit. Amend RSA 162-L:4 by inserting after paragraph I the following new paragraph:

I-a. The authority shall dedicate the contributions received pursuant to RSA 162-L:10, I-a exclusively to investing or lending to nonprofit organizations that deliver recovery friendly workplace programs. Such contributions shall not exceed $1,000,000 in any state fiscal year. In this section, "recovery friendly workplace programs" means programs that educate employers in evidence-based practices that reduce substance misuse in the workplace and create work environments that are conducive to enabling persons in addiction and mental health recovery to sustain and re-enter the workforce as productive members of society. Such programs shall include the training of all employees, including specialized training for human resources personnel, and shall be consistent with Substance Abuse and Mental Health Services Administration (SAMHSA) standards. The term "recovery friendly workplace programs" also includes the propagation of public awareness and information that supports health and safety for employees, while promoting active community engagement that will assist in reducing the negative impact of unaddressed substance misuse and untreated mental health. On or by September 30, 2020, the authority shall make public on its website and provide a report to the governor, the president of the senate, and the speaker of the house of representatives concerning the effectiveness of the recovery friendly workplace initiatives tax credit, including, but not limited to, how many workers in recovery were attracted to and retained in the workforce.

2 New Paragraph: Community Development Finance Authority; Recovery Friendly Workplace Initiatives Tax Credit. Amend RSA 162-L:10 by inserting after paragraph I the following new paragraph:

I-a. A recovery friendly workplace initiatives tax credit equal to up to 75 percent of the contribution made during the period of July 1, 2018 through June 30, 2020 shall be allowed against any of the following individually or in combination:

(a) Taxes imposed by RSA 77-A.

(b) Taxes imposed by RSA 400-A.
(c) Taxes imposed by RSA 77-E.

3 Community Development Finance Authority; New Investment Tax Credit; Annual Limit. Amend RSA 162-L:10, IV(b) to read as follows:

(b) Contributions received by the authority for which credit is to be taken shall not exceed [~~$5,000,000~~] ***$6,000,000*** in any state fiscal year. Contributions received by the authority in excess of [~~$5,000,000~~] ***$6,000,000*** in any state fiscal year shall not be eligible for credit in such fiscal year but may be carried forward to the next succeeding fiscal year or years and shall be given priority in determining the total contributions eligible for credit in such fiscal year.

4 New Paragraph; Business Profits Tax; Recovery Friendly Workplace Initiatives Tax Credit. Amend RSA 77-A:5 by inserting after paragraph XV the following new paragraph:

XVI. The recovery friendly workplace initiatives tax credit as computed in RSA 162-L:10, I-a.

5 New Section; Business Enterprise Tax; Recovery Friendly Workplace Initiatives Tax Credit. Amend RSA 77-E by inserting after section 3-d the following new section:

77-E:3-e Recovery Friendly Workplace Initiatives Tax Credit. The recovery friendly workplace initiatives tax credit, as computed in RSA 162-L:10, I-a, shall be allowed against the tax due under this chapter.

6 Applicability. The tax credits authorized in this act shall apply to tax years beginning on and after January 1, 2019.

7 Effective Date. This act shall take effect July 1, 2018.

2018-0787s

AMENDED ANALYSIS

This bill establishes a credit against the business profits tax and the business enterprise tax for donations made to the community development finance authority for recovery friendly workplace initiatives.

SENATOR SANBORN: Thank you, Mister President. Mister President, I move Senate Bill 563 Ought to Pass with Amendment. This bill establishes a tax credit against the business profits tax and the business enterprise tax for donations made to the Community Development Finance Authority, the CDFA, for recovery friendly workplace initiatives. This bill comes as one of the agenda priorities of the Governor who has truly led a great effort on this and discussed it last week in the Executive Council chambers, where he is trying to bring forth new and innovative ways to make sure that we find better solutions, more effective solutions and solutions that work into our fight on the opioid crisis. As we know today there is a stigma against being in recovery. There is a stigma against people who are struggling with the opioid crisis. What this bill would do is to allow businesses to make donations to the CDFA, which would then give grants back to recovery organizations and businesses to help them set up employee assistance programs, to help them market and bring forward ways that businesses themselves could let people know that they are open, welcoming and accepting of those that are in recovery. This would be the first type of program that has in America where we will find a way to actually let people know that we recognize the struggles that they've had and we're there to help them out. Mister President, I commend this bill to the body, would ask for its support as amended. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9
Sen. Giuda, Dist 2
Sen. Daniels, Dist 11
Sen. D'Allesandro, Dist 20
Sen. Feltes, Dist 15
February 26, 2018
2018-0846s
10/01

Floor Amendment to SB 563-FN

Amend the introductory paragraph of RSA 162-L:10, I-a as inserted by section 2 of the bill by replacing it with the following:

I-a. A recovery friendly workplace initiatives tax credit equal to up to 75 percent of the contribution made during the period of July 1, 2018 through June 30, 2020 may be carried forward for no more than 5 succeeding tax years and shall be allowed against any of the following individually or in combination:

Amend the bill by replacing section 7 with the following:

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

SENATOR SANBORN: Thank you, Mister President. Mister President and members of the body, what this amendment does is provide us as indicated a 75 percent tax credit on contributions made between July 1, 2018 July 30, 2020 so the program would sunset but would allow a carry forward of no more than five succeeding tax periods, which would be allowed to use the money either individually or in combination. So essentially what this amendment does is again reaffirm a two year sunset and a five year tail of which the money could be appropriated. All of us; Sanborn, Giuda, Daniels, D'Allesandro and Feltes ask for your support for the amendment. Thank you, Mister President.

(The Chair recognized Senator Kahn for a question of Senator Sanborn.)

SENATOR KAHN: Thank you, Mister President. Thank you, Senator, for taking the question. The amendment just for my, for the spreadsheet, that I'm just trying to keep track of all the credits and reductions and tax collections that we're on an annual basis reducing, doesn't change from $1 million in the previously approved amendment, under your amendment?

SENATOR SANBORN: Yes, correct. Thank you very much, and I apologize I neglected to say this is an up to a $1 million total contribution level. Stays the same.

SENATOR KAHN: Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: I just want to speak to this bill and say that while I understand the need to address the opioid crisis in the workplace and that this bill is very well-intentioned, I'm a little disappointed that the businesses aren't able to step forward on their own and provide these services and these treatments. Thank you.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 587-L, relative to the collection of fees for public parking facilities. Inexpedient to Legislate, Vote 3-1. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. Mister President, I move Senate Bill 587 Inexpedient to Legislate. This bill sought to allow the city of Concord to collect an additional motor vehicle registration fee which is a process we allow in two other cities in New Hampshire today, that we have provided the authority for them to actually make a surcharge on the people's local registration. So, this bill would have sought to allow the city of Concord to collect this additional motor vehicle registration fee in order to help pay for the construction, operation and maintenance of its parking facilities. A majority of the committee did not support enabling a city to raise fees on vehicle registrations for its residents who might not use the parking facilities. In addition, we heard testimony that the city of Concord recently amended its parking fees and it looks to get a 50 percent increase from $2 million in total revenue to $3 million in total revenue, just on their increased cost of parking fees. Members of the committee felt that they should be able to use that money to better manage their parking facilities. Now all that being said, I think it's important for this body to note that today the state of New Hampshire, many members in this body, many members across the way, even the Governor down one step actually has use of parking facility, of parking meters free of charge from the city. We did have discussions within our committee as to whether or not there should be an annual appropriation back to the city of Concord to compensate them for the lack of parking revenue, and it's something that this body might want to consider at a future time. So, with that Mister President, I commit to the body of Inexpedient to Legislate on Senate Bill 587.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much Mister President. Mister President, this body has voted to enable some increases with respect to car registration across our municipalities. Everybody here has done that for the most part voted for enabling legislation. This is enabling legislation for one community, Concord. Enabling, the republican principle of local control Mister President. The Jeffersonian principle of local control. Let the people of Concord debate and discuss whether or not to do this. The representation that they're going to increase fees another million dollars is false. What's going on here, despite the fact that I don't support increasing car registration fees, I do support the city of Concord making its own determination in the debate and discussion about car registration fees. Local control; I support it, the majority of Ways and Means does not. I ask you to vote no on ITL. Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise against the impending motion of Inexpedient to Legislate. You know as a body we're supposed to listen to the people that we represent. When the mayor of a city comes before us and says that the people that I represent would like to see the population number reduced from 50,000 to 40,000 so that this action can take place, it seems to me that we as a representative body should honor what the locals request. They didn't say initiate a tax, they didn't say initiate this or initiate that, what they asked for was the authority to manage their city as they see fit. And guess what; they were elected by the people of that city. Parking is the issue. We have the authority in Manchester to do what we needed to do with regard to parking. We are the largest city in the state, we have a population of 100,000. The law says at 50,000 and above you can make this decision locally. This request by the city of Concord is to be given the authority to make a local decision. The mayor said that Concord has reduced impact fees to make it more acceptable for business and industry to come to the city. They've reduced impact fees. They asked permission to make a decision. That's all, just to make a decision. The town budget person came. They clearly articulated the rationale for this decision and they asked us as they have in the past to grant them this option.

Now we just talked about money, we talked about taking 1.4 million out of the turnpike authority to build a barrier. These people are asking us for permission to create a situation where they may have an opportunity to increase a fee that they desire. That's going to make their community better. How in God's world can we refuse this? How can we refuse giving people an opportunity to make a decision? Isn't that the decision making process? Didn't Aristotle talk about that? Huh? In Athens when we had public discussion? The Athenian concept of the decision making process? Pericles thought about it. But hear in Concord, we can't think about, we can't allow people to make decisions on their own when they come to us and ask. Madonn'! What are we doing here? Where is representative democracy at this point in time? When people ask us, ask us to give them the authority to enter into the decision making process. My colleague in District 24 an academician. What about this? Is this the Socratic method, Senator? It may well be the Socratic method, why don't we introduce it to the Senate? If it was good enough for Socrates it's good enough for me. So why in God's world don't we say, hey you want to make this decision, you make this decision? You will let the people of Concord who elected you, hold you responsible for the decision making process. Is that not the American way? I just think that this is one we all, we have discussions here every time abut spending money, yet we say to people that they can't make the decision on their own to do what they want with the money that they raise. There's an inconsistency here. Let's be consistent, let's be consistent. Thank you, Mister President.

(The Chair recognized Senator Gannon for a question of Senator Feltes.)

SENATOR GIUDA: Thank you, Mister President. Thank you, Senator, for taking my question. Is there anything in the charter or in the bylaws or in the laws of the city of Concord, I come from a town but not a city, that would prevent the city council from putting a ballot initiative forward, to see if the voters would support a $1 tax or a $5 or in this case as much as $151 tax on a vehicle?

SENATOR FELTES: Thank you very much Senator Giuda. Concord's a city, cities operate under charters, towns operate differently. Concord is a city.

SENATOR GIUDA: My question was is there anything in the charter or in the rules or the laws of the city that prevent the city council from holding a referendum or putting some sort of a ballot measure forward to request authority to put taxes on their citizens?

SENATOR FELTES: Senator Giuda, what you're suggesting is a change to state law to enable–cities.

SENATOR GIUDA: I don't need an education, a yes or no would suffice, they can't do that, is that true?

SENATOR FELTES: Well the answer to your question is you're suggesting a change to state law which would enable cities to go out for referendums on specific decisions. Now that would be a dramatic departure from how we've approached municipal law. So, if you have that amendment, I'm happy to debate it, I think a lot of people would vote no on it.

SENATOR GIUDA: I still don't understand. Is there anything that prevents the city of Concord from asking its citizens whether they want to put another tax on their vehicles?

SENATOR FELTES: Yes. State law.

SENATOR GIUDA: Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I apologize, I did not say this before. Based upon our current ethics laws which you know I think penalize the business community, I am a taxpayer in the city of Concord, so therefore I feel compelled I must stand up and declare that this bill may or may not have an effect on me, although I do not own or register any vehicles in this town, and that said my position to speak.

I hear my friend from District 20, although I did not ask him how long he's been debating with Socrates, I do understand he's been debating for a long time. And what I heard from him say is ask us, the mayor came in and said ask us. Well, my good friend from Manchester, I did ask, because I am a business owner on Main Street. I talk to people from this community every single day. I've talked to members of the business community, I've talked to residents, I've talked to employees, I've talked to members of some of the leading advocacy organizations in this community. Not a single one of them said they supported this initiative. Not one that I spoke to. I got phone calls from the business community, I got phone calls from local residents. I got phone calls as much on this one as any bill that I have seen. People talk in this town all the time about the challenges in the past ten years, this community has had on taxes. I will tell you in full disclosure, in 2011 this town raised one of my building property taxes by 11 percent. The next year they raised it by 59 percent. Across the board tax increases. This is a city which knows if it needs to raise money, my good friend from District number 15, or my friend from District 2, has the ability to put into a budget, just like we put into our budget. If they feel they need more money, on and above the 50 percent increase they laid down this year, just on parking fines, they have that ability.

Now Mister President, I'm not here to beat up on the mayor and the people of the city, they are great people. And for the record one of the only communities in this state that this past year actually eliminated a bunch of fees and I commend them for that. I pay some of those fees. I'm very, very thankful that the city of Concord finally recognized it wanted to be more competitive and eliminated a bunch of fees Mister President, I am thankful for that. But this isn't a question as to whether or not the city of Concord has the right to raise its budget to spend more money. This is a question of whether or not the state of New Hampshire is going to give them the right to go make an increased new higher fee on every resident's car. So, us voting this bill down on an Inexpedient to Legislate basis, does not stop the city of Concord from being able to go out and raise other funds to manage, fix, repair or add additions to its parking facilities as we see they're doing one right behind you Mister President. This is only a question of funding source, not their right to fund it. So again, I would ask the body to stick with the committee on Inexpedient to Legislate measure. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Briefly, I'm not going to comment on the disputes the Senator from Bedford has with the city of Concord, I will say that in terms of the suggestion of a 50 percent increase, that's inaccurate. That's not based in fact. I'll also say this is enabling legislation; Nashua has it, the authority, Manchester has the authority. Nashua debated it and discussed it and adjusted their budgets elsewhere to deal with parking maintenance and parking garages. Manchester debated it and discussed it and they exercised their option under this. So, the city council voted 15-0 to authorize this to come to the Statehouse to enable that discussion and debate. I filed the legislation to enable the discussion and debate. Could the outcome be like Nashua? It could. Could it be like Manchester? It could too. I don't know. But let's allow the city of Concord to have that debate and discussion. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Sanborn, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

ADDENDUM REGULAR CALENDAR

COMMERCE
SB 317-FN, relative to veterans' preference in public employment.
Interim Study, Vote 3-1. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. Mister President, I move Senate Bill 317 to Interim Study. Mister President, our veterans make up about 10 percent of our state's population and we all support them and those who have always fought for our freedom. We know that, I think about a year ago, we passed a bill in this body to make sure that the state of New Hampshire showed preferential treatment for our veterans in municipal employment. What this bill would do is to just say if they were not given that opportunity for a job that the employees at the state of New Hampshire Mister President, would have to go find them other opportunities within the system and although we believe that is a worthwhile cause and something that maybe we should discuss, there are ramifications and potential liabilities about whether or not an employee at the state of New Hampshire would have the responsibility, and to what extent, to actually go find other opportunities if they lost that specific job itself. So, Mister President, this might send us down a slippery slope. As employers we need to hire employees who are best qualified for position offered, not because they fall into a different, certain category of people. And this bill would cause a burden to the state in having to find a new way and a new opportunity and bring that forward and we think it's something that would need further study. So please join the Commerce Committee in voting SB 317 to Interim Study. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to speak against the Interim Study motion and will ask the body to turn down that motion so a subsequent motion can be made. This bill was filed because I was getting feedback from veterans across the state. That yes, we did file and we did pass legislation that gave veterans preference in state employment but most of that was predicated upon them taking some sort of an exam. There are very few state jobs that require any type of an exam. So, what I did was I worked to the Department of Administrative Services and the department, they're the ones that came up with this language. This is not an imposition, and in fact if you look at the legislation, it says the explanation shall include information for the veteran or disabled veteran regarding other public employer positions within the hiring agency for which the veteran or disabled veteran may be qualified to apply. No one is being required to find somebody another job. It is just giving them information about additional jobs. This is something that the Department of Administrative Services felt was within their purview, and something that they could do without any additional cost. So again, Mister President, I stand and ask the body to support our state's veterans as they come back from serving overseas to give them preference in employment here in New Hampshire. Thank you very much, Mister President.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I too rise in opposition to the committee report. The Senator from District 9 said this could possibly be a slippery slope. I think it's one we should take. We have as the Senator from District 14 said, this is not giving anybody a handout or causing any more imposition to a group of people or anyone in the state. This just gives an added boost to what our veterans are seeking. And so, I hope you will overturn the committee report so that we can have another disposition. Thank you.

(The Chair recognized Senator Daniels for a question of Senator Carson.)

SENATOR DANIELS: Could you tell me if the Department of Employment Security has on their list of open positions those that are public positions?

SENATOR CARSON: I'm sorry Senator, I can't answer that question. I don't know.

SENATOR DANIELS: Would you believe that the Department of Employment Security gives preferential treatment to veterans to begin with?

SENATOR CARSON: Yes, I would believe that.

SENATOR DANIELS: Thank you.

(The Chair recognized Senator Giuda for a question of Senator Carson.)

SENATOR GIUDA: Senator, as I'm reading the language in this bill, it states that upon written request to the veteran or disabled veteran that a department shall provide an explanation of its decision.

SENATOR CARSON: Yes.

SENATOR GIUDA: Are you aware that that's illegal in the private sector?

SENATOR CARSON: Thank you very much for your question Senator. Since this language came from the Department of Administrative Services, I would imagine that they would have already looked at this and discussed this. At no point in time was there ever any discussion about anything being illegal or unconstitutional.

SENATOR GIUDA: It is a well-established principle that a person seeking employment is not entitled to an explanation of why they are refused in the private sector.

SENATOR CARSON: Thank you.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. In reading the language actually the information that a public employer in the language it says a public employer does not, that does not appoint a veteran or disabled veteran to a vacant position shall upon written request, so that's already in language. That's already in law. The only thing that's new is that the explanation shall include information on the veteran or disabled veteran regarding public employer positions. So, all they're adding to it is a list of the positions that if veteran is available, or that are available to the veteran. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study.

A roll call was requested by Senator Carson, seconded by Senator Sanborn.

The following Senators voted Yes: Sanborn, Daniels.

The following Senators voted No: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

Roll Call, Yeas: 2 - Nays: 22. Failed.

Senator Carson moved Ought to Pass.

A roll call was requested by Senator Sanborn, seconded by Senator Avard.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted.

COMMERCE
SB 318, amending the prohibitions on youth employment.

SB 351, relative to managed care programs under workers' compensation. Ought to Pass with Amendment, Vote 4-0. Senator Innis for the committee.

Commerce
March 6, 2018
2018-0975s
01/06

Amendment to SB 351

Amend the bill by replacing section 1 with the following:

1 Workers' Compensation; Managed Care Programs. Amend RSA 281-A:23-a, V to read as follows:

V. Every managed care program shall include a sufficient number of injury management facilitators, including resident injury management facilitators, who shall be qualified by reason of education, training, and experience to manage the injured employee's medical, hospital and remedial care, vocational rehabilitation, modified duty, and return to work plans. An injury management facilitator shall work with the injured employee, employer, and medical, hospital and other providers to ensure that the injured employee receives effective, timely, and appropriate services in order to achieve maximum medical improvement and an expeditious return to work. Any person [~~employed~~] ***operating*** as an injury management facilitator [~~by~~] ***in conjunction with*** a managed care program ***under this section*** shall be approved by the commissioner with ratification by the workers' compensation advisory council. The commissioner shall, in consultation with the advisory council, by rule determine the number of facilitators which shall be sufficient.

2018-0975s

AMENDED ANALYSIS

This bill clarifies the qualifications of an injury management facilitator affiliated with managed care programs under workers' compensation.

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass with Amendment on Senate Bill 351. This bill is relative to managed care programs under workers' compensation and requires approval of injury management facilitators by the Commissioner of Labor with ratification by the Workers' Compensation Advisory Council. The bill takes current practice from Rules and puts them in statute, giving the department clarification. The committee amendment changes the word employed to operating to clarify the issue for those contracted employees. Please join the Commerce Committee in voting Senate Bill 351 Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 422, relative to advance notice of work schedules.
Inexpedient to Legislate, Vote 2-2. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Inexpedient to Legislate on Senate Bill 422. The bill requires an employer to give fourteen days advance notice to work schedules to its employees which would be a burden on the business community such as the hospitality industry and the health care industry. Both of these industries rely on their employees to be flexible based on the amount of work required. This bill imposes penalties on an employer for making changes to the schedule with less than two weeks' notice. It allows for changes to the schedule for unforeseen circumstances, which is not defined in the bill or anywhere in statute. Please join the committee in voting Senate Bill 422 Inexpedient to Legislate. Thank you, Mister President.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I rise in opposition to that foolish recommendation of ITL from this committee. I ask this body to overturn that recommendation so I can bring forward an amendment that makes this a really good bill. So please follow with me Mister President, in opposing the ITL. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much. I too rise in opposition to this bill and on behalf of all of the working women in this state, and recognizing that it is International Women's Day and how important it is for women to be able to have some control over their schedules going forward, and not to say that men don't need that too, but we do have carrying a lot of unpredictable obligations as parents so both men and women should be able when they're working in certain jobs to be able to be able to plan. That's all this bill is about and I would urge you to turn down the Inexpedient to Legislate and join with Senator French who will address some of the concerns that were raised in the hearing and provide us with a bill going forward that will work to give to our employees within a reasonable amount of time advance notice about their schedules. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, first I rise as a business owner and based upon our current ethics laws which you know are punitive against business owners anyway, clearly as a business owner I may or may not have result as effect of this legislation, I'm still participating and to my dear friend and my respected colleague from Senate District number 21, I speak for every single employer in this state that we do not care if you're a man, if you're a woman, if you're tall, if you're short, if you're red, black, blue, brown, green, skinny, or fat. We care that you get up every morning, that you go to the bathroom, that you shower, that you show up. We treat everyone equally. And every time as an employer I hear some suggestion from anybody that suggests that the business community is preferential toward one person over another, it does make me upset. Because our community, our business owners in this state do not behave that way. As it relates to this bill, specifically this is a question as to whether or not you, every one of us in this room, want to financially punish, because that's what the bill does, any business that changes its schedule for its employees.

This bill requires that every business put a fourteen-day schedule out, and if there's a deviation from that, there's a penalty for it. Is that what we've come to at this point? How does a florist manage rain? How does a golf course manage the potential for rain? How does a restaurant manage the Red Sox going to game six but not game seven? Or the Patriots or the Celtics or the Bruins? How does any business know fully two weeks out every single person it needs on every single hour and then we're going to punish them if they deviate from that? Now what this is bill does not fair and doesn't say if an employee doesn't show up for work when they're scheduled that they get punished. I don't think they should, for the record. We need, we need to begin to trust the business community.

I would like to think that our economy, our state, our future, everything we do around here should at least give some deferential recognition to the fact that people try hard, business owners try hard, they have a good moral code, they have a good ethical code, they try to do the right thing every day. But they are so darn frustrated that this body, that side and this side, are standing them up against the wall every day and pinning back their ears. The single most important social program we could ever create in this state, that would solve virtually every single problem we have, is making sure people have a good job. Making sure people have a good job. And you can't be pro-job if you're not pro-business. Week after week after week we see bills come running through this body, come running through that body that tells the business community that we don't trust them, we don't think they're doing a good job, we think they're making too much money we don't think they're doing this, we don't think they're doing that. What right do we have to continue to penalize people who are just trying to do the right thing?

Ladies and gentlemen, I hope you make a very clear statement in this and recognize the fact that it's not our job to micromanage every little business. It is not our job to sit there and tell some business owner that if they didn't get their schedule done on Monday, that they're going to have to pay a fine. That's not what we're about. It's not who we are. Please ladies and gentlemen, support the ITL.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Who we are is a state that values work and we value family and we value the proposition you shouldn't have to choose between the two if at all possible. Some reasonable advance notice of your work schedule allows you to plan your life, your family's life. Childcare; big issue in the state. If you're not able to figure out what your schedule is and may be a part time worker and you have childcare responsibilities, that's a cost to you and your family. If you have to change your schedule and you have to put your kid into childcare on a certain day when it wasn't already scheduled. Many cases that's an enhanced fee. If you have to take your kid out of childcare on short notice, you're still paying childcare, you're still paying it. That's a cost to working families, you want to talk about cost, that's a huge cost to working families. You want to talk about cost; caregivers. Caregivers who set up schedules, many cases have to schedule at least a few days in advance working with caretakers, in many cases working with children with disabilities, seniors with impairments. Want talk about cost, hospital costs, appointments, not incredibly easy to just switch a hospital appointment around at a moment's notice. There's a reason why the National Women's Law Center and every other group in the state working on this issue supports this bill. I'm not ecstatic about Senator French's amendment coming up, but I support it. And it is seven days which what Senator from Bedford said he provides in terms of notice to his employees. So, what's the burden? Seven days' notice on your work schedule? I think it's reasonable. And there's a big exemption for unforeseen circumstances so if we want to give some value to the notion, the value of work and the value of family and the value of not choosing between the two of them if at all possible. We'll vote down ITL and take up Senator French's amendment. Thank you very much, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Feltes.)

SENATOR FULLER CLARK: Senator Feltes, would you agree with me that what we heard in the testimony was that the majority of workers in the state who are paid hourly are women and that would be why I raise that issue, not because saying that businesses are treating male individuals differently than women individuals but that because we have such a high percentage of women who are hourly workers. Is that not of concern?

SENATOR FELTES: Absolutely Senator Fuller Clark. This is an issue that disproportionately affects low wage workers, especially in certain sectors and those low wage workers, many case part-time workers are disproportionately women and those working women in our state don't have the kind of reliance of some reasonable advance notice to plan their lives and their children's lives. And so, I think Senator Fuller Clark, your remarks are well taken especially on International Women's Day. Thank you.

(The Chair recognized Senator Innis for a question of Senator Feltes.)

SENATOR INNIS: Thank you Senator for taking my question. It's a simple one. Unforeseen circumstances. Can you help me to understand what that might mean? In hospitality, whether is that an unforeseen circumstance, if all of a sudden guests don't show because they can't get there?

SENATOR FELTES: Thank you very much, Senator Innis. The answer would be yes, and another example that we had discussed in your committee was the issue of for example, you own a business in Laconia. Well, if you were to own a business in Laconia, for example it would not be an unforeseen circumstance in terms of the uptick during bike week. So that's an example of what's not an unforeseen circumstance. But things like weather related, supply chain abruptly goes out, that kind of stiff is unforeseen circumstances. Thank you very much.

SENATOR INNIS: Thank you for taking the question.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Feltes, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda, Bradley, Gray, Ward, Sanborn, Daniels, Avard, Reagan, Birdsell, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, French, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Bradley moved to Lay on the Table.

A roll call was requested by Senator Soucy, seconded by Senator Feltes.

The following Senators voted Yes: Giuda, Bradley, Gray, Ward, Sanborn, Daniels, Avard, Reagan, Birdsell, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, French, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator French moved Ought to Pass.

Senator French offered a Floor Amendment.

Sen. French, Dist 7
March 7, 2018
2018-1002s
04/08

Floor Amendment to SB 422

Amend RSA 275:37-c, I as inserted by section 3 of the bill by replacing it with the following:

I. Employers shall provide hourly paid employees notice of the employees' work schedule at least 7 days in advance of any pay period.

Amend RSA 275:37-c as inserted by section 3 of the bill by inserting after paragraph IV the following new paragraph:

V. This section shall not apply to any employer with fewer than 15 employees.

2018-1002s

AMENDED ANALYSIS

This bill requires an employer with 15 or more employees to give advance notice of work schedules to its employees.

SENATOR FRENCH: Thank you, Mister President. I'd like to offer amendment 1002s, which changes this from fourteen days advance notice to seven. And it only applies to employers employing fewer than fifteen employees. I did not realize when this came forward that everyone didn't get seven days' notice. I thought everyone knew what they were going to, when they were going to be working the following week. So, it came to a surprise to me that they didn't. It surprised me that the lowest paid individuals in the state, the hourly workers, most of them are the lowest paid, don't know if they're going to be working next Wednesday or not. So, for those of us who say to these people, get two jobs, they can't get two jobs because they don't know if they're working next Wednesday until it gets to be Wednesday. So therefore, I'm bringing this forward, I think it's good legislation, I think we should support it and I really do believe seven days is not that much to ask. Thank you, Mister President.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise in support of this amendment. While I don't think it's absolutely the best, we hear often that compromise is who hurts most and right now I think we need to make a compromise. I think that this bill looks out for both segments, the employer and the employee, and in terms of just one example, in terms of childcare. Who is childcare most responsibility of? The woman. If a man got less than a week's notice or less or even more, he would say, okay to whomever his significant other might be or the woman that is in charge of your children. We need to do something about childcare. Well the woman definitely, you know, that's your job, and it's just the reality of the situation. So, I think that this bill as I said it before, is a compromise in terms of giving the employer some needed time if he has to change a schedule, and also giving the employee the needed time if she or he has to change their schedule. So, I urge you to pass this and let's do something to help out women on International Women's Day. Thank you.

(The Chair recognized Senator Sanborn for a question of Senator French.)

SENATOR SANBORN: Senator French, thanks for taking my question. So, your amendment if tied to the bill if it passes, specifically states requirements of this section shall not apply when regular operations of the employer are suspended due to circumstances beyond the employers control. Could you define that for me please?

SENATOR FRENCH: No, that's why we have courts. Which part?

SENATOR SANBORN: The question that I asked.

SENATOR FRENCH: Repeat your question, please. I wasn't following you here.

SENATOR SANBORN: The language specifically says that the requirements of this section shall not apply when regular operations of the employer are suspended due to circumstances beyond the employer's control.

SENATOR FRENCH: I would think in case of a fire or destroying of the building or weather.

SENATOR SANBORN: Rain?

SENATOR FRENCH: Weather, weather. I would say that would be part of it.

SENATOR SANBORN: So, if I understand you right, you're saying because it might rain or for other business because the sun might come out, because some businesses rely on rain and some business rely on sun, that just for the fact that the sun comes up and comes down and it rains or doesn't rain on any given day, that itself would be an extenuating circumstance?

SENATOR FRENCH: I would believe it would be.

SENATOR SANBORN: So explain to me Senator how if you want to put an amendment that says you want to require the business community to force people to make a schedule, but it doesn't have effect because the circumstances are that it might rain or might not rain which is the sun might come or the sun might not come up, would circumvent the need for it?

SENATOR FRENCH: The event would go on I'm sure, the day you planned the day, it may not be as successful, you may not have the same turn out, so then you may ask employees to leave. At which time you would owe them two hours pay. Because you booked their time, you've asked them to come and now you're releasing them with a penalty of two hours. Two hours.

SENATOR SANBORN: Senator, just to let you know the two hour minimum is in a much different place in law and it actually exists in law, and I'm asking you questions about the bill and the bill also says that no employer shall retaliate against any employee because the employee has exercised or may exercise his or her rights under this section. Could you describe what those rights are?

SENATOR FRENCH: That would be if you asked them to come in tomorrow and they couldn't, you couldn't retaliate against them for not being able to show up to work on a one day's notice.

SENATOR SANBORN: But Senator my understanding is this is a bill that requires a schedule. So, this isn't about asking someone if they would or would not show up or regardless if they wanted because you're suggesting the passage of your amendment that it requires a schedule.

SENATOR FRENCH: It requires a seven-day schedule and then if you needed additional employees to show up on a lesser time schedule, they could say no.

SENATOR SANBORN: So, Senator, you're acknowledging the fact that if an employer needs employees to show up…

SENATOR FRENCH: Needs.

SENATOR SANBORN: Needs. That with passage of this bill, that the employees don't show up and there's no need for them to show up.

SENATOR FRENCH: If they are unable to show up, because most hourly people will show up reasonably because they enjoy working for you. There are times when they can't, so they have the right to say no, I can't get sitting, no I have a doctor's appointment, no my father needs to be taken someplace.

SENATOR SANBORN: Thank you, Senator

President Pro Tempore Carson presiding.

(The Chair recognized Senator Morse.)

SENATOR MORSE: Thank you, Madam President. I would like to declare a conflict. I am a business owner and I certainly have more than fifteen employees. This bill has nothing to do with schedules and seven days and fifteen days. Nothing. This bill has everything to do with telling a person how to run their business. Because unlike some Senator's I believe I am helping every employee that I have in some way. I honestly believe my wife and I try our damnedest to make sure that those people have a good life. But I also am that kind of human that believes every businessman is trying to do that. Every businesswoman is trying to do that.

I honestly believe they know in order to retain employees that they have to. So, it isn't about whether or not you want to tell me today about schedules seven days ahead of time and whether or not I have to forecast the weather or anything like that. It's nothing to do with that. Because what's next? What is next that you're going to tell me to do to help my employees? Were you there at the meeting in November when I gave a bonus? Seven managers, brought them all in, said you know what, it's a good year. I'm going to do it ahead of time so that you can enjoy your holiday season. You weren't there. You didn't make the decision. You didn't have to listen to my wife afterward saying what are you doing. This is the reality. It's my business and I honestly believe I do it right. And I'm offended that you're trying to tell me I'm doing it wrong, because that's exactly what you're doing by debating this legislation. You're basically telling every business person. And I can tell you whether or not you own a business that you rent to people or you put materials up. You have a neighbor that owns a small plumbing company. You have a neighbor that owns a small lawn mowing company that has fifteen employees and every one of them when they hear about this debate, because we weren't organized enough to work against this, are going to say what are you doing? It's hard enough for me to get up in the morning and make a living. And now you want to tell me how to run my business. So, what is it tomorrow, Senator? What are you going to tell me to do tomorrow? Because that's the challenge we have right here today. It's not about this bill. It's about what's coming next. This government has spent a whole year of trying to eliminate stuff that just makes it burdensome on us as employers. That's what they've done. There's committees that come here and meet to look over what we passed over the years in rules to make sure that we eliminate it. Why? Because we're trying to drive the economy in New Hampshire, not drive people out of the economy. That's what this state's about. And we're sitting here debating a piece of legislation to tell the businessperson how they're going to function. I'm one of them. But I'm one of fifty some thousand businesses that are small. But bigger than fifteen. And you're starting with this. I can't wait to see what you propose next. Because you talk about a slippery slope? You're on it. Thank you, Madam President.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: I would like to move that we special order Senate Bill 313 to the conclusion of this debate. Thank you.

SPECIAL ORDER

Without objection, SB 313-FN is special ordered to after SB 422. Adopted.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Madam President. I took a look at the bill and it says seven days prior to the start of the pay period. Pay period is a very important word there, because if my pay period is one week or if my pay period is two weeks and normally an employee that we're talking about here wouldn't be longer than that but could be. That if I am going to have him work on the 13^{th} of the month and that was a Thursday, and that my pay period starts at midnight Sunday the 9^{th}, that the notification has to go out on the 1^{st}, which is Saturday. Probably has to go out the day before. That is clearly you know thirteen days before the person may work if they're a person that we just bring in on Thursday, Friday and Saturday. And if it's a two week pay period it gets worse. So just the way the bill is and assuming a one week pay period, that I'm actually notifying a pay period ahead of the pay period they're going to work that they're you know and then they're actually going to do the work the next pay period makes an awful lot of problems. Down to the shipyard, I know we've got more than fifteen employees down at the shipyard, but these same things come up when you're talking about overtime. And right now, as far as I know it hasn't changed, it's forty-eight hours' notice before you're going to require somebody to work overtime. Okay? Something like that, a number of hours or a number of something would make a lot more sense than x number of days before the pay period starts, because I don't know about you, but when Renata and my wife get done with my calendar, I don't know what I'm doing the day after tomorrow. Okay? So after trying to put the numbers down in a little chart here, it just doesn't make sense to me. Thank you.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Madam President. I'm truly sorry that this has gotten to be personal. I don't believe that this is a bill or a discussion that is about the good employer versus the bad employee or the good employee versus the bad employer. Senator Morse, I honest to God wish I had worked for a million of you who treated your employees with dignity, with courtesy and with respect. My career for good or bad, might have been a whole lot different. On the other hand, I think this is about treating employee and employer with the respect that you would demand or hope to get from a partner, from a spouse, from anyone that you would spend forty to fifty hours a week with. I believe that's all this is. There are realities that people deal with in that you need a certain number of days or hours or whatever to have your children taken care of. To perhaps get a ride if you don't have your own transportation. So, there are logistical problems that everybody deals with, employer or employee. And I see this as just trying to illuminate both sides that there is an issue here and that both sides should be treated with respect. I don't see it as a slippery slope. I know that again, in my working career if I had been treated many times like a person, that's all I wanted. I wasn't going to go asking you for flowers every Wednesday, a free lunch you know here and there, don't tell me how to wear my hair, don't tell me you know what kind of makeup I should wear, etcetera. I believe this is just about common courtesy. And so, I do hope we will take it out of the personal realm because I believe most employers want to do the right thing by their employees or else, they're not going to have them as workers. And I believe that most employees want to work hard, they need to work hard and it's for their own dignity that they do so. So, I hope that you will take it again, out of the realm of personal and just vote for this bill with the compromise amendment that Senator French has proposed. Thank you.

Without objection, Senator Woodburn moved the question. Adopted.

(The Chair recognized Senator Avard for a question of Senator French.)

SENATOR AVARD: Thank you for taking my question, Senator. Just with regards to individuals that work on per diem or if somebody's needed because a contract came through and they needed them right then and there and they weren't notified in time. Would this affect them?

SENATOR FRENCH: Per diem workers? This is hourly workers. So, in which way would affect them? You could call on them, I believe, and if they want to come in, they can, you can't retaliate against them if they choose not to.

SENATOR AVARD: Thank you for answering the question.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator French.

The following Senators voted Yes: Woodburn, Watters, Hennessey, French, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, Ward, Sanborn, Daniels, Avard, Reagan, Birdsell, Morse, Gannon, Innis, Carson.

Roll Call, Yeas: 11 - Nays: 13. Failed.

Senator Bradley moved to Lay on the Table.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Reagan, Birdsell, Morse, Gannon, Innis, Carson.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

President Morse presiding.

Recess. Out of recess.

FINANCE
SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program.
Ought to Pass with Amendment, Vote 10-1. Senator Bradley for the committee.

Senate Finance
March 6, 2018
2018-0984s
01/03

Amendment to SB 313-FN

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

AN ACT reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds.

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

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

CHAPTER 126-AA
NEW HAMPSHIRE GRANITE ADVANTAGE HEALTH CARE PROGRAM

126-AA:1 Definitions. In this chapter:

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

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

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

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

V. "Remainder amount" means, for the 6-month period between January 1, 2019 and June 30, 2019 and for each single identified fiscal year thereafter for any authorized period of the granite advantage health care program, the cost of the program, including administrative costs attributable to the program, less the amount of revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV, less all federal reimbursement for the program that period or fiscal year, including federal reimbursement for administrative costs attributable to the program, and taxes attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under this chapter, consistent with RSA 400-A:32, III(b).

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

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

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

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

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

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

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

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

(A) Appropriate use of emergency departments relative to low acuity non-emergent visits.

(B) Reduction in preventable admissions and 30-day hospital readmission for all causes.

(C) Timeliness of prenatal care and reductions in neonatal abstinence births.

(D) Timeliness of follow-up after a mental illness or substance use disorder admission.

(E) Reduction of polypharmacy resulting in drug interaction harm.

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

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

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

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

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

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

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

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

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

(1) Unsubsidized employment, including nonprofit organizations.

(2) Subsidized private sector employment.

(3) Subsidized public sector employment.

(4) On-the-job training.

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

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

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

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

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

(10) Community service or public service.

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

(12) Participation in substance use disorder treatment.

(b) If an individual in a family receiving benefits under this paragraph refuses to engage in work or community engagement activities required in accordance with this subparagraph, the assistance shall be terminated. The commissioner shall adopt rules under RSA 541-A to determine good cause and other exceptions to termination. An individual may apply for good cause exemptions which shall include, at a minimum, the following verified circumstances:

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

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

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

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

(c) This subparagraph shall only apply to those considered, able-bodied adults as described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42 U.S.C. section 1396a(a)(10)(A)(i). In this subparagraph, "childless" means an adult who does not live with a dependent child which includes a child under 19 years of age or under 20 years of age if the child is a full-time student in a secondary school or the equivalent.

(d) This subparagraph shall not apply to:

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

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

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

(4) A parent or caretaker of a dependent child under 13 years of age or a child with developmental disabilities who is residing with the parent or caretaker.

(5) Pregnant women.

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

(7) Beneficiaries who are identified as medically frail, under 42 C.F.R section 440.315(f), and as defined in the alternative benefit plan in the state plan.

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

(e) The commissioner shall adopt rules under RSA 541-A pertaining to the community engagement requirement. Those rules shall be consistent with the terms and conditions of any waiver issued by the Centers for Medicare and Medicaid Services for the program and shall address, at a minimum, the following:

(1) Enrollment, suspension, and disenrollment procedures in the program.

(2) Verification of compliance with community engagement activities.

(3) Verification of exemptions from participation.

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

(5) Good cause exemptions.

(6) Education and training of enrollees.

IV. The commissioner shall implement the work and community engagement requirement under paragraph III beginning January 1, 2019 in accordance with the terms and conditions of any waiver approved by CMS. Verification of qualifying activities, exemptions, and enrollee status shall be accomplished in the following manner:

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

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

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

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

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

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

VIII. Any person receiving benefits from the program shall be responsible for providing information regarding his or her change in status or eligibility, including current contact information. The commissioner shall adopt rules, under RSA 541-A, pertaining to the opportunity to cure and for re-activation following noncompliance.

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

I. There is hereby established the New Hampshire granite advantage health care trust fund which shall be accounted for distinctly and separately from all other funds and shall be non-interest bearing. The fund shall be administered by the commissioner and shall be used solely to provide coverage for the newly eligible Medicaid population as provided for under RSA 126-AA:2, and to pay for the administrative costs for the program. The commissioner may accept any gifts, grants, donations, or other funding from any source and shall deposit all such revenue received into the fund. No state general fund appropriations shall be deposited into the fund. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of the fund. The fund shall be authorized to pay and/or reimburse the cost of medical services and cost-effective related services, including without limitation, capitation payments to managed care organizations.

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

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

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

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

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

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

V. On or before September 30, the commissioner shall calculate the estimated final remainder amount for the 6-month period between January 1, 2019 and June 30, 2019. On or before September 30 of each subsequent year, the commissioner shall calculate the estimated final remainder amount for the prior fiscal year. If the actual remainder amount is greater than the prior calculated estimated remainder for any fiscal year, the difference shall be retained in the trust fund and shall be used in the calculation of future estimated remainder amounts.

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

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

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

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

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

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the minority party.

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

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

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

(6) A representative of a hospital that operates in New Hampshire, appointed by the speaker of the house of representatives.

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

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

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

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

(11) A licensed physician, appointed by the governor.

(12) A licensed mental health professional, appointed by the governor.

(13) A licensed substance use disorder professional, appointed by the governor.

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

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

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

II.(a) The commission shall evaluate the effectiveness and future of the program. Specifically the commission shall:

(1) Review the program's financial metrics.

(2) Review the program's product offerings.

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

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

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

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

(7) Review the granite workforce pilot program.

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

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

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

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

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

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

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

IV. The commission shall make an interim report on or before December 1, 2020 and a final report together with its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2022.

126-AA:5 Evaluation Report Required.

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

(a) Provide accountability to patients and the overall program.

(b) Ensure that patients are making informed decisions in carrying out health care choices and utilizing the most appropriate level of care.

(c) Ensure that the use of incentives, the loss of incentives, cost transparency, and reference based pricing have been effective in lowering costs.

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

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

3 Granite Workforce; Pilot Program Established.

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

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

(a) In a household with an income up to 138 percent of the federal poverty level; and

(b) Parents aged 18 through 64 with a child under age 18 in the household;

(c) Noncustodial parents aged 18 through 64 with a child under the age of 18; or

(d) Childless adults between 18 and less than 25 years of age.

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

IV. Except as otherwise provided in paragraph II regarding program eligibility, administrative rules governing the New Hampshire employment program, adopted under RSA 541-A as chapter He-W 600, shall apply to the Granite Workforce pilot program.

4 Granite Workforce; Subsidies for Employers.

I. Upon placement of a participant into a paying job and receiving verification of employment and wages from the employer, the department of employment security shall pay the employer a subsidy of $2,000.

II. After at least 3 full months of the continued employment of the participant and receiving verification of the continued employment and wages from the employer, the department of employment security shall pay the employer a second subsidy of $2,000.

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

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

6 Network of Education and Training.

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

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

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

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

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

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

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

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

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

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

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

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

8 Reporting Requirement; Measurement of Outcomes.

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

(a) Degree of participation.

(b) Progress with overcoming barriers.

(c) Entry into employment.

(d) Job retention.

(e) Earnings gain.

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

(g) Health insurance coverage provider.

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

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

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

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

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

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

(d) [~~For the period of January 1, 2017 through December 31, 2018,~~] An amount not to exceed [~~50 percent of the remainder amount, as de-~~

~~fined in RSA 126-A:5-c, I(b), less the amount made available to the program pursuant to RSA 404-G:11, VI. The association shall transfer all amounts collected pursuant to this subparagraph and the amount made available to the program pursuant to RSA 404-G:11, VI to the New Hampshire health protection trust fund, established pursuant to RSA 126-A:5-b~~] ***the lesser of the remainder amount or the amount of revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV and taxes attributable to premiums written for medical and other medical-related services for the newly eligible Medicaid population, as defined in RSA 126-AA:1, V***.

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

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

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

III. [~~3.4~~] ***Five*** percent of the previous fiscal year gross profits derived by the commission from the sale of liquor shall be deposited into the alcohol abuse prevention and treatment fund established by RSA 176-A:1. For the purpose of this section, gross profit shall be defined as total operating revenue minus the cost of sales and services as presented in the state of New Hampshire comprehensive annual financial report, statement of revenues, expenses, and changes in net position for proprietary funds.

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

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

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

III. Moneys ***received from all other sources other than the liquor commission pursuant to RSA 176:16, III*** shall be disbursed from the fund upon the authorization of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery established pursuant to RSA 12-J:1. Funds disbursed shall be used for alcohol and other drug abuse prevention, treatment, and recovery services, and other purposes related to the duties of the commission under RSA 12-J:3.

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

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

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

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

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

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

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

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

(a) Based on the annual statement filed in such year by each insurer under RSA 400-A:31, RSA 420-A:20, RSA 420-B:9, RSA 420-F:9, or other financial statement filed under RSA 415-E:11, the commissioner shall ascertain each insurer's amount of gross direct premiums written, including policy, membership and other fees, service charges, policy dividends applied in payment for insurance, and all other considerations for insurance originating from policies covering property, subjects, or risks located, resident or to be performed in New Hampshire after deducting return premiums and dividends actually returned or credited to policyholders. The premium for Medicaid managed care coverage provided by a health carrier contracting with the department of health and human services under RSA 126-A:5, XIX shall not be included in an insurer's assessable premium, except where that coverage is provided through the purchase of insurance coverage pursuant to the [~~marketplace premium assistance program under RSA 126-A:5, XXV, or through the health insurance premium payment program under RSA 126-A:5, XXIII~~] ***New Hampshire granite advantage health care program under RSA 126-AA***. If any such insurer does not otherwise timely provide the commissioner with the information necessary for such ascertainment, it shall do so on or before May 1 of each year.

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

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

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

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

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

22 Repeals. The following are repealed:

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

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

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

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

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

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

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

23 Effective Date.

I. Paragraph II of section 22 of this act shall take effect December 1, 2022.

II. Paragraphs III and VII of section 22 of this act shall take effect December 31, 2023.

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

IV. RSA 126-AA:2, II(b) as inserted by section 1 of this act shall take effect as provided in section 20 of this act.

V. Section 3-8 of this act shall take effect January 1, 2019.

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

2018-0984s

AMENDED ANALYSIS

This bill:

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

II. Establishes the granite workforce pilot program.

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

SENATOR BRADLEY: Thank you very much, Mister President. I would like to, since this is such a big piece of legislation, start right out by thanking a lot of people that have worked long and hard on this legislation. In particular saluting the chairman of the Finance Committee who ran a great process of the joint committee through a long, long, long hearing and three long work sessions. Very gracious, very good job. I'd also like to thank, where is she? Yes, our trusty Chief of Staff, not only does she work all day long but nights and weekends and is a tribute to all of us in the Senate. I'd like to thank the boss. Normally Senator Morse doesn't want to get as involved in policy as he's getting in this bill but there are a couple of numbers in here Mister President, so we're keeping you on track too but thank you for all the hard work that you've done. Commissioner Meyers, the Department of Health and Human Services commissioner as well as the new Director of Medicaid, Henry Lipman, an awful lot of people who are up in the gallery and people all across the state that came and testified for the hearing. It's been a long process, it's been a lot of work. Senator Carson, Senator Feltes and myself and the commission. This has been a good bipartisan bicameral effort to get to the place that we're at.

Senate Bill 313 has a lot of reform in it. Good reform. It also has a lot of constants in it. Here are the things that stay the same from our past efforts. No new taxes, no new fees, no general funds. Section 11 of the bill makes it very clear as we've done in the past, if federal funds fall below the expected level, the program ends after a six month wind-down and we continue with the sole purpose trust so that funds can't be mingled for other purposes. So the constant is New Hampshire taxpayers are protected. But at the same time we have significant reforms in this bill.

The commission that my friend from Londonderry, my friend form Concord and I and many others recommended a move to manage care. And we do that and change from the current process of premium assistance for several reasons. There will be significant taxpayer savings, both state taxpayers and federal taxpayers. The actuary of the Department of Health and Human Services estimated perhaps as much as a $200 million savings. But we also take the suggestion of our friend from Bedford, who made it very clear on this floor last spring that we should be thinking about moving the premium assistance population into managed care to stabilize the individual market. That will happen under this legislation. But we also have for patients, continuity of care with a ninety day continuation of any preauthorization, as well as case management provisions to help people as they transfer off to other insurance if they are income ineligible.

Perhaps one of the things that has been least talked about in this bill are the wellness incentives. Incentives for patients, and incentives for the managed care companies so that we push people to the appropriate level of care. There are an awful lot of things that people should be using, walk in clinics for as opposed to emergency rooms. This legislation will create a structure of incentives similar to what the Compass program does for the appropriate level of care.

Funding has always been a conundrum. What we do in this bill is significant. We continue with the existing funding sources, the premium tax attributable to Medicaid and transfers from the high risk pool and additionally we use 5 percent of the gross profits from the liquor fund. I would argue that is very appropriate. First of all it will be 5 percent funded, a goal that a lot of us have had for a long time and because this program is so important to substance abuse, I believe it's only logical to use those revenues to fund the state's share.

There is a work requirement in this bill. But it's a work requirement that's been worked on in a bipartisan way, not everybody always agreeing, but I think we've gotten to a place that people will have an opportunity to fulfill their work requirement with any number of qualifying conditions, but for those that can't fulfill a work requirement there are good cause exemptions and there are outright exemptions, for instance somebody who is under the purview of the Americans With Disabilities Act. We also have a pilot program that goes back to Senator Avard's bill of last year that was an initiative of former Governor Hassan's called Granite Workforce; a six month pilot program using $3 million of TANF funds, not general funds, TANF funds to help people transition back into the workforce. Something I think all of us think is important. It's a pilot program that will track results. There is another commission created and yes, Senator Morse has told me that if this bill passes, I might be on it again. And so those are the main pieces of this legislation.

So the question becomes why are we doing it? First of all, it's been successful. Over 50,000 people, our friends and our neighbors now have care as a result of the effort that was done by a group of six of us in this very chamber. Our friend from Manchester, the Senate President, myself, Senator Larsen, Senator Gilmour, who am I forgetting, oh, how could I forget, Senator Odell. And that bipartisan effort created the four year initiative that we have. And I would argue it's been very successful. We have a healthier workforce as a result, something important to the business community, and continued prosperity. We have reduced uncompensated care, which is a hidden tax on each and every one of us with private insurance. It just gets folded into private insurance rates when people without insurance that have fallen through the cracks of the Affordable Care Act, they don't qualify for traditional Medicaid and they don't qualify for subsidies on the exchange, end up at the emergency room. We have reduced that and that has helped keep a lid on rising health care costs until the last year when the individual market did explode and we're forced to do what we're doing in this bill, by moving people into managed care.

And lastly, I was struck at the hearing, as I think all eleven of us probably were that sat on the joint committee, with the number of people who testified as to how it had impacted their life in a positive way, people from all over the state came to Concord and said what it meant to them. But one of the statistics that I find particularly compelling is that of the 50,000 plus or minus people that are consistently enrolled in Medicaid, only 15,000 of them have been on the program since its inception, of the 130,000 people that have been on it at one time or another. To me, that's success. As their lives have changed as their lives have improved, exactly what we want to see happen, they have transitioned off of this helping hand into other forms of insurance. That's success and that's why we should re-authorize this. I ask for your support for the committee amendment, there will be I think a couple of other amendments, there will be a technical amendment that myself and Senator D'Allesandro have sponsored to fix an omission in the bill. But thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise in opposition to the motion of Ought to Pass with Amendment and I do so for three primary reasons; Medicaid, the nation's largest social program has expanded far beyond its original intent of helping some people with limited income and resources. The Affordable Care Act, or as we know it as Obamacare, significantly expanded both eligibility for and federal funding of Medicaid. Under the expansion law as written, all U.S. citizens and legal residents with incomes up to 133 percent of the poverty line, including adults without dependent children would qualify for coverage in any state that participated in the Medicaid program. However the U.S. Supreme Court ruled in *National Federation of Independent Business versus Sibelius*, that states do not have to agree to this expansion in order to continue to receive previously established levels of Medicaid funding. New Hampshire chose the route of expansion and as a result we have contributed to the destruction of the original intent of Medicaid. Has expansion been successful? Some would say that it has because numbers of people have been forced to go on health care. I take a different view of the so-called success.

Why are we completely scrapping the Medicaid expansion program and re-writing it? The answer is, the past program, the past version failed. It failed the group market. It promised that additional resources from the Federal Government would result in a reduced or stabilized health insurance cost. They haven't seen that. It promised to help stabilize the individual marketplace, it had just the opposite effect. Placing a pool of people whose claims cost 44 percent higher into the individual marketplace has resulted in the individual marketplace being pushed into a debt spiral, resulting in a 52 percent increase in 2018. It has failed the taxpayers who have been paying at least $200 million per year more than they needed for this program. It has also failed the beneficiaries, forcing them into a program that has not moved them towards independence and self-sufficiency, but instead has created the disincentive to independence by causing them to have a loss if they increase their salaries, so that they no longer get the Medicaid funded health insurance. Finally it has failed the public, by having a program that is easily gamed by both providers and recipients. I say this to say that this program, what we're doing is being built upon a failed program. I can't stand here and tell you that we have reached, or when we will reach, the point of no return. But it's a point that should be understood and debated.

Secondly as legislators we're the ones responsible for drafting legislation and we should not abrogate that responsibility to the commissioner to define in rules. Rules are supposed to establish the process by which legislation we passed will be enacted, and not define specific tenets of the legislation itself. On page 4, line 25 in the work requirement section of this bill, of the amendment it states that a person can earn working credit toward the 100 hour requirement by performing community service. This term is not defined. Does this include community organizing or how about working in political parties? I was told that the commissioner would define that in rules. On page 7, line 9 it states that the wellness visit will include screening for unhealthy substance use. I question what unhealthy substance meant. I was told again that the commissioner would define that in rules. These are issues that are rightfully the responsibility of the legislature to define, yet with this bill we're abrogating that responsibility for these issues and I'm sure there are others.

Finally, most all federal programs come with strings attached, and Medicaid expansion is no different. In Senate Bill 313 we must maneuver around many issues dictated by the Federal Government. Some for which we are requesting waivers, some for which we won't bother to ask for waivers because we have already reached a pre-drawn conclusion that they would not be granted. What's right for New Hampshire is not necessarily the same solution as elsewhere in the country. Yet with this bill, we're putting ourselves in a box to the detriment of what we could do to help New Hampshire residents who need this assistance. And we are allowing the Federal Government to pull the strings, also to the detriment of our residents. Let us not forget that the Affordable Care Act and Medicaid expansion exists only because the largest tax increase in American history was thrust upon the American people in the form of a health care mandate. But we are also free to provide for our residents in an alternate way, that better suits their needs, if we have the willingness to do so. New Hampshire can and should do better. For that reason, and for those previously given I would respectfully ask you to overturn the committee recommendation so that an alternate motion can be brought forward. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

Recess. Out of recess.

A roll call was requested by Senator Avard, seconded by Senator Daniels.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda, French, Sanborn, Daniels, Avard, Birdsell.

Roll Call, Yeas: 18 - Nays: 6. Adopted.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
Sen. Woodburn, Dist 1
Sen. Watters, Dist 4
Sen. Hennessey, Dist 5
Sen. Kahn, Dist 10
Sen. Lasky, Dist 13
Sen. Cavanaugh, Dist 16
Rep. Soucy, Merr. 16
Sen. D'Allesandro, Dist 20
Sen. Fuller Clark, Dist 21
March 8, 2018
2018-1036s
03/10

Floor Amendment to SB 313-FN

Amend RSA 126-AA:3, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established the New Hampshire granite advantage health care trust fund which shall be accounted for distinctly and separately from all other funds and shall be non-interest bearing. The fund shall be administered by the commissioner and shall be used solely to provide coverage for the newly eligible Medicaid population as provided for under RSA 126-AA:2, and to pay for the administrative costs for the program. The commissioner may accept any gifts, grants, donations, or other funding from any source and shall deposit all such revenue received into the fund. No state general fund appropriations shall be deposited into the fund. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of the fund. The fund shall be authorized to pay and/or reimburse the cost of medical services and cost-effective related services, including without limitation, capitation payments to managed care organizations. An amount not to exceed $1,500,000 from the fund for the biennium ending June 30, 2019 may be used to reduce barriers to work for childless adults age 25 and older, consistent with the requirements of the Granite Workforce pilot program.

SENATOR FELTES: Thank you very much, Mister President. Mister President, one of the things that was built into this bill was a variation of Gateway to Work, now Granite Workforce with TANF funds of 3 million for the biennium ending June 30, 2019 to help people get to work, and to help people comply with the work and community engagement requirement. I think we all believe in what the Senator from District 11 said is providing a path to work and independence. However there's a gap in the assistance in the current legislation, that gap is for childless adults age twenty-five and older who cannot be assisted with the TANF money. So this amendment tries to remedy and fill that gap. So if you look at lines 13 through 15 of this amendment, it says an amount not to exceed 1.5 million from the fund for the biennium ending June 30, 2019 may be used to reduce barriers to work for childless adults age twenty-five and older, consistent with the requirements of the Granite Workforce pilot program. Mister President, we heard don't use general funds; this doesn't. It uses funds from the trust fund that can only be used for Medicaid purposes. We heard use a reasonable amount for this while we don't know how many people will need this assistance, we know that we're doing 3 million in TANF right now for the other buckets of the population and I think 1.5 million is a reasonable amount to be able to help start to address barriers to work and provide people on a pathway to work and independence and in compliance with the working community engagement requirement. And we think that in all likelihood this as a reasonable amount in light of the amount of money under this bill that will be in the trust fund for that period of time. So Mister President, we all believe in a work, we all believe I think to provide pathways to work and independence. That's what this does. It goes along with the policy of Granite Workforce and it fills that gap, and so I respectfully encourage folks to give favorable consideration to amendment 1036s. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Feltes.)

SENATOR FULLER CLARK: Senator Feltes, would you please explain what are the potential barriers to work that this $1.5 million might be able to help with, or what is essentially 80 percent of the individuals who are on Medicaid expansion? We're already helping the 20 percent through TANF but I would like to know what might these monies actually be needed and be used for.

SENATOR FELTES: Thank you very much, Senator Fuller Clark. The estimate of approximately 80 percent of the population is for folks ages twenty-five and greater. That's an approximate estimate. The TANF money can be used for folks that are in that age bracket who have kids, so it may not necessarily be 80 percent and that was an estimate to begin with. That being said, the type of barriers that people experience, especially in the job market that we have right now is the lack of skills training, the lack of child care assistance, the lack of transportation, sometimes there isn't public transportation in many parts of the state. And having access to transportation is very important and in some cases housing instability and homelessness, which is a huge barrier to work. In terms of child care, even our low income population who could qualify for the child care scholarship program oftentimes can't afford the cost share element of that, and it's just a little bit of help to afford the cost share, allows them the opportunity to go to work with their child in child care that's helpful for them, it's helpful for the kids and quite frankly it's helpful for all of us and it builds up our workforce, especially right now when we have a workforce that we need to attract people and fill up jobs with over 16,000 openings. Thank you very much.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I rise in opposition to the proposed Floor Amendment. It was debated in the joint Finance and HHS committee. But I do appreciate the spirit in which it's offered. Obviously, the Granite Workforce Initiative is new, it's a pilot program. One of the, or two of the things that the oversight commission will have to review is that pilot program and how well it's working as well, if you look on page 14 of your calendar about a third of the way down the page, number 9, the commission will have to review the number of people who are found ineligible or who are dropped from the rolls of the program because of the work requirement. So I think it's premature at this point to have this kind of an expenditure especially in light of if you look on page 10, what are the qualifying conditions for the work and community engagement requirements. Obviously, employment is one of those qualifying conditions, training, education, job search, vocational education, public service, community service or being a caregiver. Those are all qualifying conditions. There's a lot of ways that people can qualify including volunteerism, I did not mention and I forgot to do that, as well as participation in a substance abuse program. Those are the qualifying conditions and then good cause exemptions come under the next page or I'm sorry, the bottom of that same page, page 10, if for instance there's a death of a family member, or there's a life changing event, or someone is a victim of domestic violence, those would be good cause exemptions that one could apply for and then there are the outright exemptions as you turn over to page 11, obviously medical necessity is one of those, drug court participation, being a parent or a caregiver, if you have a dependent child under thirteen, if you're pregnant, ADA qualified or medically frail. Those are all exemptions. So I go through that in detail because I believe that the way this work and community engagement is structured, people will be able to qualify, there is this oversight committee that will have to look at the results of the pilot program and then if appropriate we may have the same debate at some point in time in the future. But I actually believe that with all of the qualifying conditions, the good cause exemptions and the exemptions virtually everybody is going to be able to qualify with the work and community engagement requirement and what we do is provide opportunities for people which is what I think we all believe in. So I ask the body to vote down this Floor Amendment.

(The Chair recognized Senator Gray for a question of Senator Feltes.)

SENATOR GRAY: In response to your answer to the Senator from District 21, there was quite a bit of mention about childcare and if I look at the amendment, lines 14 and 15 it says that it's limited to childless adults over age twenty-five. Could you rectify that for me so that I can understand your comment?

SENATOR FELTES: Sure. I appreciate that Senator Gray. Childless adults over the age of twenty-five. So you know that's a good point. I mean that won't be a barrier for a childless adult.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in support of the amendment. I think we can recognize there are people that reach an age group in their twenties that for whatever other reasons in their lives need a boost into the workforce. I don't think this is a lot of money, and it's not for an exhaustive period of time. I think we just need to recognize this is the hand up, this is the effort to try to help our fellows and women that need that kind of boost, and I think it's a reasonable step to take. It's not a lot of money. But getting people into the workforce is obviously a major priority of this piece of legislation and having something that provides the hand up for people twenty-five and older I think is worthy of our endorsement. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Avard, seconded by Senator Daniels.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9
March 8, 2018
2018-1030s
03/10

Floor Amendment to SB 313-FN

Amend RSA 126-AA:2, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) The commissioner shall apply for any necessary waivers and state plan amendments to implement a 2-year demonstration program beginning on January 1, 2019 to create the New Hampshire granite advantage health care program which shall be funded exclusively from non-general fund sources, including federal funds. The commissioner shall include in an application for the necessary waivers submitted to the Centers for Medicare and Medicaid Services (CMS) a waiver of the requirement to provide 90-day retroactive coverage. To receive coverage under the program, those individuals in the new adult group who are eligible for benefits shall choose coverage offered by one of the managed care organizations (MCOs) awarded contracts as vendors under Medicaid managed care, pursuant to RSA 126-A:5, XIX(a). The program shall make coverage available in a cost-effective manner and shall provide cost transparency measures, and ensure that patients are utilizing the most appropriate level of care. Cost effectiveness shall be achieved by offering cash incentives and other forms of incentives to be offered to the insured by choosing preferred lower cost medical providers. Loss of incentives shall also be employed. MCOs shall employ reference-based pricing, cost transparency, and the use of incentives and loss of incentives to the Medicaid and newly eligible population. For the purposes of this subparagraph, "reference-based pricing" means setting a maximum amount payable for certain medical procedures.

Amend RSA 126-AA:4, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The commission shall make an interim report on or before December 1, 2019 and a final report together with its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2020.

Amend paragraphs I and II of section 23 by replacing them with the following:

I. Paragraph II of section 22 of this act shall take effect December 1, 2020.

II. Paragraphs III and VII of section 22 of this act shall take effect December 31, 2020.

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise with an amendment that asks the body to consider whether or not this piece of legislation is going to go in perpetuity, because let me tell you we all know that five years around here is a lifetime or whether or not it should have a two year sunset like the last two pieces of legislation did. Mister President, I'll be talking about the bill in its final analysis later, but I want to talk specifically as to this amendment we have today. I think today fourteen states across America have brought forth legislation challenging the Affordable Care Act, now that the Federal Government has eliminated several mandates, requirements and taxes. There is barely a person in America with the exception of maybe a bunch of people in this room today who don't seem to recognize the fact that the Affordable Care Act is ending. It is unsustainable, it is unaffordable, the Federal Government is slowly and surely unwinding it and now fourteen states have come together to bring forth a lawsuit to challenge it and eliminated it. I would believe that that court case will be had before two years. No reason to wait five. In addition to that Mister President, I did hear a specific poll talk about the fact we've got to make this five years because God knows we don't want to vote on it again. Got to make it five years long because Lord knows we don't want to stand up and ask the question whether or not this is good policy. This is the biggest singular spending program other than traditional Medicaid, which has been around a lot longer than I have, that we have voted on every two years. Don't we have a responsibility to stand in front of the voters? Isn't that why we're here? The last thing we should be doing quite frankly is saying lets kick this can so far down the road because we're too afraid to stand up and ask the people to consider whether or not we should continue doing this. This is a program which Mister President, again I'll speak later on in my further remarks, that as my friend from District 11 said, financially failed in two years. That's why we're back here. Even if you support this, shouldn't there be some considerations as to whether or not we should look at it again. Or are we just going to put the kids in the boat and set sail. I'd recommend to the body that nothing in life is guaranteed, certainly not health care today. And if there are opportunities for us, we should maintain some level of frugality and the consistency and leave it up to us, the members of the body, to consider the legislation again. So again what this amendment does is it strikes out the five years and makes it two years and I would ask the body to support it and I'd ask for a roll call, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I think some of the reason that, there's several reasons, that we have proposed a five year authorization is that, we've known all along that in 2020 federal funding will be at the 90 percent level and how we deal with that has always been a question mark. I think we've answered that, and so the funding I believe is stable. That's the first reason. The second reason, and I think the most important reason, we talk in this room every time we're here about substance abuse. We're in the middle of a substance abuse crisis. And we also have spent a lot of time over the last year talking about the other health care crisis that we have; the mental health crisis. You know all of us voted last year for new initiatives that would have created what are known as designated receiving facility beds. They haven't happened because it's been hard to get the resources on an interim basis to do it. So with five years of predictability that this bill will give, it will give us a much better opportunity to deal with those twin problems of mental health and substance abuse. And if for no other reason, that we should have an authorization, it is because of that. We have got to understand that continuity, predictability, a known funding stream will help the mental health community and the substance abuse community provide the resources and the infrastructure that is vitally necessary to help New Hampshire move through this crisis, and that's the most important reason in my humble opinion for a five year authorization. Five years? I've been here a long time too. It's not perpetuity, it's five years. Thank you, Mister President. And I ask that we defeat the motion.

(The Chair recognized Senator Kahn for a question of Senator Bradley.)

SENATOR KAHN: Thank you for taking the question. Isn't it the case that insurance markets need stability in order to price themselves accurately to put a program together to have some assurance that whatever risk they're taking workforce-wise, information system-wise is worthy of that investment? If we're going to get the kind of savings that you predict, isn't that kind of stability needing to be greater than two years?

SENATOR BRADLEY: You know you make a great point. I didn't mention that before, but one thing that I think hasn't been said in the discussion so far is that by combining the two Medicaid pools if you will, expansion and traditional, we will create about a 180,000 person pool. That should enable us to bring in a third managed care provider, so greater competition and greater innovation I think will be the result of that and a five year predictability stream will help in that cause also.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator Avard.

The following Senators voted Yes: Giuda, French, Sanborn, Daniels, Avard.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

Roll Call, Yeas: 5 - Nays: 19. Failed.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2
March 7, 2018
2018-0998s
01/03

Floor Amendment to SB 313-FN

Amend RSA 126-AA:2, VII as inserted by section 1 of the bill by replacing it with the following:

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

SENATOR GIUDA: The current amendment that we're working on has in it language, and I quote, "for any person to be determined to be eligible and who's enrolled in the program, the managed care organization shall support the individual to arrange a wellness visit to his or her primary care provider…" Okay? Later it says, "Wellness visits shall include appropriate assessments of both physical and mental health including screening for depression, mood, suicidality and unhealthy substance abuse for the purpose of developing a health wellness and care plan." The language in the beginning of that clause is not a requirement to take a physical. Also the questionable definition of unhealthy substance abuse left to the definition of the commissioner. My amendment requires not as a point of eligibility, but once you're entered into the program, it requires any individual to take a physical, and within that physical, okay, to undergo if you will, tests for unhealthy or unlawful substance abuse. In the absence of this language we open the door to people who will use substances that are illegal, unhealthy, whichever term you'd like to use, and not be required to disclose that but can continue to get medical care, because the language is loose enough, okay, that they don't have to actually take a physical. And if you know about substance abuse, you know that many people that do it don't want to stop until they reach a point in their lives, okay, that they can get no deeper in depression or whatever the situation is. And so for this reason, okay I would ask you to consider and to vote for Floor Amendment 0998s to require a physical that would include drug screening, not as a point of eligibility, but as means to enable us to provide the very best plan of care for an individual's health. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I rise in opposition respectfully to amendment 0998s. Mandatory drug testing in public benefits has been ruled in a number of cases to be unconstitutional. So by adopting this amendment in my view we likely set the state on the path for litigation over something that's clearly unconstitutional at least in a number of other cases around the country and so I'd respectfully encourage a no vote on this amendment. Thank you very much, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: I would agree that drug screening as a condition of eligibility is unconstitutional. It is insane to think that providing a physical or requesting, not requiring a physical that would include screening for drugs is part of that physical, is unconstitutional. We're going to spend half a billion dollars on this bill, give or take. The taxpayers are fronting the money, we open the door to not enabling people to have to take a physical. So just come take the benefits, no I don't want your physical, the question was asked in the joint committee. What happens if an applicant, an eligible person refuses to take a physical? There is no answer. This opens the door to continued drug abuse and continued health care for that or any other condition, unless we close the language to require it, not as a condition of eligibility, but as a means to arrive at a better plan of care for the individual. Thank you, Mister President.

(The Chair recognized Senator Innis for a question of Senator Giuda.)

SENATOR INNIS: Thank you for taking my question. I'm struggling with the word unlawful, with substance use. Might someone find themselves in a position where he could be arrested for using certain substances or be at risk of some sort of penalty that isn't really what we want to happen. We want them to get better and get off of these things and be able to diagnose them appropriately.

SENATOR GIUDA: Thank you for your question, but I do know that HIPAA laws preclude the exposure of this information from health care providers to anyone and that includes law enforcement, unless they have a reason, okay, that this person is caught etcetera. For that purpose I would say no it doesn't expose them to any risk.

SENATOR INNIS: Thank you.

(The Chair recognized Senator Fuller Clark for a question of Senator Giuda.)

SENATOR FULLER CLARK: Thank you for taking my question. My question is once this screening has occurred, how will the information that is uncovered during this screening be used and would the result be that someone would be dropped from employment?

SENATOR GIUDA: The information for the screening purposes is just that. It's to develop a plan of care for the health of the individual. That information is protected by HIPAA, so there's really no relationship to the employer, okay, and so for that reason to provide the best possible care that we could, okay, we want to screen people for everything that could possibly be wrong and move them forward right into the opioid or into the substance abuse treatment program, which this allows a great loophole to develop.

SENATOR FULLER CLARK: Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I rise in opposition to the Floor Amendment. I do have to say to my friend from District 2, I appreciate the spirit in which you offer this Floor Amendment because I think you, like I think everybody that's in this room and everybody that's in the audience believes that we should be helping people to wellness. However I think the way that this is written when you talk about line 7, unlawful substance abuse would preclude potentially substance abuse treatment for lawful substances, alcohol being one. And I think in line 4 where you say the individual shall require to arrange a wellness visit so in order to get some kind of benefit, there's at least in my mind a question of how it impacts the eligibility. I know that's not your intent, but I absolutely do think it would lead to litigation and so for those reasons I ask the body to vote down this Floor Amendment. Thank you.

(The Chair recognized Senator Fuller Clark for a question of Senator Bradley.)

SENATOR FULLER CLARK: I thank you, Senator Bradley for taking my question. My concern is if this amendment were to pass and be included, would this jeopardize the entire legislation going forward with regard to waivers that we might be requesting from the Federal Government?

SENATOR BRADLEY: I don't know the answer to that question. So the answer to that question is it's an unknown and it could well jeopardize it and as I said before I think it could lead to litigation. I think our friend from Concord who is more learned on the law than I am believes it's definitely a problem. Let me describe sort of the process that VIII came into being. I approached providers about how we, because remember what I said, we want to give as many incentives as we could for wellness and preventative care, and early detection and screening so that people are avoiding lurching from emergency room to emergency room to emergency room and getting a continuity of care. And so we met with people in the mental health community, the medical community, the substance abuse community and worked with them on language that is not a mandate, which would clearly be a constitutional issue, but encourages that wellness that I think every one of us in this room want to see happen because it's the best for the individual and it's the best for the overall health care delivery system. But if we take it too far, there's clearly a litigation risk and clearly a CMS waiver risk. Thank you.

SENATOR FULLER CLARK: Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. With respect to the Senator from District 3's remarks about whether unlawful might preclude inclusion of alcohol, I would suggest that if line 7 also says unhealthy and excessive use of alcohol is definitely while not unlawful unless you're driving is unhealthy, and I think that would qualify to answer that question. With respect to waivers, it's pure speculation. As I said before, this is not a condition of eligibility, but once you're into the program, you should be required to take a physical, and that physical should include drug screening. If you don't, then people continue to get services while they're abusing the drugs, the very thing we're trying to help get them off of. And so for that reason I would ask you to please support my amendment.

(The Chair recognized Senator Woodburn for a question of Senator Giuda.)

SENATOR WOODBURN: Thank you, Senator for your comments and your amendment here. Just help me understand, I'm concerned about marijuana, medical and legal which is all the states around us including soon to be Canada to the north, as to whether, how you deal with that difference from state to state as well as those who can medically, who can use marijuana but on a federal level it's still remains to be an illegal substance. How would that be addressed here?

SENATOR GIUDA: I think that's an excellent question that does need to be addressed here. Before presenting a law that violates federal law, perhaps that's a question we need to answer, okay? Until the federal does change that law then we have a problem, and so we would come back and say we're just going to give a bye to that whole issue. Instead of addressing it and maybe asserting our rights as a state, and saying we're going to do this because we're spending taxpayer's money to help people and that loophole enables them to not get the help they might need.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Giuda, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Innis, Morse.

Roll Call, Yeas: 7 - Nays: 17. Failed.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
Sen. D'Allesandro, Dist 20
March 8, 2018
2018-1022s
01/03

Floor Amendment to SB 313-FN

Amend the bill by replacing section 10 with the following:

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

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

SENATOR BRADLEY: Thank you very much, I appreciate the support of my friend from Manchester on this amendment. In the drafting of section 10 which is on page 17 of the calendar, the last sentence was inadvertently left out which speaks to the transfer of all amounts collected pursuant to this sub-paragraph. We need to correct this drafting error and re-insert this sentence into section 10. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in support of Senate Bill 313 as amended. First of all, I want to thank the President of the Senate, the Majority Leader, Senator Feltes and everyone who had a hand in crafting this piece of legislation. Like any piece of legislation it's not perfect, but it's something that's needed and something that the people of the state of New Hampshire will appreciate. And every time we talk about one of these hot contested bills, I like to recall some things that affect me and my family and where I came from.

I am the son of two first generation Americans. My father's parents were born in Italy, my mother's parents were born in Italy. When they came to this country they had nothing, never mind insurance; insurance wasn't even a thing that they thought about. But they brought up a family and I believe I'm a product of the American dream. Had an incident when I was a kid, I was probably seven years of age, we didn't have any insurance. I had a terrible infection in my throat. That infection required surgery. But we didn't have any money, so where did I get that surgery? I got it on the kitchen table in our house, where they came and extracted my tonsils. Had a doctor who was a family doctor, Doctor Costanza, God rest his soul, took my tonsils out. There was no thing about hospital, there was no thing about insurance. I don't know how my father paid him. I really don't to this day. But I recognize the need that people have, and I recognize in my community where 7,000 people's lives were made better because this legislature and this Senate had the courage to come forward and create the New Hampshire Health Protection Act. They had the courage and fortitude to do that, 7,000 people in my district are helped, 53,000 people in the state of New Hampshire are helped, 130,000 people went through the process. The importance of this piece of legislation is so meaningful to every one of us and the people that we represent. So meaningful. We have crafted a way to deliver this service. It's innovative, it's creative and it's going to make a difference.

When we crafted the first piece of legislation, we had Peggy Gilmour and Bob Odell along with Senator Morse and Bradley, and put this thing together. It was not easy, it's not easy this time, but it's the right thing to do. And there is a time in your life when you have to say, what's the right thing to do and you take a risk when you do the right thing. But you do it for all of the right reasons. You know, as I say, I am the product of the American dream here. I never thought I'd be standing in the New Hampshire State Senate. I used to pinch myself on the ride home and say, Jeez, I'm a Senator. I'm a Senator, God, Jesus, how did I do it? Sister Nathaniel said I'd never get out of the eighth grade. But I'm a Senator, I represent the people of my district and I go home at night and my wife always wants more out of me, Mister President, she wants more. Why aren't I more concerned? I say I'm a little bit conservative at times, but we all try to do the right thing. And this is the right thing at the right time. And when you leave this place as we're all going to do some day, we're going to say oh listen we did some things that made the lives of people better. And as Senator Bradley says over and over again, perfection is something we strive for, but reasonableness is what we get. And that's what we have here, a reasonable piece of legislation that makes sense and is good for the people that we represent.

As I say, I'm a lucky, lucky guy. You know I'm a lucky guy. A lot of great things have happened in my life because people cared for me, people were concerned about me and people helped me, you know they helped me. They reached out and provided me with assistance that I think has made me a better person. So I ask my colleagues, let's votes for this piece of legislation and let's walk out of here tonight with a good feeling in our hearts in that we have done the right thing. We have done the right thing for people and that's what we're here for, to do good things for people. And as I say, the President's taking a risk. Did it four years ago, doing it again now. I commend you for that, alright? It's courage. Bradley, taking a risk, Feltes, taking a risk. But we all take risks. That's what life's all about and if you're not willing to do that, you can't make that next step forward.

So as I said, Ray Burton, God rest his soul, created the Committee to Do the Right Thing. I was a member of that committee. He brought me on as a baby, really back in the 1970s. I was a member of the Committee to Do the Right Thing. I ask each and every one of you tonight to join the Committee to Do the Right Thing and vote for this legislation. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I think this what the third time we've had this debate or fourth time, third time, I think? And only in a room like this, only in a room like this, can we burn $1 billion to save 100 million. Only in politics do people slap backs and shake hands and talk about what a great job we did to spend $1 billion for the celebration of saving $100 million. I don't think that dog hunts. I mean, look every single one of us, every single one of us I know and recognize wants to do the best thing we can for the people we represent. But we have to recognize we represent more than one people. We're supposed to represent everybody, not just the special interests, that show up with their hand out and in the government pocket.

Mister President, I am frustrated. I am frustrated that for the third time I've watched a bill that spends $400 million a year in a non-public hidden trust account that's never been disclosed to the people; that never allowed the opposite viewpoint to show up and participate. The only people that have been here are the people that get something from it or support it. That's how it's always been. That's not supposed to be how we do business here. Dozens and dozens and dozens of meetings year after year after year, third product in a row that only the people that support it showed up for, were invited to it or knew about it. And I can tell you why because I sit by the office where it happens.

Six people in this room have consistently voted against this legislation. All the groups, all this hard working middle class families that have seen their insurance go up by 50 percent. You know there's a very interesting article that came out last week in the *New York Times*, and I should have sent it to all of you to read. It was very interesting. A young woman named Gwen with her husband and their little baby and another young lady named Amelia. The *New York Times* article was very descriptive about how Gwen, her husband and their little baby lost their insurance. Each of them working full time jobs, busting their hump as hard as they possibly can only to lose their insurance that they were paying for. And all of the trials and tribulations and struggles that they went through as people who are actually trying to live independent lives in New Hampshire as middle class families, and they couldn't afford their insurance anymore. And then we had Amelia, the opera singer, knew full well how many hours she can work and stay on Medicaid expansion. Talks about in the article how she lives at home today, only works so many hours to make sure she's right on the cusp, to make sure she gets free insurance. It's not what we're supposed to be doing. That's not how this program is supposed to work but that's how this program does work. Because everyone's taking advantage of it to the best of their ability.

You know we talk on a regular basis, I hear people say throughout this entire debate, we're helping people, we're helping people, this is good for our society, this is good for the people of the state. But why is it we've never heard whether or not it's actually working? The number of people on a social program does not dictate its success. Is our society healthier? Have we spent less money for medical care? Have we done some sort of analysis of the 50,000 people to say they are healthier? Are they all getting physicals that my friend that Senate District 2 suggests that at some level some people should get? Are there less people addicted to opioids? Have we solved our opioid problem? The same thing I hear day after day after day and frankly many of us are frustrated. For those who sit there and advocate that only Medicaid expansion can solve our opioid problem. Only Medicaid expansion. The last time I checked it's been four years. We've now spent $2 billion and it doesn't look like it's winning. So maybe we need to start questioning, is this our response to it? Because I really question whether or not it is, because there's a lot of other things we can do.

You know we can't forget the fact that when all of this started, or likely maybe need to remind ourselves, that no one was without health care. The Federal Government is very clear, no one can be denied health care. If you are sick, if you get hurt, you show up to the emergency room and you get care. So when this thing first came up, we talked about the fact that, hey look, we think too many people are going to the emergency room, there's too much charitable and bad debt, too much uncompensated care which as many of us know how the state of New Hampshire taxpayers reimburse the medical community for giving away free care. But again we spend $450 million a year roughly, so about $1 billon on this program and uncompensated care went down like $100 million. That dog don't hunt.

This program has turned into a feel good legislation that doesn't have the teeth in it or the results that people expect that they're saving money. What it's done is virtually bankrupt the middle class that has to buy their own health insurance. What have we done for them? Nothing. If we spent half the amount of time trying to help the middle class, the real middle class, then ladies and gentlemen the real middle class works for a living, struggling every single day; 30, 40, 50, 60, $70,000 a year for a family of four and all we see is the cost of their health insurance go up, and we haven't done a lot about it. Look, we knew a year ago, a year ago this week I think, that health insurance costs were going to go up 50 percent. Now I am appreciative that this piece of legislation does look to go back and finally separate the two pools but we're already hearing that because it went up, it's not going to come back down any significant amount. So again we're leaving the middle class in this state left out to dry.

I want people to have access to health care. I want everyone to know that if they are sick, or they get hurt they can get the care to make them better. So much of this argument today is about you know if you're against Medicaid expansion you don't like people or you don't care about them, and I reject that. The problem is this is not a solution. This is not a solution that helps everybody. This is a political solution to help some. We have done precious little in eight years, or the four years we've been talking about this specific piece of legislation, to actually increase access and cut costs. Now I am very thankful the Senator from District 3 has joined me year after year after year to try and do things like making insurance available across state lines and I'm very thankful for his support, but as a body between this one and the one across the house, we continue not to get it done.

I'm someone that always says what's the problem? Can't we define the problem and if we know what the problem is, what are our potential solutions? As I mentioned before, the problem was never people did not have access to care if they needed it, because we know that existed. The problem for others is people want to have the security of insurance because they feel that getting care isn't the right thing. But have we sacrificed so much to the middle class that we've ended up hurting one group of people so much more than the other? Is this a win? Is this a win for Gwen and her husband and their kid? That they can't afford insurance anymore so we can give free health insurance to able bodied adults from eighteen to sixty-four who are not sick and don't have kids? We have to remember this is a program for able-bodied adults from eighteen to sixty-four who are not sick. And of course we have a program if you're sick. We have a program if you're poor. The qualification to get this program only means you're not working full-time. And last time I checked, we have the lowest unemployment rate in America. I don't know a single employee out there who isn't looking for someone to help. And the argument that well, they're not trained for the right job doesn't hold water as an employer because I know landscapers and plowers and shovelers and dishwashers and grocery stores are trying to find employees. But yet the rolls here have never come down. Four years in this program, we don't have any less people on it today than we started. Thirty-seven thousand people out of the 50,000 people actually had insurance when the program started. And yet they had the ability here to give up their current insurance to go get free insurance. And Mister President, I'm not sure that's what the American dream was supposed to be about.

Our job is to help people be everything they actually can be, our job is to create trampolines and not hammocks. If this program was truly a trampoline, why is it and the economy going like it's going today, that we still have in fact some would suggest, more people on today than we had two years ago? That by itself should tell us it's not working right. Now Mister President, I will give you credit and I always try to give you as much credit as I can, the fact that you guys are moving this over to traditional Medicaid should save us $400 million in the next budget. Because we're paying $661 per bellybutton per month for 50,000 people it was costing us just of $400 million. We move to managed care at $330 something per bellybutton per person for 50,000 people it's $200 million. So it is going to save money, and I'm thankful for that, because at the end of the day we have an obligation here to be, or at least to try to be conscious of how much money we're spending. But as my friend from District 11 talked about, this program has failed. It hasn't provided us the outcomes that we expect for it to have. It hasn't solved the problem that we're saying that it's going to solve. And how many more years, I think the number today is five more years we're going to spend trying to justify a program and its success with no benchmarks of how we get there. If this program's only going to lift people up, if this program's going to get people back on their feet, shouldn't there be some requirement that no one should be on it in five years? What is our measurement of success? That the same number of people are on it today that were on it five years ago? I wouldn't call that success.

Senators, we can do better than this and we do not have to do this program, because we know that not every state in America has done it. But yet we continue to have one of the worst opioid crises in America. We continue to have the highest cost of health insurance in America. We continue to have the highest cost of health care in America. So at what point do we have to ask ourselves, is what we're doing not working? So because of all of those reasons and more Mister President, I cannot support this legislation, because I do not think it solves the problem that others think that it does. I think there are other things we can do and should do that actually work for everybody and not just some. Thank you very much, Mister President.

(The Chair recognized Senator Hennessey for a question of Senator Feltes.)

SENATOR HENNESSEY: My question refers to the amendment at the very bottom of the first page, which and I'm wondering if you can give us a little more information about the conversations within the committee and with Commissioner Meyers about the ninety day retroactive coverage mentioned in that section, and why it's in the amendment?

SENATOR FELTES: Thank you very much, Senator Hennessey. You're correct that the amendment says that the commissioner shall include in an application for necessary waivers submitted to the Center for Medicare and Medicaid Services, CMS, waiver of the requirements provide ninety day retroactive coverage, unquote. That is in the amendment it was a subject of conversation and discussion at the public hearing and at one of our committees it was represented by Commissioner Meyers that this would cost approximately $2 million to the Department of Corrections, however we would save as a state approximately 2.4 million on our state share so there would be a net at the state level of $400,000 annually in benefits. Now I should note that that doesn't factor in county calculations.

SENATOR HENNESSEY: At the bottom of that page 2, line 30 to 33, my understanding is that a key recommendation of the MCOs and other care providers was prior authorization, and my question is whether ninety days is a reasonable time limit?

SENATOR FELTES: Thank you very much, Senator Hennessey. The bipartisan unanimous vote of the Medicaid expansion commission, chaired by the chair who's now the chair here too, part of the conditions of going to Medicaid managed care that was part of the recommendations of that commission was to have the MCOs honor prior authorizations and care plans so you take people in and take them as they are and honor for a reasonable period of time. The commission did not specify what would be the amount of time for the honoring the prior authorization and care plans. Obviously there are issues that may bubble up, surgeries may be scheduled out four or five months and we have auto-assignment in this bill and sometimes people may not know that they've been transferred over to an MCO and they may get hit potentially with paperwork about the prior authorization for that surgery or maybe another care plan or prescription plan, so this was a subject of debate and conversation and some concern in terms of continuity of care. However when this came up, Commissioner Meyers specifically noted on line 33 of page 2 of the amendment, that the words not less than ninety days, coupled with existing law authorize him, on a case by case basis, to extend those authorizations longer. If there are compelling circumstances and I think certainly a surgery scheduled out several months that has been priorly approved is one of them I think, some prescription drug plans and certainly opioid and substance misuse treatment programs are others. And I think the commissioner expressed that he will look carefully at that and extend those prior authorizations and care plans where it's needed and use his discretion to promote continuity of care. So with that representation from Commissioner Meyers, I am comfortable with that provision.

SENATOR HENNESSEY: Thank you.

(The Chair recognized Senator Fuller Clark for a question of Senator Feltes.)

SENATOR FULLER CLARK: Senator Feltes, I'm here to ask you with regard to the issue of the total package of this legislation, given how hard you and so many others have worked on it and brought it to where it is today, there still is the underlying concern that it could be punitive, and I would like you to answer that question to the best of your ability and also to explain with that concern why you came to the point where you felt that you could support it?

SENATOR FELTES: Thank you, Senator Fuller Clark. I came to the point of supporting this amendment in part based on the representations from the Majority Leader, the Senate President and Commissioner Meyers that this is not punitive, that it's not intended to kick people off of health insurance, that no one would lose health insurance through no fault of their own. That coupled with the provisions of the bill led me to a conclusion that I am comfortable with this amendment. I would add to that certainly the Senate President and the Senate Majority Leader have been leaders in talking about this and certainly in this context too, to the extent that anyone is kicked off of their health insurance, that just drives up uncompensated care. And that's not good for anyone, and certainly the Senate President has been a leader on that and made those comments in committee and certainly Commissioner Meyers has made representations to the effect that no one's going to lose coverage through no fault of their own, that's why we have those good cause exemptions and he's going to exercise his discretion wisely in light of the intent of this not to be punitive. Thank you, Senator Fuller Clark.

SENATOR FULLER CLARK: I'd also like you to answer the question which was raised during the committee hearings as to what happens if someone is found ineligible or are dropped from the program. What mechanisms are in place, what procedures exist so that those individuals at least have the right of appeal?

SENATOR FELTES: Thank you very much, Senator Fuller Clark for asking this question concerning appeals. There is language on the amendment on page 6, line 9 concerning the commissioner promulgating rules on enrollment, suspension and disenrollment procedures in the program. And you're right, we had a conversation in committee about this specifically and including potential due process concerns and we asked the commissioner would that rule-making process include rules for grievance procedures and appeals, and the continuation of benefits pending an appeal decision. And Commissioner Meyers said yes to all of those questions.

SENATOR FULLER CLARK: Thank you.

(The Chair recognized Senator Sanborn for a question of Senator Daniels.)

SENATOR SANBORN: Senator, thank you so much for taking my call I may have two if the President would allow. The first is knowing that nothing is free, this program at $330 some odd per member for among 50,000 people, 200 to $300 million a year. The Federal Government alternately requires us to pay $30 million of it. Now we've heard that we're to increase the take from the liquor fund from 3.7 to 5 percent; that clearly doesn't get us there. So on one hand I see that we're no longer going to use the money from the liquor fund for what we're using it for today, so we have to find some supplement to the budget there, but the same token requires more money than I've heard allocated. So if it does as the sponsor says, doesn't raise taxes, doesn't spend general fund money, doesn't raise fees, where's the money coming from?

SENATOR DANIELS: My understanding is the money will be coming from the alcohol fund, the high risk pool and the insurance premium tax.

SENATOR SANBORN: But aren't we already spending that money, today?

SENATOR DANIELS: I further understand that we would be requesting money from the Federal Government to replace what we're spending out of the liquor fund.

SENATOR SANBORN: Thank you. Has that been confirmed?

SENATOR DANIELS: I don't think anything's definite.

SENATOR SANBORN. Thank you very much, Sir. So under part of the work requirements, so of what would be an allowable twenty-five hours per week in work requirements, it says specifically in the legislation that what would qualify as work requirements is subsidized public sector employment. Is that to mean that we're going to create or have a government program where we're paying people twenty-five hours a week and we're to give them free insurance, because that's what it sounds like to me?

SENATOR DANIELS: I'd say that that was not discussed and maybe that will be defined by the commissioner just like some of the others.

SENATOR SANBORN: In addition to that, there's also provision here that talks about the fact that in order to get twenty-five hours a week, it would also be subsidized private sector employment. Is that meant to mean that we're creating another government program we're actually going to pay 50,000 people subsidized through private employers to give them twenty-five hours a week so we can give them free insurance?

SENATOR DANIELS: I do not know how that will work.

SENATOR SANBORN: Thank you, Sir. Thank you, Mister President.

(The Chair recognized Senator Kahn for a question of Senator Feltes.)

SENATOR KAHN: If, so I'm pleased to see on page 2, item e, that one of the things that I'm most concerned about is the workforce shortage, that there is for mental health delivery in the state. And this provision says that in order to combat the crisis facing New Hampshire, the department shall establish behavioral health rates sufficient to ensure access to and provider capacity for all behavioral health services. So given that we are recognizing a goal, I'm wondering in your deliberations, what the assurances were that we'll be able to monitor this, in fact improve the delivery of the services so that people needing care get it?

SENATOR FELTES: Thank you, Senator Kahn and Senator Kahn I know that you have been an advocate on making sure that we have the workforce there in mental health capacity, working on issues related to mental health along with everybody in this chamber, some of the issues as Senate Majority Leader mentioned, haven't gotten turned out quite how we would like, but this is an important component. And on the commission that released its report November 17, 2017, a bipartisan unanimous vote on that commission, part of the condition to move to Medicaid managed care was to make sure that we take care of behavioral health service rates. And certainly that's why this language was included. You're right the language says, sufficient to ensure access to and provider capacity for behavioral health services. Behavioral health services include not just substance misuse disorder but also mental health. That captures that, and I think it's also safe to assume based on the notion that the legislature doesn't pass superfluous words, that if we say behavioral health rates sufficient to ensure access to and provider capacity for all behavioral health services, that we need that, right now it's not sufficient to ensure to access to and provider capacity for all behavioral health services. And that recommendation on behavioral health, especially in light of the epidemic that we're in, and all the good work that people in this chamber, Senate President, Senate Majority Leader, everybody is trying to do, that was a key component of why a number of people on that commission voted for that recommendation to go to Medicaid managed care.

SENATOR KAHN: Thank you. In line with that, there is, and this has to do with the alcohol treatment fund and that is number 9 in the amendment and now the bill, I'm sorry, it's number 13. But that we are applying the alcohol and drug treatment fund to our Medicaid program and the justification for that has been made well by others, but if we're going to address mental health and substance use treatment, it's got to be as the Department of Health and Human Services has described, a community-based treatment. Community-based treatment is largely funded and initiated stimulated with the alcohol and drug treatment fund. Do we have some mechanism that's been suggested that's going to enable us to continue to stimulate those kinds of programs at the community level?

SENATOR FELTES: Thank you very much, Senator Kahn. I do agree with the Majority Leader that the use of the alcohol fund is a logical and reasonable nexus to Medicaid expansion in light of the fact that that fund helps so much with reducing and treatment, prevention and recovery efforts with respect to our substance misuse crisis in the state and the fact that Medicaid expansion is the single most effective way to combat that crisis as well. So yes, I believe it's a logical and reasonable nexus. To the second part of your question is, we have had in my view reasonable assurance from Commissioner Meyers that the alcohol fund will be back filled at 3.4 percent FY '19 and '20 and I'm comfortable with those assurances and I think as you know, Senator, the work of the commission is so important and so those back fills are so important for the work of the commission and I think the commissioner has testified at the public hearing and then has also testified in committee of the omnibus finance HHS committee about that plan and I'm comfortable with those level of assurances from the commissioner.

SENATOR KAHN: Thank you, Senator. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I don't want to stand in front of all that great food that's out there getting cold, and so I'll be a model of brevity. One being from the North Country I know how this program works and how it helps people. I thank you Mister President, and the Majority Leader, all the people who were involved in that and by saying food I think I'm losing my crowd. But that being said, being in the minority is not always easy, but I think on this issue I'm very, very proud of my ten minority colleagues. And we sent a letter at the beginning of this process setting some ideals and willing to be flexible and reasonable to work with the majority to get this done. And to put politics aside, focus on practical not ideological issues and to stand firm around our oath to be impartial and faithfully serve our constituencies. And in that letter that we sent to the Governor and to the leadership, we set forth the ideals that no eligible person should lose coverage and we're very proud that has happened. We wanted to make sure that we do not wreck the Medicaid and health care system that currently exists and I'm proud that this program does not do that. And third and final that this is a reliable funding source that will ensure that we will be able to do this in a way that's financially stable and we can look to the future. Thank you, Mister President. Look forward to voting on this and enjoying some dinner.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I rise in opposition of this bill. My vote will not say that I do not believe the 4 percent of the population that this helps don't need it. My daughter will be part of that 4 percent who will be taking advantage of this. But the individual marketplace has gone up so much that I have another group of friends that for the first time in their lives cannot afford health insurance and this year are going without it. These people, Laura, Charlie, Pearl, there's thousands of these people who no longer can afford health coverage that always had it. And it's directly related to bills like this that have driven up health care insurance costs. So that is why I will be a voice of protest when I vote no on this legislation. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Just briefly, folks had mentioned, colleague from Bedford had mentioned that everybody had access to health care before Medicaid expansion, but not everybody has. Everybody gets access to health care simply in an emergency room and that's not a cost effective way to provide health care. It drives up uncompensated care, hidden tax on everyone. I just want to tell briefly a story of someone named Nancy who lives here in Concord, has shown up at a number of the roundtables on this and wasn't at the public hearing, but told the story of her son who suffering from addiction, ended up losing his job and couldn't get help because he didn't have health insurance coverage. Can't get that kind of treatment in an emergency room. He got Medicaid expansion, he got treatment and he got better. And Nancy says it was a lifesaver for her son. Literally, a lifesaver. And now her son got well and he's got a job, and he's not on Medicaid expansion. That's one example of thousands of examples of how important this is. And the legislation, certainly not close to what I would have drafted on my own, but it is a reasonable piece of legislation, and I think it's time that we move it forward for the 50,000 Granite Stater's that need it and for people like Nancy and her son. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I realize time is of a great deal of importance and people are getting sick and tired of the nonsense that sometimes this happens and let me just say three things. If it weren't for the courage of legislators, we wouldn't have had civil rights. If it weren't for the courage of legislators, we wouldn't have had Medicaid. If it weren't for the courage of legislators, we wouldn't have had Medicare. Those turned this country around. If it weren't for the courage of legislators, we wouldn't have had social security, and people demeaned it in terms of discussions, but as a result of that we're better people, we're a better country and we're in better shape. This debate continues but let me just say, this is the ending of my iteration. It's the courage of your convictions that makes this country what it is. You've got to stand for something. No piece of legislation is perfect, but we as human beings do the best that we can. We know there are people in need, we live in the richest state in the United States; median family income is the highest in the country, the highest in the country. We have de minimis unemployment now, we have many, many positive things. This just helps us move that barrier a little further. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I'll rise quickly to and then speak directly to child welfare. As I've talked with the medical professionals in my region as to who is accessing health care through our Medicaid expansion program. They say over half are kids. I've heard HHS tell us that about half of our total served population is kids. I heard my colleague from District 7 say it's only 4 percent of our population but if it is half our kids, it is 15 percent of our youth population in the state. That's really significant. Kids without health care, kids without meals, kids need to be prepared for life. This is something that puts them on that path. Keeps them on that path. We need to help support our families. We've done a lot of things to do that. This bill also does that, this isn't just about mental health and wellness, this is about kids' welfare and our down streaming costs throughout their lifetime. This is a worthwhile investment in the name of families and children in this state. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I hadn't intended to speak but some of the comments that have been made I feel the need to respond to. I think that this is a very important piece of legislation, I think it is significant in terms of the different ways that it is addressing the issue of accountability for those individuals who are in need of the support of Medicaid expansion. I do not believe that Medicaid expansion that we passed two years ago was a failure. I think it's important to understand, that we heard the question is our society healthier? We know that those individuals who went through the Medicaid expansion program are healthier. We have heard by providing them with direct access to health care rather than having to wait to go to the emergency room, that they are doing much better, that they are now able to hold a job. And we also heard that a significant number of those individuals have moved off needing this program.

Are we saving money? Yes, we are saving money. We are saving money at hospitals by reducing the number of individuals that are no longer having to just choose the emergency room. We are reducing the cost of uncompensated care. And we are able to access federal dollars that we have already sent to Washington, that we deserve to be able to take advantage of to make sure that we have the healthiest population possible.

Are there less people on opiates? No, we're still struggling with that addiction, we are not alone, it is a national crisis. But I can say that we know that treatment for opioid addiction is very long time acting and very expensive and, in some cases, as you'll see with legislation coming forward later, we need to do more outside of just passing this program to solve the problem of opioid addiction. And I think to blame the cost of health care in this state on this bill is a failed condemnation.

We have a very challenged and troubled health care system. But what is driving those costs goes way beyond what we're talking about tonight. It has to do with the outrageous increase in pharmaceutical drugs. It has to do, and in this state particularly given that we have such high insurance, that we have hospitals that have been allowed to over-expand to create expensive amenities and perhaps to have too many hospitals in certain areas of the state. We need to look at how those hospitals have driven up costs and that we haven't been vigilant enough in examining those costs and how to control them.

We need to look at the fact that there have been excessive profits in the health insurance industry across this country. With the Affordable Care Act we lowered the percentage of monies that could be taken out of health care costs that were attributed to both profits and operating costs. It used to be that many of our health insurance companies were taking as much as 37 percent off the cost of health care to cover those operational costs and profits. Now, they're only allowed to take 20 percent. We should continue to monitor that.

So those are other key areas that are driving up our health care costs. I just wanted to respond to some of the comments have been made and to come back and say that again, even if we're concerned about what's happening to the individual health insurance market, it's not just related to this bill. And if you were able, and many of us were there, for the public hearing to hear both from individuals who have been served by this program to hear from the health insurance industry, to hear from the hospitals, to hear from businesses how this program had made a positive and significant difference. And that is why we should continue this program with the legislation that we have before us today and the amendment to Senate Bill 313. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, I just want to hit on a couple of things quickly. It was described that Medicaid expansion was a failure, that it didn't work. Well to me, the definition of failure is the people that didn't qualify for Medicaid and didn't qualify for insurance on the exchanges had to go to the emergency room. The emergency room lurching from crisis to crisis at the highest cost possible, that's a failure. What we have done has definitely mitigated that. We have to admit that health care costs are rising. It is prescription drugs, it's less of the subsidies called CSRs from Washington, it's insurance company losses, it's medical inflation and it is also the cost of the acuity level in Medicaid expansion. Remember we're solving that, or at least substantially mitigating it in this bill. I have to agree with our friend from Bedford, he must be enjoying the dinner, our country ought to look at some other reforms that would lower the cost of health care, associated health plans, cross state border purchases, full deductibility of all health care expenses. I happen to think they would make sense but guess what; hasn't passed in Washington. I was there for those debates and it hasn't passed here. So that leaves us with Senator D'Allesandro talking about one of my favorite expressions in life; don't make the perfect the enemy of the good. We haven't been able to drive those reforms that lower health care costs, but we are in the middle of a health care crisis, especially if you have mental health or substance abuse issues. Medicaid expansion's probably the single most important thing, if you talk to the advocates that we can do to alleviate our drug crisis. And yes, it's not resolved, there's still a long ways to go. And a lot of other strategies beyond Medicaid expansion. We've protected taxpayers, we've stabilized the individual markets, there's a lot of good reform in this bill. Let's vote, and let's take a break for dinner. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Bradley, seconded by Senator French.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda, French, Sanborn, Daniels, Avard, Carson, Birdsell.

Roll Call, Yeas: 17 - Nays: 7. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

COMMERCE
SB 423, relative to noncompete clauses for low-wage employees.
Inexpedient to Legislate, Vote 3-1. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. Mister President, I move Inexpedient to Legislate on Senate Bill 423. While I applaud the sponsor in his desire to put this bill in, what the bill does is prohibit an employer from requiring an employee to enter into a non-compete agreement, but only for low wage workers. As some of you in this body might know over the past few years, almost every year I think, I have sponsored legislation to prohibit non-competes and while I also have not been able to get it passed for everybody, we have been able to pass it for MDs, people in the medical community and we're hoping to continue to expand that. It is something I personally believe in, I know the sponsor I think believes in it and I remind to the body that the most successful place on earth for economic development, Silicon Valley, prohibits non-competes. But our challenge is with the premise of this bill is it should only apply to everyone, not just a select few based solely on their wages. So please join the Commerce Committee and vote SB 423 Inexpedient to Legislate. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President and colleagues. I rise in opposition to the ITL recommendation and hope we can vote it down so we can consider passing this bill. I guess sometimes I feel like it's *A Funny Thing Happened on the Way to the Forum*, we had a great hearing on this, many expressions of support and no opposition in the hearing a suggestion for an amendment to determine just how tip waged people would be included and so forth. But I would hope to just take a couple minutes and say what I was trying to do with this bill and it starts from a very conservative principle; every individual possesses as a form of property, the right to pursue any calling, business or profession he or she may choose. I mean that's the fundamental principle of free labor, I mean that's what serfdom was about, that's why we had a war against slavery. Everybody has a right to possession of their own free labor.

And so what the bill suggests is that for people who are making low wages, under $15 an hour, that they ought not to be required to sign a non-compete that says they can't work for another employer for a specified period of time, maybe a year or two. Or that they can't work in a particular geographical area or that they can't work for an employer that does some of the same kind of work that they had previously done. Now, there are a lot of bills that have been passed in other parts of the country as the Senator from District 9 said; California got rid of them all. Down in Massachusetts there's a kind of a hybrid that's being done, getting rid of some employment looking at low income folks. A couple of other states have done anybody making anything under $50,000. And you know I think that the principle of it is pretty clear that perhaps the advantages of non-compete sometimes is that somebody has trade secrets you know, or they have been, a lot of money has been put into their training or setting up a lab for them, or a client list or other kinds of proprietary information that is to a business. But on the other hand, the other side of it, it's a restraint of individuals' freedoms, but also, it's a restraint on the free movement of labor, people should be able to go to get other jobs.

So I put the bill in for people making under $15 an hour. And there are examples of why we need to do this. I'll give you just one; Jimmy John's, which I'm sure several of you know was brought up by the New York attorney general for violating non-compete provisions. And they said that if you've been making sandwiches at Jimmy John's you couldn't work anyplace else for six months within the same geographical area. Now what's the trade secret there, where to put the baloney, on the sandwich? And you're telling somebody that's making minimum wage that they can't go to work for another sandwich shop for six months or a year and the attorney general of New York said that non-compete agreements for low wage workers are unconscionable. They limit mobility and opportunity for vulnerable workers and bully them into staying with the threat of being sued. So that's what it's about, the language of the bill is pretty clear. If it seems appropriate to instead of just saying $15 an hour to tie the 200 percent of the minimum wage and 200 percent of the tipped minimum wage you've got about 14.50 and about 7.25, I have a Floor Amendment that would do that. Now to the point that the Senator from District 9 has made; you know I don't like non-competes and we voted a few weeks ago, and we voted last year about medical professions, right? So we're going to do it for doctors and we're not going to do it for someone making $7.25 an hour. Now let's get started somewhere. Let's get started someplace. Let's do this and you know if we, I will support other bills as well but this is a good place to start and I do hope that we'll vote no on ITL and I can bring out the amendment and we'll pass the bill. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Watters, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Carson, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Daniels, Avard, Lasky, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon.

The following Senators were excused: Reagan.

Roll Call, Yeas: 9 - Nays: 14. Failed.

Senator Watters moved Ought to Pass.

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4
March 7, 2018
2018-1018s
04/06

Floor Amendment to SB 423

Amend the bill by replacing section 1 with the following:

1 New Section; Protective Legislation; Noncompete Agreements for Low-Wage Employees. Amend RSA 275 by inserting after section 70 the following new section:

275:70-a Noncompete Agreements for Low-Wage Employees.

I. In this section:

(a) "Employer" shall have the same meaning as in RSA 279:1, X. "Employer" shall not include employees of governmental or quasi-governmental bodies.

(b) "Low-wage employee" means an employee who earns:

(1) An hourly rate equal to 200 percent of the federal minimum wage; or

(2) An hourly rate equal to 200 percent of the tipped minimum wage pursuant to RSA 279:21.

(c) "Noncompete agreement" means an agreement between an employer and a low-wage employee that restricts such low-wage employee from performing:

(1) Work for another employer for a specified period of time;

(2) Work in a specified geographical area; or

(3) Work for another employer that is similar to such low-wage employee's work for the employer who is a party to the agreement; and that is entered into after the effective date of this section.

II.(a) No employer shall require a low-wage employee to enter into a noncompete agreement.

(b) A noncompete agreement entered into between an employer and a low-wage employee shall be void and unenforceable.

2018-1018s

AMENDED ANALYSIS

This bill prohibits an employer from requiring a low-wage employee to enter into a noncompete agreement.

SENATOR WATTERS: Thank you, Mister President and colleagues. As I mentioned before it basically is the bill that offers some definitions of low wage employee and employer and it offers some definitions of non-competes. In this case working for another employer for a specified period of time, working in a specified geographical area work for an employer that is similar to low wage employees work. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Watters.)

SENATOR GIUDA: When I look at quasi-governmental bodies, can you put some definition to that and also line number 8 so employer should not include employees of governmental or quasi-governmental bodies?

SENATOR WATTERS: Thank you for the question. I'm not sure and perhaps Mister Lehmann could tell me, whisper it to me? These are quasi-governmental bodies that are like the Pease Development Authority, so that's the kind of thing they do.

SENATOR GIUDA: Thank you.

(The Chair recognized Senator Gray for a question of Senator Watters.)

SENATOR GRAY: I'm reading line 10 and line 11; an hourly rate equal to 200 percent of the federal minimum wage. What happens if they earn more or less than 200 percent?

SENATOR WATTERS: This is…

SENATOR GRAY: I've gotten my answer, thank you.

SENATOR WATTERS: If I may answer your question, I believe that this models the federal statute that would be under that amount so that you cannot have a non-compete for.

SENATOR GRAY: But the language says equal to. It doesn't say equal to or less.

Recess. Out of recess.

PRESIDENT MORSE: There will be several bills today that end up getting special ordered because we have thirty–eight left. But as we do that, I haven't met with Senator Woodburn, but my guess is the Senate will be in session next Wednesday afternoon, depending on how many other bills we have. But I haven't met with him yet to go over that. I did anticipate that we're not going to midnight, but right now in the Committee on Commerce we are debating Senate Bill 423 and SB 553 to the next Calendar. Smile Senator Soucy.

SPECIAL ORDER

Without objection, the following bills are special ordered to the next session. Adopted.

COMMERCE
SB 423, relative to noncompete clauses for low-wage employees.
SB 553-FN, relative to mental health parity for workers' compensation.

SB 426, relative to the commission on primary care workforce issues.
Inexpedient to Legislate, Vote 3-1. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. Mister President, I move Inexpedient to Legislate on Senate Bill 426. This was a commission that was started in 2010 to look at workforce development issues and being it's 2018 the bill came in to essentially change the dates and keep it going and the committee felt that if there was a problem that we didn't address in 2010 it's been eight years and anything we can do to try and find a way to start cutting down the number of commissions that we have and look to solve problems versus just have meetings would be a great thing, so the members of the Senate Committee on Commerce would ask you to support the motion of Inexpedient to Legislate.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Just very quickly I promise. But this is, I was stunned frankly that it went this direction because this is a commission that is operating beautifully, getting lots of very important work done and I don't think we've ever established if there's some cut-off date for the number of years it can go on. All it did was to add a couple of members to it and extend its timing and this is, this was, I was asked to put this forward by Laurie Harding for those of you who may have known her from the House. Who's very, very active and very successful in her medical field as a nurse in the Upper Valley, and has made huge differences in people's lives. This is a commission that's doing good work, so it doesn't make any sense to me why it would just be turned down because of the number of years. They're continuing to work, adding two people and having it go for another, for an extended time just will produce even more good work, so I really am having trouble understanding and I recommend that you overturn the ITL. Thank you.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to the committee motion. I was there for the hearing; I was not able to participate in the exec session but what was most important to this commission was the addition of members particularly from the New Hampshire Alcohol and Drug Abuse Councilors Association. This commission is very experienced in workforce issues, has made numerous recommendations, many of which have turned into legislation, been enacted and at a time when we have workforce issues during an opioid crisis, it makes it all the more important to let an experienced group of people continue to do this good work. So I would ask my colleagues to overturn this recommendation, this is a simple ask of adding a couple members and extending a commission that's already functioning well. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Sanborn.)

SENATOR GIUDA: Thank you, Mister President. Thank you, Chairman. Why are we looking at the 2020 final report? That's two and a half years. We already have 14, 13 workforce education and so forth programs in place?

SENATOR SANBORN: Senator, thank you so much for the question. Part of the reason that we have recommended Inexpedient to Legislate is that in general we have committees and committees and commissions and commissions that have reports that no one ever reads or keeps up on. And here's a case that the committee although well-intended, Representative Harding is one of my dearest loves of the people who have ever been in this building, but for us we need to start considering, is there a problem we're trying to solve, what is the problem and how do we solve it, put legislation in for it. In this case it's a commission that's just kicking the can down the road for two and a half years, for a report in 2020. And if they come forth with a problem next year, I'm sure we'll all be more than willing to listen to a piece of legislation to solve a problem.

SENATOR GIUDA: Thank you.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Fuller Clark, seconded by Senator Soucy.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Watters, Hennessey, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Reagan.

Roll Call, Yeas: 13 - Nays: 10. Adopted.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider SB 426, the bill having previously been found Inexpedient to Legislate. Adopted.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Soucy, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Reagan.

Roll Call, Yeas: 12 - Nays: 11. Adopted.

SB 427, limiting the liability of successor corporations for asbestos-related claims.
Ought to Pass, Vote 4-0. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass on Senate Bill 427. This bill limits the liability to certain successors to the amount of the predecessor's total gross assets at the time of the merger, plus any upward adjustment to reflect what those assets would be worth in today's dollars after inflation. The bill applies only when the original transfer successor asbestos related liability occurred before the Federal Government regulation in 1972. In the merger consolidation the successor must not have continued in the selling, manufacturing, distribution of, removing or installing asbestos containing products. Any successor that engages in wrongdoing before or after the merger would remain liable for any harm. And because of these restrictions, the impact of the bill is very limited. This bill does not leave those who have suffered asbestos related injury without recourse. Claimants will continue to have the ability to file for specific damages as well as file a claim with one of the established trusts. Please join me in voting Senate Bill 427 as Ought to Pass. Thank you, Mister President.

Senator Gannon offered a Floor Amendment.

Sen. Gannon, Dist 23
March 7, 2018
2018-1015s
06/10

Floor Amendment to SB 427

Amend RSA 507-H:5, IV as inserted by section 2 of the bill by replacing it with the following:

IV. No adjustment of the fair market value of total gross assets shall be applied to any liability insurance that may be included in the calculation of total gross assets by RSA 507-H:4, III.

Amend the section heading of RSA 507-H:7 as inserted by section 2 of the bill by replacing it with the following:

507-H:6 Scope of Act; Application.

SENATOR GANNON: It really isn't a substantive thing so it's just two drafting errors. On page 4 line 9 it should have been a 3 instead of a 2 and a similar thing it should have been a 6 instead of a 7. They were just numbering errors. And then I'd like to speak on the bill itself.

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I heard earlier tonight from the good Senators from District 20 and District 9. They were talking about the American dream. That's one of the things our Governor and all of us send out; that New Hampshire is open for business. And how do we let the other states know we're open for business? It's fairness. We have to treat all our business laws in a fair manner. This is a quick story. I'll be, I promise I'll be under two minutes and I'll be done. New Hampshire, little company called Crown and Cork, the Senator from District 20 probably remember the little grape Nehis when you were a kid on a nice cold day, and they had cork on the inside of the bottle cap. Well that was what this company did. It was a nice mom and pop little company that grew, American success story and they wanted to acquire one of their competitors, which they did. Ninety-three days later there was a little subsidiary company was closed and they weren't really interested in it, but they were buying from a widow, she just wanted to sell the whole package, they got stuck into buying that. So they did. It was called Mundet. They sold it off ninety-three days later, it was an insulation division, idle machinery, left over inventory, they never used it, hardly owned it. Nine years later, 1972 OSHA regulations banned the use of asbestos and then if you acquired henceforth after that you acquired business and you were aware of the dangers to asbestos, you took on the liability. Crown paid $7 million for this Mundet stock. Today that would be worth $65 million. Crown has paid out over 800 million to date. They're credit rating has been reduced to junk bonds. Any time they borrowed money in the last forty years, they've spent an extra billion dollars in interest on top of the 800 million. Crown never manufactured, they never sold, they never installed asbestos containing products. Now they've settled more than 70,000 asbestos related claims, spent close to $2 billion because of it. The company that made Mundet's insulation eventually went bankrupt. Court lawyers in several states turned to Crown because they've run out the thousand businesses that became part of the asbestos liability suit. They're gone so now the lawyers are looking to see who they can feed off of.

What does this bill do? Twenty-five other states have passed this bill or an almost identical version of this bill. The bill only applies where original transfers of successor asbestos related liabilities occurred before the Federal Government began regulating asbestos in 1972. Again, '72 is important because that was the year OSHA enacted the regs banning the use of asbestos and acquiring businesses and other businesses became aware of the asbestos danger. Additionally after the merger and consolidation of successor now must not have continued in the business of selling, manufacturing, distributing, removing or installing asbestos products. Any successor that independently engaged in wrongdoing whether before or after merger remains liable for any harm it causes. Because of these restrictions the impact of the bill is very limited. This bill is not going to leave people who have suffered horrible asbestos related injuries without recourse. There's 25 to $30 billion still in the asbestos compensation fund that they can go after. Also clients can continue to have the ability to file for civil damages as well with one of the established trusts as I said. Time trends indicate there's no end in sight for asbestos litigation. Litigants will potentially look to states like New Hampshire as they seek to avoid states that have adopted the very reforms contained in this legislation. Litigation continues to move to less palpable companies outside of the asbestos in building materials industries and threatens the continued viability of uniquely situated U.S. companies. Adoption of SB 427 will send a strong message that New Hampshire business laws are based on fairness and that New Hampshire is open for business. Thank you, Mister President.

PRESIDENT MORSE: That was a long two minutes.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I rise in opposition to the pending motion, and I just want to clarify a couple things. First of all, in 1963 when Crown acquired a small $7 million competitor whose owner had recently died, and his wife was a widow. Contrary to the assertions, the FTC documents confirm, Crown did not acquire Mundet Corp. as a failing company. The company was not on the verge of going out of business or facing involuntary liquidation. Rather Crown's main purpose in acquiring this company was to control their large sales volume business, gain access to their list of long-term customers and to create a monopoly in the manufacture and sale of metal crowns. Prior to the acquisition, Mundet Corp. was one of the top metal crown manufacturers in the U.S. Hardly two little mom and pop companies, so we need to clarify that. Crown Cork is also a thriving company. It's a large publicly traded multi-national company with net sales over $8 billion, and over $390 million in after-tax profits in 2015 alone. According to its own website, it employs 23,000 people at 149 plants in forty countries. Jeez if that's a mom and pop, I want them to be my parents, I'll tell you.

But the problem with this legislation Mister President, and my colleagues, is that the legislation creates a special exclusion from liability and would insulate asbestos corporations against all pending and future claims from asbestos victims dying of cancer. By arbitrarily limiting the liability of some asbestos corporations, the bills shifts the cost of asbestos disease onto asbestos victims and most importantly onto taxpayers. This bill sets a very bad precedent and it's clear that at the time of the acquisition, this was a sophisticated company. It knew what it was doing. It did its due diligence and you know, in life when you acquire something, you acquire liabilities but you acquire the assets, if they had found some precious metal, if they had found oil on the property, they would reap the benefit of that. At the time they had the opportunity to examine this company and determine what it really was all about. The fact that this legislation has passed in some other states, yes that's true; it's also been rejected in states like Maine and Kentucky and in the two states where it was challenged, it was found to be unconstitutional. Most importantly though, what all of us should consider is that ultimately New Hampshire employers are the ones who are going to bear the cost. Because employees are suffering from asbestos disease and they're going to see workers' compensation to substitute for their tort recovery. This is a corporate bail out and it will be at the expense of taxpayers. And for those reasons Mister President, I would encourage my colleagues to vote down this motion. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise on behalf of the Commerce Committee and ask the body to continue to support the motion of Ought to Pass. While I appreciate the comments from my Senator of District 18, there's a couple things that remain very important here; This company, Crown, never sold products in the asbestos industry. They never manufactured it, they never distributed it, they never sold it. They bought a competitor that had an ancillary business that did it. In the ninety some odd days that they had possession of these assets they never operated it, they never sold it. But yet today we see trial attorneys on top of the fact there's a $50 billion asbestos fund that still has $25 billion in it, it's never enough. Try to find every single potential liable person that they possibly can. As we heard in testimony, this company, Crown, has paid out $800 million in claims on a company they paid $7 million for and never sold any of it. When we think about what the word liability should mean, they were never driving the car, they never gave the drinks, they never held the gun, they never did anything, anything other than buy a company and for ninety days have the assets before they sold them off. Eight hundred million dollars for that event. If this company was a manufacturer, was selling, was liable for doing something wrong, I think all of us in this room would support the concept that if you make that decision there's some level of liability. In this case these people were not guilty of doing anything, so we ask the body to continue to support the Committee of Commerce recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator Soucy.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, Fuller Clark.

The following Senators were excused: Reagan.

Roll Call, Yeas: 14 - Nays: 9. Adopted, bill ordered to Third Reading.

SB 566-FN, relative to unemployment compensation for school bus drivers and monitors.
Ought to Pass with Amendment, Vote 3-1. Senator Lasky for the committee.

Commerce
March 6, 2018
2018-0982s
08/03

Amendment to SB 566-FN

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

AN ACT establishing a commission to study the school bus driver shortage.

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

1 New Section; Commission to Study the School Bus Driver Shortage. Amend RSA 189 by inserting after section 6-c the following new section:

189:6-d Commission to Study the School Bus Driver Shortage.

I. The general court finds that the shortage of school bus drivers in places like Northwood creates a significant burden on our school districts and our families. Later school start times and an inability to transport students to extracurricular activities adversely effect the education of our students. There is hereby established a commission to study the school bus driver shortage.

II. The members of the commission 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 labor, industrial and rehabilitative services committee and one of whom shall be from the education committee, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of employment security, or designee.

(d) The director of division of motor vehicles, department of safety, or designee.

(e) The commissioner of the department of education, or designee.

(f) Two members of the New Hampshire School Transportation Association, appointed by the association.

(g) Two school bus drivers who are affiliated members of a labor organization, appointed by the labor organization's local union.

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

IV. The commission shall study the effect of bus driver shortages on school districts, the effect of search for work requirements for bus drivers collecting unemployment, and the effect of search for work requirements on seasonal employees.

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

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

2 Repeal. RSA 189:6-d, relative to the commission to study the school bus driver shortage, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

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

2018-0982s

AMENDED ANALYSIS

This bill establishes a commission to study the shortage of school bus drivers.

SENATOR LASKY: Thank you, Mister President. I move Senate Bill 566 Ought to Pass with Amendment. This school year in the town of Northwood they had an extreme shortage of bus drivers which caused them to alter school schedules. This of course disrupted the school personnel, bus drivers and families. Bus drivers are essentially seasonal and are eligible to collect unemployment during the periods of time they are not working. This legislation sought to allow bus drivers and monitors to be able to apply for unemployment and provide proof of a specific return to work date, which would eliminate the requirement for a job search. Currently bus drivers who collect unemployment in the summer are required to search for work. If they find a job, they are required to accept it. If they don't, they lose their unemployment. The problem is, if the bus companies are not notified it can take anywhere from four to eight weeks to hire and train a bus driver because of CDL requirements, background checks and etcetera. After the prime sponsor met with the Department of Employment Security, the committee was informed there would be a problem with the Federal Department of Labor because we are specifying a specific profession. If we narrow it down to include solely bus drivers as much as we have it may impact all of the unemployment compensation. For this reason, the committee amendment, which establishes a commission to study and resolve this important issue, was put in place by the committee. So I ask you to join the committee in voting Senate Bill 566 Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 567-FN, relative to workforce development and job training.
Interim Study, Vote 3-1. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move refer to Interim Study on Senate Bill 567. This bill would increase the unemployment compensation administrative contribution, paid by employers from the current rate of .2 percent to .4 percent, doubling that rate. The rate increase would provide an additional 4 million to the Department of Business and Economic Affairs to supplement and expand workforce development and job training programs funded by the training. Currently 2 million of the administrative contribution is deposited in the training fund, and the remainder is reserved to pay for administrative costs of the department. This bill would increase the amount by $4 million to $6 million. The Department of Employment Security indicated there could be an indirect impact on employers tax rates because annual revenue to the unemployment trust fund would decrease by 4 million, equal to the increase to the training fund. As a result, employers would pay 9.13 million in unemployment taxes in the second and third quarters of 2019. The tax rates are dependent on the balance in the trust fund and future rates would be impacted by revenue going into the fund which is the reason the majority of the Senate Commerce Committee wisely voted SB 567 to Interim Study. Thank you, Mister President.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. I'm in opposition to Interim Study. I've spoken to many business owners that look forward to this and think this will help them. Major manufacturing in Manchester thinks they can get qualified applicants to employ. Last year there were 6,000 jobs lost in New Hampshire, the most in all of New England. This bill would help recruitment and to help skill up our current workforce. People in recovery right now, one of their barriers is employment. They need a job to keep in recovery and to be successful. This would help them a pathway for employment. Later tonight, hopefully not early tomorrow morning, we will be listening to a bill that gives tax exemptions to new innovative businesses and I support that. But why wouldn't we be also helping companies with workforce development as well. We talk about the aging of New Hampshire and we want to keep young people graduating high school and graduating college in New Hampshire and when I talk about that I think of my three kids and how different they are to make it a four years school and a tech school. And my younger son, fifteen, who's saving for a truck and he wants to buy his own truck and start his own business at sixteen. His work ethic is incredible, and I don't doubt that'll happen for him. This bill will also help high schools with apprenticeship programs and kids can come out of high school if they want to do that, they'll have a leg up and they will help employers that want to employ them. So I ask you to please vote no on the Interim Study and support the original bill as presented. Thank you, Mister President.

(The Chair recognized Senator Daniels for a question of Senator Cavanaugh.)

SENATOR DANIELS: Could you please tell me; we have thirteen existing job training programs. What can't be accomplished in those thirteen programs that we must have this one?

SENATOR CAVANAUGH: Well I think this will expand that. I know the high schools I'm thinking of they don't have that apprenticeship program, that can expand and have kids that want to either go to a trade school. If they can get that help through high school, I think it'll give them way to firefighting, any kind of trade school. So I don't know what specific thirteen groups you're talking about, but I think if we expand that, help our children in high school, I think that's a positive.

SENATOR DANIELS: Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. This is a bill that is well-intended but utterly unnecessary. In conversations with Chancellor Gittell, our community college system is working to great lengths to integrate with our schools, at both community college and high school level to produce programs where they pipeline students through internships and through training right into corporations. So we don't need to study it, we don't need to put another program in place. What we have in place is working just fine. I would vote against this bill. Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition to this motion and I'm looking at the report here, and not a single person turned up and spoke against this at committee, not one single person. One that did, Commissioner Taylor Caswell of the Business and Economic Affairs Commission, our new DRED commission, testified in support and told the committee that there are 16,000 open jobs in the state of New Hampshire. And we also learned that there are over 6,000 jobs lost since 2017, and that we are the only state, New Hampshire is the only state in New England to actually lose jobs. We have some challenges and we're not investing in the areas that we need to be. It's time for us to make the smart sensible investments and move forward and get to work. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I've got two words Mister President, for you tonight. And I'm going to say it three times; tax increase, tax increase, tax increase. That's what this bill looks to do. To my good friend up in Senate District number 1, the reason that no one showed up in opposition to it is because the business community has to work every day nine to five my good friend. The business community works. They count on some of us to protect them from the constant barrage of new tax increases, slipped in the unemployment compensation trust fund and all the other ways. As my friend from District 11 said, and in fact I'd have to correct him although I rarely correct my friend from District 11, after your vote tonight we now have 14 individual work training programs in the state of New Hampshire, it was thirteen under the Medicaid Expansion Bill you passed Thursday, fourteen. In fact I think actually there was a fifteenth that was voted on tonight as well. How many do we need? If the fourteen of them are not working, do we need another one? Or maybe we need to fix the ones that we have. So based upon the fact that this would be a tax increase, we have one of the highest workers compensation expenses in America. Raising the rate again tells the business community a very specific thing; lowest unemployment in America, highest cost of unemployment workers' comp we have in America. It's an imbalance. Last thing we need to be doing right now is raising taxes. So again I ask the body to support the Interim Study. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Continued misstatements, continued misstatements, continued misstatements. Those are my two words. This isn't even workers' comp, number one, and the testimony of Deputy Commissioner Laver says we didn't forecast there would be any impact in changing the trigger one way or another in 2019. The fiscal note said something different. They had updated projections. No tax impact whatsoever 2018 and 2019, 2020 potential tax impact but they can't forecast out that long. They've testified to that; they've made it clear that the forecasting can't go beyond that. So the forecast, the reliable forecast says no tax increases, no fee increases, and this is an opportunity to invest in our workforce, skill up our workforce and continue what we're supposed to do, and you know what? In last year's budget we had zero going to workforce development and job training, zero dollars. As the Senator from District 1 noted, we lost over 6,000 jobs last year in 2017. The only state in New England to lose jobs. And though the budget, Governor Sununu's budget does give more tax breaks to big corporations, many of which were headquarters out of state but that didn't result in job growth, we've lost 6,000 jobs. What can we do? Well we can do what Taylor Caswell said, try to fill these jobs. The last thing I'll note, this notion of thirteen job training programs, that's not accurate. We have the job training fund that Senator Cavanaugh talked about, we have WIOA funds, Workforce Investment Opportunity Act money, we used to have Trade Investment Act money, that dried up and we have the soft skills work ready. There are different initiatives including the sector strategies partnerships, but we only have basically one housed program over in Commissioner Caswell's Department that works with those three programs. So we have three under one umbrella, and what this will meet is a major gap in the system for employers that need to hire people who don't have the skills right now, but can get these skills up, attracted and retained and meet those open jobs. So if we're serious about workforce development and job training, we ought to vote no on Interim Study. Let's stop studying something that we know is a problem and start acting. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. I like this bill. I think it does some things that are good. What I don't like is the way that we tax our businesses with unemployment taxes. And I've said this before, when the economy is going great and you're full up with employees, you're not paying much in unemployment tax at all. At the time that your business is most profitable we're not taxing you at a very high rate for unemployment. As you start laying people off as the economy begins to go down, your unemployment tax rate goes up, as your company is making less money. So what do you do? You lay off more people and your tax goes up higher and more people and it goes higher. We have a fundamental flaw in the way that we collect unemployment tax in this state. If we can fix that and do something with this bill at the same time, we might have something worthwhile. And I will commit to Senator Feltes that I will help him work on that if he will make the same commitment to me because two Dan's are better than one. But we do have a real problem with our unemployment taxes in the state and we must correct that. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to speak against the Interim Study motion. As a House member I actually served on a commission that was allocated $1 million for workforce development and job training. And we would meet once a month and businesses would come in and they would ask for money to train their workforce. Usually it was in computer skills or in lean manufacturing techniques, which is what they desperately needed at the time. The employees were given a certificate for their education, something that was portable, they could take with them for whatever job they wanted. I think it is a good investment. We're not talking about college age students that are going from college to the workforce, we're talking about people that perhaps did not graduate from high school or maybe they did graduate but they've been out of the workforce for a long time. This is working together with businesses to get them employees that are trained, and those folks are learning skill that they can take with them wherever they go. I think it is a worthwhile investment in our workers here in the state of New Hampshire. Thank you very much, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I think a lot's been said that I would have as well but relative to the thirteen agencies, last time I heard that, I went to the office of Senate Research. We've got to circulate that memo that it's based on because as my colleague from District 15 has said, it is not thirteen programs. It is a very narrow set that get repeated a couple of times because they got different sections that they apply different dollars to just as this is suggesting here. You may say this is six different programs, but this is one effort to try to address what in my district manufacturers, people who are struggling to stay active and growing, thriving because they need workforce. It's the number one priority that they have. I hope that we can do the right thing here and move forward to pass this bill. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I would offer that the 6,000 jobs that were lost were not lost through the lack of workforce training programs. They were lost for other reasons. I've lost 2,000 in my own district, okay? It had nothing to do with whether we had workforce training because we had workforce training, and we have workforce training for adults in the community college system as well. So the point is this is not a necessary function, we already have it covered in the community college and already existing workforce programs and I would ask you to please vote the committee recommendation.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. Thank you, Colleagues. I just wanted to point out very quickly that there is something new here, that we really need and will have an immediate impact. And that is to bring work ready New Hampshire into the high schools. On the career and technical education commission we have work ready came in, they said they want to go into the high schools, the high schools really need it, particularly the career and technical education folks, $500,000 means they can get in there and have a pilot program for the tenth through twelfth graders. We desperately need it; this bill would do it. Thank you.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: I just wanted to point out that the Community College System of New Hampshire does support this bill as well. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study.

A roll call was requested by Senator Woodburn, seconded by Senator Soucy.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Reagan.

Roll Call, Yeas: 12 - Nays: 11. Adopted.

EDUCATION
SB 526-FN, relative to school breakfast programs.
Ought to Pass with Amendment, Vote 4-1. Senator Kahn for the committee.

Senate Education
March 6, 2018
2018-0962s
05/06

Amendment to SB 526-FN

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

AN ACT relative to school food and nutrition programs.

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

1 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as follows:

I. Each school board shall make [~~a~~] ***at least one*** meal available during school hours to every pupil under its jurisdiction. Such meals shall be served without cost or at a reduced cost to any [~~needy~~] child who [~~is unable to pay the full cost of said meals~~] ***meets federal income eligibility guidelines***. The state board of education shall insure compliance with this section and shall establish minimum nutritional standards for such meals and shall further establish income guidelines setting forth the minimum family size annual income levels to be used in determining eligibility for free and reduced price meals. Nothing in this section shall prohibit the operation of both a breakfast and lunch program in the same school. Further any requirement of this section which conflicts with any federal statute or regulation may be waived by the state board of education.

2 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, VII(b) to read as follows:

(b) Such school which demonstrates to the department of education that an approved school wellness policy, as required under the Child Nutrition and WIC Reauthorization Act of 2004, is in effect, and that such school is providing breakfast meals to pupils that meet or exceed the United States Department of Agriculture's child nutrition criteria may apply for and receive a 3 cent reimbursement for each breakfast meal served to a pupil. The department of education shall request biennial appropriations in an amount sufficient to meet projected school breakfast reimbursements. The department of education shall prescribe forms as necessary under this paragraph. ***In addition to the $.03 state reimbursement for each breakfast served to all pupils, the department of education shall request biennial appropriations equal to the difference between the reduced and free federal reimbursement rate for breakfast so that pupils otherwise eligible for reduced price meals have access to breakfast at no cost.***

3 Applicability. For the fiscal year ending June 30, 2019, the amount required under section 2 of this act to provide breakfast at no cost to pupils otherwise eligible for reduced price meals shall be drawn from funds appropriated to the department of education in 2017, 155.

4 Effective Date. This act shall take effect July 1, 2018.

2018-0962s

AMENDED ANALYSIS

This bill requires schools to make at least one free or reduced cost meal available to children who meet federal eligibility guidelines. The bill also directs the department of education to request an appropriation sufficient to provide a free breakfast to students eligible for reduced cost meals.

SENATOR KAHN: Thank you, Mister President. I move Senate Bill 526-FN Ought to Pass with Amendment. As amended this bill requires schools to make at least one free or reduced cost meal available to children who meet federal eligibility guidelines. The bill also directs the Department of Education to request an appropriation sufficient to provide a free breakfast to students eligible for reduced cost meals. With and additional $.27 per student per day New Hampshire public schools will be able to provide a breakfast meal to 7,100 students eligible for free and reduced cost breakfast reimbursements. Based on these figures, the new total fiscal impact will be $345,000 a year. This legislation is important in order to ensure that all children are fed a breakfast and are therefore equivalently prepared to learn every school day. Therefore the majority of the Education Committee asks for your support of the motion Ought to Pass with Amendment on Senate Bill 526-FN. Thank you, Mister President. I'd like to speak to the motion.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Actually I'd rather address the whole bill and leave to Senate colleague from 21 an amendment that she's going to need to offer after we pass this one. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Fuller Clark offered a Floor Amendment.

Sen. Fuller Clark, Dist 21
March 8, 2018
2018-1028s
06/03

Floor Amendment to SB 526-FN

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

AN ACT relative to school food and nutrition programs.

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

1 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as follows:

I. Each school board shall make [~~a~~] ***at least one*** meal available during school hours to every pupil under its jurisdiction. Such meals shall be served without cost or at a reduced cost to any [~~needy~~] child who [~~is unable to pay the full cost of said meals~~] ***meets federal income eligibility guidelines***. The state board of education shall insure compliance with this section and shall establish minimum nutritional standards for such meals and shall further establish income guidelines setting forth the minimum family size annual income levels to be used in determining eligibility for free and reduced price meals. Nothing in this section shall prohibit the operation of both a breakfast and lunch program in the same school. Further any requirement of this section which conflicts with any federal statute or regulation may be waived by the state board of education.

2 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, VII(b) to read as follows:

(b) Such school which demonstrates to the department of education that an approved school wellness policy, as required under the [~~Child Nutrition and WIC Reauthorization Act of 2004~~], ***Richard B. Russell National School Lunch Act 42, U.S.C. section 1758b*** is in effect, and that such school is providing breakfast meals to pupils that meet or exceed the United States Department of Agriculture's child nutrition criteria may apply for and receive a 3 cent reimbursement for each breakfast meal served to a pupil. The department of education shall request biennial appropriations in an amount sufficient to meet projected school breakfast reimbursements. The department of education shall prescribe forms as necessary under this paragraph. ***In addition to the $.03 state reimbursement for each breakfast served to all pupils, the department of education shall request biennial appropriations equal to the difference between the reduced and free federal reimbursement rates for breakfast so that pupils eligible for reduced price meals are offered breakfast at no cost.***

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

2018-1028s

AMENDED ANALYSIS

This bill requires schools to make at least one free or reduced cost meal available to children who meet federal eligibility guidelines. The bill also directs the department of education to request an appropriation sufficient to provide a free breakfast to students eligible for reduced cost meals.

SENATOR FULLER CLARK: And while this amendment replaces the entire bill, it only makes two significant changes to the bill that was already presented. And those are basically technical changes, but it was just simpler to provide it to you all in one entity. So you'll notice in line 21, you now have new language. It says the Richard B. Russell National School Lunch Act 42, USC section 1758B. This is now the federal legislation under which the breakfast, or free and reduced lunch program exists. Yesterday the New Hampshire Hunger Association came to me and requested that we make this amendment. The other amendment that is made is at the very end of the bill where actually section 3 was dropped which was applicability language that is no longer necessary because in line 28 it makes clear that it is the responsibility of the Department of Education to request a biennial appropriation equal to the difference between the reduced and free lunch reimbursement programs for breakfast. So that people eligible for reduced price meals are now going to be offered breakfast at no cost. And then obviously what was for the effective date became 3. So I would ask you to adopt this amendment and then I would like the opportunity to speak to the bill as amended.

(The Chair recognized Senator French for a question of Senator Fuller Clark.)

SENATOR FRENCH: On line 27 it says the state reimbursement amount is $.03 per breakfast. Is that accurate?

SENATOR FULLER CLARK: Yes.

SENATOR FRENCH: Great. Thank you.

(The Chair recognized Senator Daniels for a question of Senator Fuller Clark.)

SENATOR DANIELS: What is the fiscal impact of your amendment?

SENATOR FULLER CLARK: The fiscal impact starting next year would be $345,000 annually but as you heard would make it possible to provide a free breakfast to 7,100 additional students in New Hampshire.

SENATOR DANIELS: I understood that the previous speaker had talked about the bill being 345,000. I noticed on yours that it makes a change from one meal to at least one meal. So I would think that there would be an increase in the fiscal impact if you're offering more than one meal, where the previous one was offering one meal?

SENATOR FULLER CLARK: Let me explain to you as I understand it that under federal guidelines you are required to provide at least one meal at reduced and free, whether it's lunch or breakfast. What has happened has been that in most places, both breakfast and lunch are offered at free and reduced. In this case it would change that requirements so that if a breakfast which we all know is the most important meal of the day, but no longer would students be charged at the reduced level. There are qualifications that are put in place by the Federal Government to determine the level at which you are eligible for either free or reduced lunch. But in this case, we would remove the one component of that program for breakfast so that there is either a breakfast that's paid for or a breakfast that's free. The reduced cost would go away and that would account for the additional $345,000 annually.

SENATOR DANIELS: Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I just want to explain to our colleagues what the fiscal note is on this. We currently provide breakfast to 37,000 students who have a free breakfast at a federally reimbursed rate. That federally reimbursed rate is $1.75 for that meal. The reduced program, the reduced breakfast program provides a federal reimbursement of $1.45. So it leaves this $0.30 difference. That's what 7,100 plus students face. We've already got on the books, by virtue of Senator Nancy Stiles, a $0.03 match which the Department of Education provides for each reduced breakfast program as a reimbursement to each of the districts. This would move that to by another $.27 for that 7,106 students. So that's where we end up is taking all those students who are qualified for free and reduced meals having a breakfast. That's the fiscal side to this. Think of the learning side of this. That's what's important here. You got kids who are coming to school, if they have not had breakfast, they are not prepared to learn. That's what the testimony was before the committee. That's why the committee voted to pass this and ask the Senate's support. I ask that we make this technical amendment. Let's get that through and then let's pass this so that we don't have confusion. Any student who has the need for a free or reduced breakfast is getting that meal, schools don't have to do checks of students going through lines. This is going to; we need to do this in order for students to have a fair opportunity to learn and succeed. This is how we break the chain and the cycle of poverty and deficiencies in our population. If we can't do this I don't know where we're going on trying to lift students, lift youth in the state to try to have an equal opportunity. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Fuller Clark, seconded by Senator Kahn.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda, Sanborn, Daniels, Avard.

The following Senators were excused: Reagan.

Roll Call, Yeas: 19 - Nays: 4. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted.

EDUCATION
SB 568-FN, relative to criminal history record checks for school employees and certain volunteers.

ENERGY AND NATURAL RESOURCES
SB 309-FN, relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.
Ought to Pass with Amendment, Vote 5-0. Senator Innis for the committee.

Energy and Natural Resources
March 6, 2018
2018-0973s
08/03

Amendment to SB 309-FN

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

1 New Subdivision; Contaminants in Drinking Water. Amend RSA 485 by inserting after section 16-d the following new subdivision:

Perfluorochemicals

485:16-e Perfluorochemicals. The commissioner shall, in consultation with the commissioner of the department of health and human services and stakeholders, and no later than January 1, 2019, initiate rulemaking to adopt a maximum contaminant limit (MCL) for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) for public water systems regulated by this chapter. The commissioner shall consider the standards of other states, including the science considered by states with standards lower than those contained in health advisories from the United States Environmental Protection Agency. The commissioner shall adopt MCLs that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer reviewed science and independent or government agency studies, provided no MCL shall exceed that contained in any MCL promulgated by the United States Environmental Protection Agency. The commissioner shall annually review the newest peer reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

2 New Paragraph; Ambient Groundwater Quality Standards. Amend RSA 485-C:6 by inserting after paragraph III the following new paragraph:

IV. The commissioner shall, in consultation with the commissioner of the department of health and human services and stakeholders, and no later than January 1, 2019, determine whether to revise the ambient groundwater quality standards for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) established in rule in order to comply with this paragraph and shall make public his or her determination. The commissioner shall consider the standards of other states, including the science considered by states with standards lower than those contained in the lifetime health advisory promulgated by the United States Environmental Protection Agency. The commissioner shall adopt standards that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer reviewed science and independent or government agency studies, provided no standard shall exceed that contained in any standard promulgated by the United States Environmental Protection Agency. If the commissioner determines that the standard should be changed, the commissioner shall initiate rulemaking within 60 days of making the determination. The commissioner shall annually review the newest peer reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

3 New Paragraph; Surface Water Quality Standards. Amend RSA 485-A:8 by inserting after paragraph II-a the following new paragraph:

II-b. The commissioner shall, in consultation with stakeholders, and no later than January 1, 2020, establish a surface water quality standard for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) in Class A and Class B waters, if scientifically feasible. The commissioner shall consider the standards of other states. The commissioner shall adopt standards that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer-reviewed science and independent or government agency studies, provided no standard shall exceed that contained in any standard promulgated by the United States Environmental Protection Agency. If the commissioner determines that the standard should be changed, the commissioner shall initiate rulemaking within 60 days of making the determination. The commissioner shall annually review the newest peer-reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

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

SENATOR INNIS: Thank you, Mister President. I move Senate Bill 309-FN Ought to Pass with Amendment. This bill requires the Department of Environmental Services to adopt a state drinking water standard and ambient groundwater quality standard and a surface water quality standard relative to PFCs or perfluorochemicals. Water quality has been a persistent problem throughout our state affecting individuals, families and businesses, especially in the Seacoast Region. Emerging contaminants like PFCs pose a potentially serious health threat to those in our state.

Senate Bill 309 compels the DES to adopt certain standards with regard to these chemicals in order to protect the public health. The DES will examine peer reviewed science and other methodologies undertaken by other states as well as the EPA to arrive at a set standard. The bill requires the DES to undertake an annual review of these standards to ensure that they are in line with recent scientific data. There are some differences in this bill versus last year's bill which was passed by this body. Senate Bill 309 includes a standard for surface water, something that was not included last year. In addition the amendment to the bill adds two new compounds that have been added to the list of emerging contaminants and those are PFNA and PFHXX. Do not ask me what that means, please. The bill also contains a fiscal note, which prepared in consultation with the DES. Finally the amendment adds specific dates for completion and the surface water standard deadline in 2020 if it is scientifically feasible to establish such a standard. The EPA does not have a surface water standard nor does any other state, so we want to give a little room there. It's vitally important that we set standards that protect the public health and that those standards be based on the latest peer reviewed science which is updated continuously. The Senate Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass with Amendment on Senate Bill 309-FN. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise also in support of this legislation, Senate Bill 309 as amended. As you heard this bill is needed in order to pursue greater protections for the public health for our constituents, particularly with regard to those inhabitants that are surrounding the Great Bay and the Coakley Landfill on the Seacoast. You may have heard a lot about a cancer cluster that has been identified in that area. There's questions as to whether or not it is the result of these emerging contaminants. These PFOs, PFAs and the other entities that you heard about that have been added to Senate Bill 309. For those of us who are not scientists, sometimes hard to pronounce but we do know that these are newly emerging contaminants that we're learning more about every single year and we're seeing that different states are putting into place different standards. What this bill does is it asks of the Department of Environmental Services on an annual basis, review standards from other states, review studies from other states in addition to the studies that are being done at the national level and make adjustments as necessary, but always making sure that these are based on scientific review. In addition, the fact that this legislation calls for a new standard that is the surface water quality standard. This is a standard which currently doesn't exist. It doesn't exist anywhere in the country, but we have heard from DES here in New Hampshire that they are anxious to establish the standard, but that they will need more time as they wait for critical scientifically proven reports to come from Washington. So I urge you to support this bill. Thank you very much.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 530-FN, relative to high voltage electric transmission lines in highway rights-of-ways.
Interim Study, Vote 4-0. Senator Fuller Clark for the committee.

SENATOR FULLER CLARK: Thank you very much. Mister President, I move Senate Bill 530-FN be referred to Interim Study. This bill clarifies the authority for the erection, installation and maintenance of high voltage electric transmission lines and highway right of ways. This bill would have required large electric transmission projects in excess of ten miles in overall length and in excess of 150 kilovolts to be placed on four existing energy infrastructure corridors including I-89, I-93, I-95 and NH Route 101. The committee felt that this bill had many questions that needed to be answered and further examination of its effects need to be reviewed more thoroughly. The Senate Energy and Natural Resources Committee asks for your support for the motion of Interim Study on Senate Bill 530-FN. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.
Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration
February 12, 2018
2018-0552s
10/08

Amendment to SB 370-FN

Amend RSA 153-A:35 as inserted by section 1 of the bill by inserting after the section heading the following new introductory paragraph:

The emergency medical services compact is adopted and entered into with all other jurisdictions that legally join the compact, which is substantially as follows:

Amend RSA 153-A:35, X(e)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states, but New Hampshire shall not be assessed more than $6,000 annually. This limitation is not intended to suggest that such amount has been appropriated.

Amend RSA 153-A:35, X(f)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person

against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

Amend RSA 153-A:35, XV as inserted by section 1 of the bill by replacing it with the following:

XV. Construction and Severability.

(a) This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.

(b) The director of the division of fire standards and training and emergency medical services shall review decisions of the interstate commission for EMS personnel practice established pursuant to paragraph X of this compact and, upon approval by the commission of any action that will have the result of increasing the cost to the state of New Hampshire of its membership in the compact, may recommend to the general court that the state withdraw from the compact.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 370-FN Ought to Pass with Amendment. This legislation would provide proper legal protection, standardized practices and accountability for licensed EMS personnel when crossing state lines under certain circumstances. The bill, as amended, seeks to remedy the inability of Emergency Medical Services personnel licensed by one state, to practice in any other state on an intermittent basis, without first having to obtain licensure. Presently, licensed personnel in New Hampshire have to maintain multiple licenses in order to provide care across state lines. The ED&A Committee voted 4-0, Ought to Pass with Amendment, and asks for your support in this recommendation. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 462-FN, relative to occupational licensure, certification, or registration for persons with criminal records, and relative to license applicants for barbering, cosmetology, esthetics, and manicuring.
Inexpedient to Legislate, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 462-FN Inexpedient to Legislate. SB 462-FN would modify procedures for a person with a criminal conviction to apply for a license, certificate, or registration with a board or commission. It would also require all occupational regulatory boards and commissions to revise administrative rules and statutory changes to comply with criminal conviction procedures. In addition, it would require changes to the qualifications for licensure for barbers, cosmetologists, manicurists and estheticians. The committee listened to testimony regarding these required changes and also testimony on developing some of these new programs within the Department of Corrections. There were many questions as to who would pay for the development and training within these programs, programs which are not developed to date. It was felt that this bill would create two separate categories; one which the state pays for, and one for those outside of prison, who would pay for their own education. There were no concrete plans to support this legislation. It was also noted; these boards currently have procedures in place for those with criminal records. The ED&A Committee voted ITL on this legislation, and asks for your support in its recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 463-FN, establishing an architectural paint can recycling program.

SB 532-FN, relative to group II status of certain department of corrections officials.
Ought to Pass with Amendment, Vote 4-0. Senator Cavanaugh for the committee.

Senate Executive Departments and Administration
March 7, 2018
2018-0997s
10/08

Amendment to SB 532-FN

Amend the bill by replacing section 1 with the following:

1 New Section; Department of Corrections; Officials; Status in Retirement System. Amend RSA 21-H by inserting after section 8-a the following new section:

21-H:8-b Status in Retirement System. For purposes of classification under RSA 100-A, any person who is or becomes the director of professional standards, the director of community corrections, the director of security and training, the director of field services, or the director of medical and psychiatric services, shall be included in the definition of correctional line personnel, as defined in RSA 100-A:1, VII under the retirement system, if such person was a group II member for at least 10 years prior to appointment in his or her position and shall remain in group II status for the duration of service in that position with the department.

SENATOR CAVANAUGH: Thank you, Mister President. I move Senate Bill 532-FN Ought to Pass with Amendment. This legislation will allow those within the Department of Corrections to move up to an advanced position of director. Presently, the director positions are classified in the retirement system as being in Group I. If someone has, for example, 10 years of service in Group II retirement and moves up to an advanced position of director, they are presently not allowed to carry their Group II status forward. The amendment clarifies those who apply for specific director positions can retain Group II retirement status. The New Hampshire Retirement System weighed in on this legislation and stated that to continue membership in Group II retirement will not add to the retirement system's unfunded actuarial accrued liability. The ED&A Committee voted 4-0 Ought to Pass with Amendment and asks for your support in their recommendation. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise with a couple concerns and was not at the executive session so wasn't able to participate in the discussion, but two primary concerns with respect to the legislation. The first being that this is legislation to encourage promotion within in which I always think is very valuable. However the legislation doesn't state that. It simply states that somebody is a group II member. They could be a group II member from any other governmental entity. But the main concern that I have Mister President, is that this is the first time that I'm aware of where we are not reclassifying an actual position. Throughout our retirement system positions are classified as one group or the other, based on certain criteria, based on working conditions, based on the people that they work with. This would be the first time where we would take a person and the status of the person would travel so the position could revert back. I think that is a potential for creating some problems in budgeting and I as I said, have a great deal of concern with this precedent setting legislation and for that reason I am opposed to it. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 571-FN, requiring the department of health and human services to perform an efficiency audit.
Inexpedient to Legislate, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 571-FN Inexpedient to Legislate. This legislation requires the Department of Health and Human Services to perform an efficiency audit. The committee found the financial impact to the state was of great concern, and there is a performance audit process in place for this purpose. The committee believes there is no need to go outside of the current process. The ED&A Committee voted Inexpedient to Legislate and asks for your support in the recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

SB 588-FN, relative to inspections of laboratories.
Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration
March 7, 2018
2018-0994s
01/04

Amendment to SB 588-FN

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

AN ACT relative to inspections of laboratories and relative to loans for lead hazard remediation projects.

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

2 Loans for Lead Hazard Remediation Projects. RSA 130-A:15-a, IV is repealed and reenacted to read as follows:

IV. The department shall adopt rules, pursuant to RSA 541-A, to establish the eligibility criteria, application process, and maximum loan amounts pursuant to this section. The rules shall also include a requirement that the lender record a lien for the full amount of the loan at the time the loan is issued for any property under this section. The lien shall be in the name of the lender and the state of New Hampshire. The lender shall service the loan in accordance with its standard practices. If the borrower fails to pay the loan as required by the loan documents, the lender shall mail a written notice of default to the borrower at his or her last known address, with a copy to the department. If the default is not cured, the lender may foreclose the lien in accordance with terms of the loan documents and state law. To the extent that the foreclosure proceeds do not cover at least 80 percent of the unpaid principal balance plus interest and reasonable collection expenses as provided under RSA 130-A:15-a, I, the lender may apply to the state for payment of the guaranty for any such deficiency. The state shall pay the guaranty in accordance with the terms of the loan guaranty program.

3 Contingency. Section 2 of this act shall take effect at 12:01 a.m. on the effective date of RSA 130-A:15-a as inserted by section 7 of SB 247-FN-A of the 2018 regular legislative session. If SB 247-FN-A does not become law, section 2 of this act shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3 of this act.

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

2018-0994s

AMENDED ANALYSIS

This bill declares that laboratories certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) shall be deemed licensed for purposes of the residential care and health facility license law.

This bill also clarifies the loan terms of the loans for lead hazard remediation projects.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 588-FN Ought to Pass with Amendment. This legislation, as introduced, was requested by the Department of Health and Human Services to simplify their laboratory inspection process. Currently, state laboratories require an annual inspection and a Clinical Laboratory Improvement Amendments of 1988 or a federal inspection every two years. This legislation would allow the Department to only conduct the CLIA inspection. The Department of Health and Human Services can assure that there are no health or safety issues by having inspections done this way. In addition, this will be a positive impact for the Department of Health and Human Services because it will allow their inspector to go out and complete other types of inspections for hospitals and their laboratories. The bill, as amended, addresses loans for the lead hazard remediation projects, outlines the process for how the loan guarantee would work, and better outlines what the process would be. The legislation has mechanisms in place to ensure lead hazard remediation projects are carefully monitored. The ED&A Committee voted Ought to Pass with Amendment and asks for your support in their recommendation. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 589-FN, relative to regulation of certified recovery support workers. Ought to Pass, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 589-FN Ought to Pass. This legislation establishes the Certification for Certified Recovery Support Workers in alcohol and drug use disorders and removes the regulation of such persons from the Board of Licensing for Alcohol and Drug Use Professionals. Under this legislation an advisory council will decide what the level of certification will be. Presently, CRSWs work under the LADC Board, but some have stated it was difficult trying to accomplish their certification, so difficult to attain that it was easier to give up on because of the process. The ED&A Committee voted Ought to Pass on SB 589-FN, and asks for your support in their recommendation. Thank you, Mister President.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: I rise to oppose the Ought to Pass recommendation from the committee. We had a lot of LADC professionals come before the committee and they said in the past there was a problem with the slow process of getting the license and they have worked with the board to correct it and it has been corrected and I just feel we're trying to fix a problem now that had already been fixed. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I also rise in opposition to the pending motion. Not only were all the professionals who came to testify aware of and familiar with all the problems that had existed with the LADC board but they felt that not only had many of those issues been resolved but that we'd create an even greater problem if we were to create a separate board. One of the issues was separating the disciplines is that it would be unclear the career track for the two separate organizations, and the certified recovery support workers, the CRSWs, have only been in effect for a very short period of time. So you would be creating a licensing board of people who have little to no experience in their given field. The other issue that seemed to have generated this legislation was a concern that there seemed to be a conflation of Medicaid building and classification versus licensing. They're two very separate issues creating another category and another board isn't going to improve that situation. I think in the end Mister President, it's only going to make it worse. Therefore I would oppose this legislation. Thank you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. This bill is the result of a study committee that we passed last year, to look into this very problem. We in ED&A kept getting reports that it was very, very difficult for people to get licensed. And I would like to commend Senator Reagan who chaired this committee and there's some things here that even at the time of the testimony, that Senator Reagan claims that the LADC board wasn't performing at top speed. And so I find it kind of interesting that now they claim they are. And they didn't really produce any evidence that they were other than their testimony. So I think this is an alternate route. I think that it is something that's good because we're not talking about people that are LADCs, we're talking about recovery workers, people that don't have the same level of education as an LDAC but they do have some level of training and I think we all know that we have trouble attracting LDACs as well as MLADCs and we just need these folks. And the board has just really not been very good through this process. So I would ask again the members to please support the committee recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Sanborn, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Kahn, Daniels, Avard, Carson, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Sanborn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro.

The following Senators were excused: Reagan.

Roll Call, Yeas: 14 - Nays: 9. Adopted, bill ordered to Third Reading.

FINANCE
SB 301-FN, temporarily reducing the real estate transfer tax for first-time home buyers.
Ought to Pass, Vote 5-0. Senator Feltes for the committee.

SENATOR FELTES: Thank You, Mister President. I move Senate Bill 301-FN Ought To Pass. This bill reduces the Real Estate Transfer tax rate for first-time home buyers from $0.75 to $0.50 per $100 of the sale price, for prices not exceeding 300,000, for a period of two years applicable to transfers from January 1, 2018 through December 31, 2019. The Department of Revenue Administration would be required to report on the number of first-time buyers using the lower rate and whether first-time home buyers increased or decreased as a result of the reduced rate. The committee recommends passage of Senate Bill 301-FN, and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise surprisingly in opposition to this. I supported this in the first vote and so what happened? I check with our recorder of deeds and I read the fiscal note on this matter. Four percent of all the fees on real estate transfer taxes go to support our counties. That's $600,000 in Cheshire County. There's some loss of revenue as a result of this bill. The point is, every time we do this to a county, the county shifts back to property taxpayers. It's not a lot of money to be lost or a lot of gain to be had on this. I guess I feel like there's a part of this that we just didn't look at. I understand the incentive, it's a good idea to have incentives for entering workforce. I don't know that this is that meaningful and I think that our counties should have been further consulted on this to find out if they thought what the impact of this would be statewide. I don't know if DRA has rendered any thoughts on this. Maybe that would be relevant to my query but it's just another thought I wanted to convey, and it may shift my vote on this. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise against the Ought to Pass. We do a lot of things with taxation and we want to encourage first home buyers, that's a wonderful thing. But we couple a lot of these taxes. And this pointed out by Senator Kahn, the counties lose because of the 4 percent but indeed the treasury loses by about $4 million, which concerns me because that's $4 million worth of revenue that won't be offset unless we have a tremendous gain in revenue. Now we did talk about a way to mitigate this in the committee, but that amendment was rejected when you slow down the decrease in the Business Enterprise Tax and the Business Profits Tax so that it was a zero sum gain. You didn't lose any money because you reduced the decrease in that tax so that it was a zero-sum gain. But indeed, looking at the average price of a home and this is how these calculations were made was around 200,000 and looked at the number of homes that were sold in the period of time and it came to a negative, a little over $4 million in revenue. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and I actually support this initiative that we have that we talk every single day about trying to encourage young kids to stay in our state. It seems like every week we have a discussion about how we going to get Senator Cavanaugh's fifteen-year-old kid to buy his house after he buys his pickup truck. What are we going do to try and encourage economic development, what are we going to do to try and encourage people to come here and stay here and anything we can do as de minimis as it is would help? Now Mister President, I understand respect and recognize that the average price of a home today at $200,000 there's going to be somewhat of a fiscal note. But we also have to remember that every time a house sells, the assessed value of the house goes to whatever the new asking price is and we know the cost of houses are appreciating significantly these days. So I contend that the increase that we would see on the taxes realized on appreciation during the sale will more than make up for any potential loss we'd see on a one-time transaction just to help a young family get in to start their house. This is a good piece of legislation that allows the people of New Hampshire to know that the Senate believes that we're trying to find younger families and get them to stay in New Hampshire or come back to New Hampshire and start and raise a family and be good members. So Mister President, I do believe that the juice is worth the squeeze and we should recommend this bill as Ought to Pass. Thank you very much.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Sanborn, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Sanborn, Daniels, Avard, Carson, Feltes, Cavanaugh, Soucy, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Ward, Kahn, Lasky, D'Allesandro.

The following Senators were excused: Reagan.

Roll Call, Yeas: 19 - Nays: 4. Adopted, bill ordered to Third Reading.

SB 408-FN, licensing historic racing.
Ought to Pass, Vote 5-0. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 408 Ought to Pass. This bill allows the installation of historic horse racing machines at simulcast and games of chance facilities. Historic horse racing shall be regulated in the same manner as other pari-mutuel games of chance. The committee recommends passage of Senate Bill 408 and asks for your support. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 432-FN-L, establishing a commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective.
Inexpedient to Legislate, Vote 4-1. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 432-FN-LOCAL Inexpedient to Legislate. This bill sought to establish a study commission to determine whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective. As school boards throughout New Hampshire currently have the ability to offer such an elective course, the majority of the committee saw no need for the proposed study commission. The Senate Finance Committee recommends Senate Bill 432 be found Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. 03873, 03854, 03102. Okay maybe I've been up here too long tonight. But that isn't what's going on. These are different zip codes and it's an equality question. I want all our kids to have the same opportunities. Some schools have SAT preps during the day. Exeter would be one example, Milton's another, their principal and I talked about it and she said the three years since she's done it their scores have gone up between fifty and a hundred points. That is going to totally change your future and the college you get in if you have fifty to a hundred-point raise in the SAT. Other schools don't see it that way, they offer it after school, some don't offer anything, some offer it on a Saturday. They do find the after-school programs don't usually be successful, the kids have sports, the kids have student government, the kids are involved. The ones that seem to go up from my cursory examination; if you have it during the day and it's an elective and they get credit they take it seriously, their scores go up, the kids of New Hampshire will go up. I want the District 20 kids to have the same opportunities as the kids from Exeter. This is one way that we can help make that happen. I would ask you to overturn this motion and so I can make that more appropriate motion. Thank you.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Gannon, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Bradley, Gray, French, Ward, Kahn, Daniels, Avard, Birdsell, Morse.

The following Senators voted No: Giuda, Watters, Hennessey, Sanborn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis.

The following Senators were excused: Reagan.

Roll Call, Yeas: 10 - Nays: 13. Failed.

Senator Gannon moved Ought to Pass.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 533-FN, relative to the composition and compensation of the personnel appeals board.
Ought to Pass with Amendment, Vote 6-0. Senator Feltes for the committee.

Senate Finance
March 6, 2018
2018-0979s
05/03

Amendment to SB 533-FN

Amend the bill by replacing section 3 with the following:

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

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 533-FN Ought to Pass with Amendment. This bill increases the quorum requirement from two to three for the personnel appeals board and increases the compensation of such members. Board members currently are compensated $100 per day for each day devoted to the work of the board but not more than 5,000 each in any one year. Board members are also reimbursed for necessary expenses in connection with their official duties. Senate Bill 533-FN would increase the compensation to 400 for each day devoted to the work of the board and each member would receive a bi-weekly stipend of $200 plus reimbursement for travel, professional development and other business-related expenses. The amendment changes the effective date of the bill to coincide with the next budget cycle recognizing general fund expenditures. The Senate Finance Committee recommends passage of Senate Bill 533-FN as amended and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted.

FINANCE
SB 540-FN, relative to funding full day kindergarten.

SB 565-FN, relative to aircraft registration fees and airways tolls.
Ought to Pass, Vote 5-1. Senator Giuda for the committee.

SENATOR GIUDA: Thank You, Mister President. I move Senate Bill 565-FN Ought to Pass. This bill repeals aircraft registration fees under RSA 422:31, I and II, and replaces the existing aircraft operating fee. Under current law, registration fee revenue is credited to the general fund. Three quarters of the aircraft operating fee revenue is allocated to the general fund and one-quarter is distributed to the public-use airport where the aircraft is based. Note: Nearly all of these payments are made to municipalities. Senate Bill 565-FN sets the amount to be distributed to airports at $250,000 per year, and the remainder would be credited to the general fund. The committee recommends passage of Senate Bill 565-FN, and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Just briefly in opposition to this, we've debated it previously. This in my view is a giveaway to corporate jet owners that will gut the aeronautics division of DOT and result in job loss in DOT and will hamper our ability to do inspections and regulations at our airports. Some airports oppose it because of that. Thank you, Mister President.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I rise in support of this. I know Nashua really wants this, I think we're losing market share when it costs so much money to register our planes and yet down in Massachusetts, they're registering for less than a fraction. Let's help our industries. Let's bring industry back into New Hampshire and support our airports. Thank you very much, Mister President.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Feltes, Cavanaugh, Soucy, Fuller Clark.

The following Senators were excused: Reagan.

Roll Call, Yeas: 19 - Nays: 4. Adopted, bill ordered to Third Reading.

SPECIAL ORDER

Without objection, the following bills are special ordered to the next session. Adopted.

HEALTH AND HUMAN SERVICES
SB 475, relative to testing for Lyme disease.
SB 546-FN, relative to purchasing alliances.
SB 582-FN, relative to caseload standards for child protective service workers in the department of health and human services.
SB 590-FN-A, making a supplemental appropriation to the state loan repayment program, relative to emergency involuntary admissions, and relative to the child protection act and making appropriations therefor.
SB 592-FN-A, relative to the child welfare system.

JUDICIARY
SB 499, relative to the applicability of certain DWI prohibitions.
HB 287, establishing a committee to study decriminalizing sex work.

WAYS AND MEANS
SB 410-FN, establishing a registration fee for canoes and kayaks.
Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

Senate Ways and Means
March 7, 2018
2018-1004s
04/10

Amendment to SB 410-FN

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

AN ACT establishing a commission to study creating a boat safe card.

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

1 New Subdivision; Commission to Study Creating a Boat Safe Card. Amend RSA 270-D by inserting after section 20 the following new subdivision:

Commission to Study Creating a Boat Safe Card

270-D:21 Commission Established.

I. There is established a commission to study creating a boat safe card. The commission shall be comprised of the following members:

(a) One member of the house of representatives, appointed by the speaker of the house of representatives.

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

(c) One member representing the fish and game department, search and rescue program, appointed by the executive director of the fish and game department.

(d) One member representing the lakes management and protection program in the department of environmental services, appointed by the commissioner of the department of environmental services.

(e) The captain of marine patrol, department of safety, or designee.

(f) The chairperson of the exotic aquatic weeds and species committee established in RSA 487:30, or designee.

(g) A representative of the Appalachian Mountain Club-New Hampshire, appointed by the organization.

(h) A representative of American Whitewater, appointed by the organization.

(i) A representative of the New Hampshire Campground Owners' Association, appointed by the association.

(j) A representative of the New Hampshire Lakes Association, appointed by the association.

(k) A representative of the New Hampshire Rivers Council, appointed by the organization.

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

III. The commission shall:

(a) Evaluate potential mechanisms of funding for the search and rescue fund and the lake restoration and preservation fund, including equitability of charges or costs.

(b) Evaluate a target level of funding needed for the various programs.

(c) Explore the feasibility of a boat safe card using the hike safe card as a model, including:

(1) Studying the revenues of the hike safe card, its implementation, number of purchases per year, cost to implement, and measured benefits since implementation.

(2) Studying who would administer and implement a boat safe card program, how revenues would be split, and the possible costs and revenues of implementing such a program.

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

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

2 Repeal. RSA 270-D:21, relative to the commission to study creating a boat safe card, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

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

2018-1004s

AMENDED ANALYSIS

This bill establishes a commission to study creating a boat safe card.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move Senate Bill 410-FN Ought to Pass with Amendment. The original bill sought to establish an annual registration fee for canoes and kayaks. The Committee Amendment replaces the original bill in its entirety and seeks to form a commission to study creating a boat safety card program. The commission would be charged with evaluating potential funding mechanisms for the search and rescue fund and to the lake restoration and preservation fund. The commission would look into the potential revenue, benefits, and cost of the implementation of the hike safety card. The commission would also study who would administer and implement a boat safety card program and how the revenue produced by the program might be weighed in comparison to the cost. The Ways and Means Committee asks for your support of the motion of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9
March 7, 2018
2018-1019s
04/05

Floor Amendment to SB 410-FN

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

AN ACT establishing a commission to study creating a boat safe card.

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

1 New Subdivision; Commission to Study Creating a Boat Safe Card. Amend RSA 270-D by inserting after section 20 the following new subdivision:

Commission to Study Creating a Boat Safe Card

270-D:21 Commission Established.

I. There is established a commission to study creating a boat safe card. The commission shall be comprised of the following members:

(a) One member of the house of representatives, appointed by the speaker of the house of representatives.

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

(c) One member representing the fish and game department, search and rescue program, appointed by the executive director of the fish and game department.

(d) One member representing the lakes management and protection program in the department of environmental services, appointed by the commissioner of the department of environmental services.

(e) The captain of marine patrol, department of safety, or designee.

(f) The chairperson of the exotic aquatic weeds and species committee established in RSA 487:30, or designee.

(g) A representative of the Appalachian Mountain Club-New Hampshire, appointed by the organization.

(h) A representative of American Whitewater, appointed by the organization.

(i) A representative of the New Hampshire Campground Owners' Association, appointed by the association.

(j) A representative of the New Hampshire Lakes Association, appointed by the association.

(k) A representative of the New Hampshire Rivers Council, appointed by the organization.

(l) A representative of a marine towing company, appointed by the governor.

(m) A representative of a marine trade association, appointed by the governor.

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

III. The commission shall:

(a) Evaluate potential mechanisms of funding for the search and rescue fund and the lake restoration and preservation fund, including equitability of charges or costs.

(b) Evaluate a target level of funding needed for the various programs.

(c) Explore the feasibility of a boat safe card using the hike safe card as a model, including:

(1) Studying the revenues of the hike safe card, its implementation, number of purchases per year, cost to implement, and measured benefits since implementation.

(2) Studying who would administer and implement a boat safe card program, how revenues would be split, and the possible costs and revenues of implementing such a program.

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

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

2 Repeal. RSA 270-D:21, relative to the commission to study creating a boat safe card, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

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

2018-1019s

AMENDED ANALYSIS

This bill establishes a commission to study creating a boat safe card.

SENATOR SANBORN: Thank you, Mister President. Mister President, first and foremost, there should have been Senator Feltes and Senator D'Allesandro on this amendment as well. As part of the discussion that we had relative to what we're going to do about milfoil and water challenges within the state of New Hampshire. While I commend the Senator from District number 20 to bring in the bill to create a potential new tax which I struggled with, I do recognize and support the fact that we do have a water problem. And in discussions we gave a nod to the good Senator for Senate District number 3 when he created the Hike Safe Card which would help pull people out of the woods when they've tripped over their flip-flops and couldn't get out while ask the same question from us as to whether or not as opposed to creating a tax on canoes or kayaks, would there or could there be a way that we could extend or create a card or sister card to the hike safe card and make it a boat safe card. Because there are people that trip on their flip-flops on their boats. If there's a way that we cloud also use that to generate some money and which to also address the issue we're having with milfoil and other problems. So this is a replace all amendment that the fine Senators from 15 and 20 put together to turn this into a commission to see if there's a way that we can raise some funds without raising a tax to attack our milfoil problem. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 411-FN-A, eliminating the cap on the research and development tax credit.
Ought to Pass with Amendment, Vote 5-0. Senator Feltes for the committee.

Senate Ways and Means
March 7, 2018
2018-1006s
10/05

Amendment to SB 411-FN-A

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

AN ACT relative to the research and development tax credit.

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

1 Business Profits Tax; Credit for Research and Development; Survey. Amend RSA 77-A:5, XIII to read as follows:

XIII.(a) There shall be allowed a research and development tax credit for qualified manufacturing research and development expenditures made or incurred during the fiscal year, as follows:

(1) The aggregate of tax credits issued by the commissioner to all taxpayers claiming the credit shall not exceed $7,000,000 for any fiscal year.

(2) Each credit shall be used to offset the taxpayer's tax liability within the subsequent 5 tax years. The amount of the credit shall be the lesser of:

(A) Ten percent of the excess of the qualified manufacturing research and development expenses for the taxable year over the base amount;

(B) The proportional share of the maximum aggregate credit amount allowed in subparagraph (1);

(C) $50,000.

(3) Taxpayers shall apply for the tax credit on forms provided by the commissioner and shall be accompanied by information or records required by the commissioner***, including but not limited to the survey described in subparagraph (d)***. Such application shall be postmarked no later than June 30 following the tax year during which research and development occurred.

(4) A determination on the final amount of the credit awarded by the commissioner to each taxpayer claiming the credit shall be made no later than September 30 of each year.

(5) Wages for which a credit is taken under this paragraph shall not also be eligible for a credit under RSA 162-N.

(b) For purposes of this paragraph:

(1) The term "qualified manufacturing research and development expenditures" shall mean solely any wages paid or incurred to an employee of the business organization for services rendered by such employee within this state within the meaning of RSA 77-A:3; I(b), provided that:

(A) Such wages shall be treated as wages for qualified research expenses under section 41(b) of the United States Internal Revenue Code.

(B) Such services are undertaken for the purpose of discovering information which constitutes qualified research and development of a new or improved manufacturing process or business component of the business organization.

(C) The wages qualify and are reported as a credit by the business organization under section 41 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX.

(D) The wages are reported by the business organization in the enterprise value tax base under RSA 77-E.

(2) "Base amount" shall mean the base amount of expenditure as defined under section 41 of the United States Internal Revenue Code as defined by RSA 77-A:1, XX, except that the minimum base amount may be 0.

(c) A unitary business or an enterprise consisting of one or more taxpayers under this chapter shall be considered a single taxpayer for purposes of claiming the credit under this paragraph.

(d) Applications for the research and development tax credit shall be accompanied by a completed survey, upon such form as the commissioner may direct, providing information describing the impact of the expenditures upon which the tax credit is based as follows:

(1) The types of research and development projects supported by the expenditures;

(2) Whether the projects supported by the expenditures resulted in products being brought to market;

(3) An estimate of the number of jobs created or supported as a result of the expenditures;

(4) The total prior year business profits tax liability of the taxpayer, before consideration of any credits provided for in this section;

(5) The number of times the taxpayer has received the research and development tax credit in the past;

(6) The total amount of research and development tax credits that the taxpayer had outstanding at the end of the prior tax year, and

(7) Any other question helpful to evaluating the costs and benefits of the research and development tax credit.

(e) On or before December 31 2019, and each December 31 thereafter, the commissioner shall provide the president of the senate, the speaker of the house of representatives, and members of the senate ways and means committee and house ways and means committee a report detailing, consistent with RSA 21-J:14, the aggregated results of the survey described in subparagraph (d).

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

2018-1006s

AMENDED ANALYSIS

This bill requires applicants for the research and development tax credit against business profits taxes to complete a survey.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 411-FN-A Ought to Pass with Amendment. The original bill sought to eliminate the cap on the research and development tax credit. The committee expressed reservations with regard to the potential fiscal impact of doing so; therefore the Committee Amendment keeps the current $7 million cap in place and replaces the bill with a new reporting requirement for applicants of the credit. The intent is to capture information that will be useful in determining the effectiveness of and the need for the credit going forward. I ask your support for the motion of ought to pass with amendment. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.
Ought to Pass with Amendment, Vote 4-1. Senator Sanborn for the committee.

Senate Ways and Means
March 7, 2018
2018-1005s
10/05

Amendment to SB 564-FN-A

Amend RSA 77-A:5-c, II as inserted by section 6 of the bill by replacing it with the following:

II. The election to be a qualified regenerative manufacturing company shall expire on the last day of the taxable period of the business organization that includes December 31, 2028. No subsequent election may be made after the expiration of an election, with respect to either the business organization or the active regenerative manufacturing business conducted by such business organization or any successor business organization.

2018-1005s

AMENDED ANALYSIS

This bill establishes exemptions from the business profits tax and the business enterprise tax for qualified regenerative manufacturing businesses. The bill also provides for a workforce development program for such businesses administered by the business finance authority.

SENATOR SANBORN: Mister President, thank you very much. I move Senate Bill 564-FN Ought to Pass with Amendment. This bill is relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses. This bill establishes a 10-year period from the business profits tax and business enterprise tax for qualified regenerative manufacturing businesses. This bill also provides for a workforce development program for such businesses administered by the BFA. The intent of this bill is to create a welcoming environment for companies who seek to create this new industry in NH. Some of you may know that we have a very unique opportunity today, that Dean Kamen, a household name to many of us here has been able to leverage a grant from army to bring in almost $300 million to actually make New Hampshire truly a hub of what could be the next technology that's going to actually do something real for our veterans coming home, for people that have been injured or burnt.

This capacity to actually regenerate your own human tissue, to replace and help those people who are coming home from war or people who have been in tremendous accidents, truly can reset the bar worldwide. It's very exciting and we're very excited to try and pass a bill to help that. I'll also say Mister President, that being that it's such a late date I do understand there are some people who would love a further debate on this, but I ask the body's consideration that we pass this bill tonight on a voice vote, to save time on what could be a long debate, since we know it's going to Finance, which will give us time to do some work to the bill and have a more robust debate when it comes out. So Mister President, we commend this to the body's passage on a voice vote if they'd be so kind, and let's vote Ought to Pass and do something cool.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I think this is important. And the initiative is pretty good. There I just when the Finance Committee takes a look at this, I ask that you look at that workforce development program and give it some thought. I don't know how we select among all the workforce needs in the state, how we select one industry over other industries when we establish this workforce development program. It's a scholarship replacement, establishing a fund through debt or through direct appropriation to the Business Finance Authority. It's different, it's new and again I don't know that we should be picking this one industry versus the health professions versus other industries. We've talked about various scholarship programs. Whether this should be funded with the business tax credits that are coming to these developing companies as opposed to through the state. I've got questions about that myself. I think in our interest of wanting to support this industry and this development we are enacting a new program that we don't know the full implications and we haven't given the thought to how it might disadvantage or serve other industries down the road. I think it needs more discussion on that aspect. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SPECIAL ORDER

Without objection, the following bills are special ordered to the next session. Adopted.

EDUCATION
SB 525-FN, prohibiting the distribution of higher education and adult education financial assistance to any student who is not a legal resident.

ENERGY AND NATURAL RESOURCES
SB 446, relative to net energy metering limits for customer-generators.

HEALTH AND HUMAN SERVICES
SB 581-FN, relative to pharmacy benefit managers under the managed care law.

JUDICIARY
SB 388, relative to satellite dispensaries for therapeutic cannabis.

TRANSPORTATION
HB 1278, naming the rest area in Colebrook after Frederick W. King, Sr.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Fuller Clark: SB 565-FN
Senator Morse: SB 422
Senator Sanborn: HB 287, HB 1278, HB 1334, HB 1370, SB 301-FN, SB 309-FN, SB 313-FN, SB 317-FN, SB 318, SB 340, SB 346, SB 351, SB 370-FN, SB 388, SB 391-FN, SB 400, SB 401, SB 408-FN, SB 410-FN, SB 411-FN-A, SB 422, SB 423, SB 426, SB 427, SB 431, SB 432-FN-L, SB 433, SB 438, SB 443, SB 446, SB 451, SB 462-FN, SB 463-FN, SB 464, SB 475, SB 478, SB 497-FN, SB 498-FN, SB 499, SB 500, SB 506, SB 522, SB 525-FN, SB 526-FN, SB 527-FN-L, SB 530-FN, SB 532-FN, SB 533-FN, SB 540-FN, SB 546-FN, SB 548-FN, SB 553-FN, SB 555-FN-A, SB 556-FN, SB 557-FN, SB 559-FN-A, SB 562-FN, SB 566-FN, SB 567-FN, SB 559-FN-A, SB 562-FN, SB 563-FN, SB 564-FN-A, SB 565-FN, SB 568-FN, SB 569-FN, SB 570-FN, SB 571-FN, SB 572-FN, SB 577, SB 581-FN, SB 582-FN, SB 583-FN, SB 584-FN, SB 585-FN, SB 587-L, SB 588-FN, SB 589-FN, SB 590-FN-A, SB 592-FN-A
Senator Soucy: SB 553-FN

ANNOUNCEMENTS

PRESIDENT MORSE: I'll start with the announcements. The Senate will meet next Wednesday, March 14th at 12 o'clock to deal with all the bills from the calendars today that are left over.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. A moment of personal privilege. Mister President, here in New Hampshire we have a citizen government, not just a citizen legislature, but a citizen municipal government as well. So it really does pain me to feel compelled to comment on something that was published in Municipal Association's legislative bulletin this past week. The bulletin said regardless how anyone feels about giving the secretary of state power over postponing town meeting voting sessions for the first time ever, the bill makes a mess of town meeting statutes and cannot in good conscience be supported by anyone who has any regard for town government. We may disagree about things in this body. We argue, loudly sometimes, about what policy would be best for the citizens that we serve. Sometimes we disagree on very fundamental issues and we can disagree and advocate for our positions zealously, like we have today. But I believe we do a good job of recognizing that no matter how strongly we feel about an issue, the person who feels differently can reach his or her position in good conscience even when that position is diametrically opposed to our own. Mister President, we all have a high regard for town government, we've given back $38 million to the towns for the roads and bridges, we've returned education dollars back to the towns, to the school systems. Just because we don't take the position advocated by the Municipal Association or anyone else does not mean that we're not advocating in our own good conscience. Many of you here saw SB 438 differently. That's okay. I believe you all come to your position in good conscience and I hope you believe that I come to my position in good conscience as well. In New Hampshire we should treat each other with respect, regardless of which side of the issue we find ourselves on. Mister President, I truly regret that the Municipal Association has lowered the level of debate and is unable to see that people can disagree without being disagreeable. The Municipal Association is free to advance its positions, I just hope that in the future it changes its tone and does its work in a manner that shows respect for the people who may not agree with it. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Just a point of personal privilege. Some of us, who have been around here for a while, served with Irene Messier in the House of Representatives. She spent thirty years in the House. Irene passed away last week. Irene was my neighbor for almost fifty years. She lived on the West Side of Manchester in Ward 10; represented Ward 10 in the House of Representatives. I don't think you could find a kinder, more gentle person than Irene Messier. Her husband Armand, who passed before her, had his garden in back of the house and was always sharing vegetables with us in the area. Irene was a woman who never had a bad word for anybody, nobody. And she came up here, as mentioned in her obituary. She rode up with Steve Vaillancourt; two more opposite ends of the spectrum you never could have seen. Never! I mean Irene was kind, gentle, never said a bad word about anybody and damn it, Vaillancourt was like the scourge of the earth–from my perspective. I'll tell you; from my perspective. My wife and I visited Irene when she was in the nursing home, and it was awful, to be honest with you, but Irene said, I'm getting the best care that I ever could have. They take care of me, and just get me everything that I want. Never had a bad word never had a moment when she wasn't being just magnanimous in terms of her praise for those who were taking care of her. So, you know we're losing people every day, but when you lose the really, really good ones it's very, very sad. Irene gave thirty years of her life across the hall. Had one sign; she made one sign. It was a green sign, had her name on it, and she held it at the polls, held it. She had a little like a door handle on one side and she would hold the sign on the other side and she'd stand at the polls all day long. And if any of you have been to the West Side of Manchester the Parker-Varney School, there's Irene Messier and she would be remembered eternally. So, left a wonderful family, and a great impression on, obviously, me and I think the voters of Ward 10. So, I've lost some great people, and she certainly is one of them. Thank you, Mister President.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 1334, establishing a commission to review the structure of motor vehicle laws.
HB 1370, relative to a school's emergency management plan.
SB 301-FN, temporarily reducing the real estate transfer tax for first-time home buyers.
SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds.
SB 317-FN, relative to veterans' preference in public employment.
SB 340, relative to the commissioner of revenue administration's assessment report.
SB 346, relative to requiring enhanced technology ignition interlock devices.

SB 351, relative to managed care programs under workers' compensation.
SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.
SB 391-FN, establishing a sexual assault survivors' rights commission.
SB 400, relative to traveler information signs on highways.
SB 401, relative to repair of roads not maintained by a municipality.
SB 408-FN, licensing historic racing.
SB 410-FN, establishing a commission to study creating a boat safe card.
SB 411-FN-A, relative to the research and development tax credit.
SB 427, limiting the liability of successor corporations for asbestos-related claims.
SB 432-FN-LOCAL, establishing a commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective.
SB 438, relative to the postponement of local elections.
SB 443, relative to the jurisdiction of counties concerning retail electric supply.
SB 451, relative to wildlife trafficking.
SB 464, relative to the procedure for driveway permits.
SB 478, establishing an advisory council on lactation.
SB 497-FN, relative to breast-feeding.
SB 498-FN, requiring an annual report detailing activity related to forfeiture of personal property.
SB 500, amending references to firearms terminology.
SB 506, limiting amendments to warrant articles.
SB 522, relative to alteration of speed limits.
SB 527-FN-LOCAL, relative to absentee voting.
SB 533-FN, relative to the composition and compensation of the personnel appeals board.
SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.
SB 559-FN-A, establishing a committee to study the construction of sound barriers on type I and type II highways.
SB 565-FN, relative to aircraft registration fees and airways tolls.
SB 566-FN, establishing a commission to study the school bus driver shortage.
SB 570-FN, relative to the work requirement for the child care scholarship program.
SB 588-FN, relative to inspections of laboratories and relative to loans for lead hazard remediation projects.
SB 589-FN, relative to regulation of certified recovery support workers.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

CACR 15, relating to legal actions. Providing that taxpayers have standing to bring actions against the government.

HB 476, relative to the duties of registers of probate.
HB 559-FN, relative to expenditures from the energy efficiency fund.
HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire.
HB 1101-FN, regulating groundwater pollution caused by polluting emissions in the air.
HB 1102-FN, enabling the department of health and human services to contract with certain certified physicians.
HB 1103-FN, relative to financial responsibility for voluntary services provided pursuant to a report of abuse or neglect that is "unfounded but with reasonable concern."
HB 1215, relative to voting on variances.
HB 1216, relative to liability for deferred property taxes and relative to applications for abatement of property taxes.
HB 1228, removing the limitation on a chartered public school incurring long term debt.
HB 1233, preempting local regulation of seeds and fertilizer.
HB 1238, relative to animal cruelty involving an equine colt.
HB 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire.
HB 1258, relative to the advanced manufacturing education advisory council.
HB 1261, relative to record management of abuse and neglect reports.
HB 1264, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."
HB 1271, changing the name of Industrial Drive at the Hugh Gallen Office Park to Ratification Way.
HB 1273, suspending state licensure laws for physicians and physician assistants employed by the United States Department of Veterans Affairs.
HB 1286, relative to fishing and hunting licenses for permanently disabled veterans.
HB 1290, relative to vehicle registration for new residents to New Hampshire.
HB 1294, relative to religious societies.
HB 1307, relative to the presentation of a default budget.
HB 1308-FN, relative to non-renewal of lines of business.
HB 1309, relative to transferring dogs, cats, and ferrets by animal shelter facilities.
HB 1315, prohibiting the university system funds from being spent to oppose the formation of unions and collective bargaining units.
HB 1319, prohibiting discrimination based on gender identity.
HB 1327, relative to apprentice electricians.
HB 1331, relative to incidental uses for agricultural plates.
HB 1340, relative to absences among officers required to be present at school district elections.
HB 1354, adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees.
HB 1363, relative to the waiver of vehicle registration suspension fees.
HB 1365, relative to OHRV operation on public ways.
HB 1372, prohibiting the implanting of subcutaneous identification devices in individuals.
HB 1377, relative to emancipation by marriage and establishing a committee to study the emancipation of minors.
HB 1378, relative to domestic insurance company investments.

HB 1379, relative to confidentiality of forms and rates.
HB 1382, repealing the requirement that restaurants provide separate bathrooms for each sex.
HB 1389, relative to commercial lines modernization.
HB 1418-FN, relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs.
HB 1421-FN, relative to the regulation of event tents.
HB 1427-FN, relative to membership in the retirement system for certain officials.
HB 1428-FN, relative to removal of roadside memorials.
HB 1450, relative to retention of job applications and personnel files.
HB 1453, relative to the traffic safety commission.
HB 1454, eliminating the commission to study recommendations of the National Transportation Safety Board.
HB 1473-FN, relative to the timber yield tax.
HB 1476, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.
HB 1480, relative to the membership of the board of trustees of a chartered public school.
HB 1484, relative to late fees in manufactured housing parks.
HB 1487, relative to banks and credit unions.
HB 1488, establishing a committee to study the public utilities commission's role and scope of duties in a deregulated environment.
HB 1493, relative to the statewide assessment system of performance in schools.
HB 1495, relative to standards for determining an adequate education.
HB 1496, relative to requirements for performance based accountability for an adequate education.
HB 1497, relative to accountability for school performance.
HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7.
HB 1502, adding the utility property tax exclusion for exempt water and air pollution control facilities to tax expenditure review.
HB 1515, relative to an exemption from the combustion ban on construction and demolition debris.
HB 1517, relative to vehicle inspection failures for rust.
HB 1519, relative to the conduct of condominium unit owners' associations votes without a meeting.
HB 1523, relative to heavy duty recovery vehicles.
HB 1530, requiring criminal history records checks for applicants for allied health professional licensure or certification.
HB 1533, relative to termination of variances and special exceptions.
HB 1562-FN, relative to the role of foster parents.
HB 1571, authorizing an alternative recovery monitoring program for nurses licensed by the board of nursing.
HB 1575, permitting hunting with an air rifle.
HB 1577, relative to the administration of anesthesia by dentists.
HB 1578, relative to samples from nano breweries.
HB 1587, relative to the minimum age for marriage.
HB 1589, relative to actions against tenants for a caregiver under an agreement for a person with disabilities.
HB 1595, relative to the use of the left lane of a multilane roadway.
HB 1599, relative to the governor's commission on disability.
HB 1601, relative to a declarant's options for condominium expansion.
HB 1603, relative to employee representation on the independent investment committee in the New Hampshire retirement system.

HB 1605, relative to reinsurance.
HB 1606, relative to naturopathic health care practice.
HB 1612, relative to data security in schools.
HB 1613, relative to operation of uninspected vehicles.
HB 1615, relative to speed limits in work zones.
HB 1623, relative to criteria for debarment of vendors.
HB 1624, relative to state procurement practices and criteria for acceptance of bids.
HB 1636, establishing a committee to study teacher preparation and education programs.
HB 1654, relative to automobile medical payments.
HB 1660, relative to delinquent accounts of liquor licensees.
HB 1661, relative to a marriage petition by a party under age.
HB 1663, establishing a committee to study reimbursement rates under automobile insurance policies.
HB 1665, relative to the authority of the governing boards of allied health professionals.
HB 1683-FN, relative to the definition of child abuse.
HB 1684, relative to criminal background checks for emergency medical services license applicants.
HB 1687, relative to banking and consumer credit.
HB 1689-FN, repealing the repeal of the pollution prevention program of the department of environmental services.
HB 1690-FN, relative to liquor licenses.
HB 1692-FN, allowing liquor licensees to select an anniversary for renewal.
HB 1697-FN, authorizing the Daniel Webster Council of Boy Scouts of America to issue decals for multi-use decal plates.
HB 1700, relative to the procedure for placing a security freeze on a consumer credit report.
HB 1715-FN, establishing a committee to study options for tenants to dispute a rent increase in a manufactured housing park if such increase was arbitrary and unreasonable.
HB 1719-FN, relative to donations of liquor to nonprofits.
HB 1720-FN, relative to the storage of beverages produced by contract brewers.
HB 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund.
HB 1741, relative to a definition of “contracted copayment” for purposes of the managed care law.
HB 1743-FN, relative to funding for the Sununu Youth Services Center, and unfunded positions in the department of health and human services.
HB 1744, authorizing a parent to exempt his or her child from participating in the statewide assessment program.
HB 1746-FN, relative to the practices of pharmacy benefit managers.
HB 1753-FN, relative to transportation of alcoholic beverages by a minor.
HB 1761, relative to the math learning communities program in secondary schools.
HB 1769-FN, relative to maintenance of certification by physicians or applicants for a license to practice medicine in New Hampshire.
HB 1774, relative to parenting plans and relocation of a child’s residence.
HB 1775, relative to the appointment of guardians ad litem in parenting cases.
HB 1777-FN, relative to energy infrastructure corridor revenue.
HB 1781, relative to condominiums with 10 or fewer residential units.
HB 1782-FN, relative to insurance payments for ambulance providers.

HB 1786-LOCAL, prohibiting costs for inspection of governmental records under the right-to-know law.
HB 1795, eliminating the oversight commission on motor vehicle fines.
HB 1796, relative to the legislative oversight committee on electric utility restructuring.
HB 1805, establishing a committee to study level dollar amortization of retirement system unfunded accrued liability and relative to the retirement system board of trustees.
HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.
HB 1809-FN, relative to balance billing under the managed care law.
HB 1810, establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them.
HB 1823-FN, relative to layered amortization of retirement system liabilities.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 1506-FN, relative to regulation of graduate physicians.
HB 1626-FN, requiring the governor's commission on alcohol and drug abuse prevention, treatment, and recovery to report on the cost effectiveness of funded programs.
HB 1685-FN, establishing a statutory commission for oversight over occupational regulation.
HB 1756-FN-A, relative to an additional allowance and a cost of living adjustment for retirees from the state retirement system.
HB 1766-FN, relative to remediating the Coakley Landfill in Greenland.

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted.

First and Second Reading and Referral

CACR 15, relating to legal actions. Providing that taxpayers have standing to bring actions against the government. (Rules and Enrolled Bills)
CACR 16, Relating to privacy. Providing that an individual's right to live free of governmental intrusion is natural, essential, and inherent. (Rules and Enrolled Bills)
HB 476, relative to the duties of registers of probate. (Judiciary)
HB 559-FN, relative to expenditures from the energy efficiency fund. (Finance)
HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire. (Commerce)
HB 1101-FN, regulating groundwater pollution caused by polluting emissions in the air. (Energy and Natural Resources)
HB 1102-FN, enabling the department of health and human services to contract with certain certified physicians. (Health and Human Services)
HB 1103-FN, relative to financial responsibility for voluntary services provided pursuant to a report of abuse or neglect that is "unfounded but with reasonable concern." (Health and Human Services)

HB 1215, relative to voting on variances. (Public and Municipal Affairs)
HB 1216, relative to liability for deferred property taxes and relative to applications for abatement of property taxes. (Public and Municipal Affairs)
HB 1217, amending the certification requirements for school nurses. (Education)
HB 1227, relative to an unattended idling vehicle on private property. (Transportation)
HB 1228, removing the limitation on a chartered public school incurring long term debt. (Education)
HB 1233, preempting local regulation of seeds and fertilizer. (Energy and Natural Resources)
HB 1237, relative to the definition of “public at large.” (Public and Municipal Affairs)
HB 1238, relative to animal cruelty involving an equine colt. (Energy and Natural Resources)
HB 1243, relative to exemptions from property attachments. (Rules and Enrolled Bills)
HB 1247, relative to administering oaths to certain state officers. (Public and Municipal Affairs)
HB 1252-FN, relative to certificates of insurance. (Commerce)
HB 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire. (Executive Departments and Administration)
HB 1258, relative to the advanced manufacturing education advisory council. (Education)
HB 1261, relative to record management of abuse and neglect reports. (Health and Human Services)
HB 1264, relative to construction of the terms “resident,” “inhabitant,” “residence,” and “residency.” (Election Law and Internal Affairs)
HB 1265, relative to the release of criminal conviction records. (Judiciary)
HB 1271, changing the name of Industrial Drive at the Hugh Gallen Office Park to Ratification Way. (Transportation)
HB 1273, suspending state licensure laws for physicians and physician assistants employed by the United States Department of Veterans Affairs. (Health and Human Services)
HB 1280-FN, relative to bow and arrow hunting licenses for permanently disabled military veterans. (Energy and Natural Resources)
HB 1281, establishing an executive order registry. (Rules and Enrolled Bills)
HB 1283, prohibiting sobriety checkpoints. (Judiciary)
HB 1284, relative to the reports required by the incapacitated and vulnerable adult fatality review committee. (Health and Human Services)
HB 1285, relative to dancers and entertainers in premises serving alcoholic beverages. (Commerce)
HB 1286, relative to fishing and hunting licenses for permanently disabled veterans. (Energy and Natural Resources)
HB 1288, relative to petitions for annulment. (Judiciary)
HB 1289, relative to trespassing domestic fowl. (Energy and Natural Resources)
HB 1290, relative to vehicle registration for new residents to New Hampshire. (Transportation)
HB 1294, relative to religious societies. (Public and Municipal Affairs)
HB 1303, relative to the purposes of revolving funds in towns. (Public and Municipal Affairs)
HB 1304, relative to the authorization for forensic audits by a county convention. (Public and Municipal Affairs)

HB 1307, relative to the presentation of a default budget. (Public and Municipal Affairs)
HB 1308-FN, relative to non-renewal of lines of business. (Commerce)
HB 1309, relative to transferring dogs, cats, and ferrets by animal shelter facilities. (Energy and Natural Resources)
HB 1310, establishing a committee to study all non-regulatory boards and commissions. (Executive Departments and Administration)
HB 1315, prohibiting the university system funds from being spent to oppose the formation of unions and collective bargaining units. (Finance)
HB 1319, prohibiting discrimination based on gender identity. (Judiciary)
HB 1327, relative to apprentice electricians. (Executive Departments and Administration)
HB 1329, relative to eyewitness identification procedures. (Judiciary)
HB 1331, relative to incidental uses for agricultural plates. (Transportation)
HB 1335, relative to the cybersecurity software used by the state of New Hampshire. (Executive Departments and Administration)
HB 1340, relative to absences among officers required to be present at school district elections. (Public and Municipal Affairs)
HB 1352-FN, eliminating the nonresident freshwater bait dealers license. (Energy and Natural Resources)
HB 1354, adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees. (Finance)
HB 1356, relative to data sharing between the department of environmental services and the department of health and human services. (Health and Human Services)
HB 1361, relative to county audits. (Public and Municipal Affairs)
HB 1363, relative to the waiver of vehicle registration suspension fees. (Transportation)
HB 1365, relative to OHRV operation on public ways. (Transportation)
HB 1372, prohibiting the implanting of subcutaneous identification devices in individuals. (Judiciary)
HB 1374, relative to financial regulation technicals. (Commerce)
HB 1377, relative to emancipation by marriage and establishing a committee to study the emancipation of minors. (Judiciary)
HB 1378, relative to domestic insurance company investments. (Commerce)
HB 1379, relative to confidentiality of forms and rates. (Commerce)
HB 1382, repealing the requirement that restaurants provide separate bathrooms for each sex. (Commerce)
HB 1389, relative to commercial lines modernization. (Commerce)
HB 1401, relative to the New Hampshire accountancy act. (Finance)
HB 1404, relative to the competing harms defense. (Judiciary)
HB 1416-FN, repealing the prohibition on bottle rockets. (Commerce)
HB 1418-FN, relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs. (Health and Human Services)
HB 1420-FN, relative to a criminal penalty for driving after certification as an habitual offender. (Judiciary)
HB 1421-FN, relative to the regulation of event tents. (Executive Departments and Administration)
HB 1425-FN, relative to simple assault. (Judiciary)
HB 1427-FN, relative to membership in the retirement system for certain officials. (Executive Departments and Administration)
HB 1428-FN, relative to removal of roadside memorials. (Transportation)

HB 1441-FN, establishing the office of the ombudsman in the department of state. (Executive Departments and Administration)
HB 1446, relative to childhood cancer awareness month. (Public and Municipal Affairs)
HB 1450, relative to retention of job applications and personnel files. (Public and Municipal Affairs)
HB 1453, relative to the traffic safety commission. (Transportation)
HB 1454, eliminating the commission to study recommendations of the National Transportation Safety Board. (Transportation)
HB 1458, relative to exempting certain rules governing marine species from the administrative procedures act. (Energy and Natural Resources)
HB 1467, relative to the penalty for driving after revocation or suspension. (Judiciary)
HB 1468, establishing a commission to study legislative oversight activities related to the department of health and human services. (Health and Human Services)
HB 1472, relative to the state building code provisions for energy conservation in new building construction. (Executive Departments and Administration)
HB 1473-FN, relative to the timber yield tax. (Public and Municipal Affairs)
HB 1476, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use. (Health and Human Services)
HB 1477-FN, relative to annulment of arrests or convictions for possession of 3/4 of an ounce of marijuana, or less. (Judiciary)
HB 1480, relative to the membership of the board of trustees of a chartered public school. (Education)
HB 1483, amending the wiretapping and eavesdropping statute to include private communication networks. (Judiciary)
HB 1484, relative to late fees in manufactured housing parks. (Public and Municipal Affairs)
HB 1487, relative to banks and credit unions. (Commerce)
HB 1488, establishing a committee to study the public utilities commission's role and scope of duties in a deregulated environment. (Energy and Natural Resources)
HB 1493, relative to the statewide assessment system of performance in schools. (Education)
HB 1494, relative to the definition of academic standards. (Education)
HB 1495, relative to standards for determining an adequate education. (Education)
HB 1496, relative to requirements for performance based accountability for an adequate education. (Education)
HB 1497, relative to accountability for school performance. (Education)
HB 1498, relative to alternate certification pathways for career and technical education instructors. (Education)
HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7. (Ways and Means)
HB 1502, adding the utility property tax exclusion for exempt water and air pollution control facilities to tax expenditure review. (Ways and Means)
HB 1506-FN, relative to regulation of graduate physicians. (Executive Departments and Administration)
HB 1515, relative to an exemption from the combustion ban on construction and demolition debris. (Energy and Natural Resources)
HB 1517, relative to vehicle inspection failures for rust. (Transportation)
HB 1519, relative to the conduct of condominium unit owners' associations votes without a meeting. (Commerce)

HB 1523, relative to heavy duty recovery vehicles. (Transportation)
HB 1530, requiring criminal history records checks for applicants for allied health professional licensure or certification. (Executive Departments and Administration)
HB 1533, relative to termination of variances and special exceptions. (Public and Municipal Affairs)
HB 1545, relative to the statewide interoperability executive committee. (Executive Departments and Administration)
HB 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes. (Ways and Means)
HB 1562-FN, relative to the role of foster parents. (Health and Human Services)
HB 1565-FN, relative to requiring the secure psychiatric unit to be accredited as a psychiatric hospital and making an appropriation therefor. (Health and Human Services)
HB 1571, authorizing an alternative recovery monitoring program for nurses licensed by the board of nursing. (Executive Departments and Administration)
HB 1575, permitting hunting with an air rifle. (Energy and Natural Resources)
HB 1577, relative to the administration of anesthesia by dentists. (Health and Human Services)
HB 1578, relative to samples from nano breweries. (Commerce)
HB 1587, relative to the minimum age for marriage. (Judiciary)
HB 1589, relative to actions against tenants for a caregiver under an agreement for a person with disabilities. (Judiciary)
HB 1593, authorizing a school district meeting to adopt an article authorizing the trustees of the trust fund to charge certain expenses against capital reserve funds. (Public and Municipal Affairs)
HB 1595, relative to the use of the left lane of a multilane roadway. (Transportation)
HB 1598-LOCAL, relative to the vote to withdraw from a cooperative school district. (Education)
HB 1599, relative to the governor’s commission on disability. (Executive Departments and Administration)
HB 1601, relative to a declarant’s options for condominium expansion. (Commerce)
HB 1603, relative to employee representation on the independent investment committee in the New Hampshire retirement system. (Executive Departments and Administration)
HB 1605, relative to reinsurance. (Commerce)
HB 1606, relative to naturopathic health care practice. (Health and Human Services)
HB 1612, relative to data security in schools. (Education)
HB 1613, relative to operation of uninspected vehicles. (Transportation)
HB 1615, relative to speed limits in work zones. (Transportation)
HB 1622, relative to organization of the department of information technology. (Executive Departments and Administration)
HB 1623, relative to criteria for debarment of vendors. (Executive Departments and Administration)
HB 1624, relative to state procurement practices and criteria for acceptance of bids. (Executive Departments and Administration)
HB 1626-FN, requiring the governor’s commission on alcohol and drug abuse prevention, treatment, and recovery to report on the cost effectiveness of funded programs. (Finance)

HB 1636, establishing a committee to study teacher preparation and education programs. (Education)
HB 1637, requiring school districts to establish policies relating to suspensions and expulsions. (Education)
HB 1638, declaring April 7, 2018 as tabletop gaming day in New Hampshire. (Public and Municipal Affairs)
HB 1654, relative to automobile medical payments. (Commerce)
HB 1660, relative to delinquent accounts of liquor licensees. (Commerce)
HB 1661, relative to a marriage petition by a party under age. (Judiciary)
HB 1663, establishing a committee to study reimbursement rates under automobile insurance policies. (Commerce)
HB 1664, relative to terms of appointment of members of governing boards for allied health professionals. (Executive Departments and Administration)
HB 1665, relative to the authority of the governing boards of allied health professionals. (Executive Departments and Administration)
HB 1673-FN-LOCAL, relative to the interest charged on late and delinquent property tax payments. (Ways and Means)
HB 1674, relative to computer science and digital skills required for an adequate education. (Education)
HB 1676-FN, repealing the licensing requirement for open-air shows and repealing the laws related to the keeping of billiard tables. (Executive Departments and Administration)
HB 1683-FN, relative to the definition of child abuse. (Judiciary)
HB 1684, relative to criminal background checks for emergency medical services license applicants. (Executive Departments and Administration)
HB 1685-FN, establishing a statutory commission for oversight over occupational regulation. (Executive Departments and Administration)
HB 1687, relative to banking and consumer credit. (Commerce)
HB 1689-FN, repealing the repeal of the pollution prevention program of the department of environmental services. (Energy and Natural Resources)
HB 1690-FN, relative to liquor licenses. (Commerce)
HB 1692-FN, allowing liquor licensees to select an anniversary for renewal. (Commerce)
HB 1697-FN, authorizing the Daniel Webster Council of Boy Scouts of America to issue decals for multi-use decal plates. (Transportation)
HB 1700, relative to the procedure for placing a security freeze on a consumer credit report. (Commerce)
HB 1715-FN, establishing a committee to study options for tenants to dispute a rent increase in a manufactured housing park if such increase was arbitrary and unreasonable. (Commerce)
HB 1719-FN, relative to donations of liquor to nonprofits. (Commerce)
HB 1720-FN, relative to the storage of beverages produced by contract brewers. (Commerce)
HB 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund. (Finance)
HB 1738, transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs. (Executive Departments and Administration)
HB 1740, relative to costs of blood testing orders. (Commerce)
HB 1741, relative to a definition of "contracted copayment" for purposes of the managed care law. (Health and Human Services)
HB 1743-FN, relative to funding for the Sununu Youth Services Center, and unfunded positions in the department of health and human services. (Finance)

HB 1744, authorizing a parent to exempt his or her child from participating in the statewide assessment program. (Education)
HB 1746-FN, relative to the practices of pharmacy benefit managers. (Health and Human Services)
HB 1753-FN, relative to transportation of alcoholic beverages by a minor. (Judiciary)
HB 1756-FN-A, relative to an additional allowance and a cost of living adjustment for retirees from the state retirement system. (Finance)
HB 1761, relative to the math learning communities program in secondary schools. (Education)
HB 1766-FN, relative to remediating the Coakley Landfill in Greenland. (Energy and Natural Resources)
HB 1769-FN, relative to maintenance of certification by physicians or applicants for a license to practice medicine in New Hampshire. (Health and Human Services)
HB 1774, relative to parenting plans and relocation of a child's residence. (Judiciary)
HB 1775, relative to the appointment of guardians ad litem in parenting cases. (Judiciary)
HB 1777-FN, relative to energy infrastructure corridor revenue. (Energy and Natural Resources)
HB 1781, relative to condominiums with 10 or fewer residential units. (Commerce)
HB 1782-FN, establishing a committee to study insurance payments to ambulance providers and balance billing by ambulance providers. (Health and Human Services)
HB 1786-LOCAL, prohibiting costs for inspection of governmental records under the right-to-know law. (Public and Municipal Affairs)
HB 1791-FN, allowing pharmacists to disclose information relative to lower cost drugs under the managed care law. (Health and Human Services)
HB 1795, eliminating the oversight commission on motor vehicle fines. (Transportation)
HB 1796, relative to the legislative oversight committee on electric utility restructuring. (Energy and Natural Resources)
HB 1805, establishing a committee to study level dollar amortization of retirement system unfunded accrued liability and relative to the retirement system board of trustees. (Executive Departments and Administration)
HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults. (Health and Human Services)
HB 1808, repealing certain inactive dedicated funds. (Finance)
HB 1809-FN, relative to balance billing under the managed care law. (Health and Human Services)
HB 1810, establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them. (Energy and Natural Resources)
HB 1823-FN, relative to layered amortization of retirement system liabilities. (Executive Departments and Administration)

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.